

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

REGULAR MEETING.

The Council met in regular session at 7 P. M. Mayor Flanders presiding.

Present: Administrators J. R. West (In-charge), Alfred Shaw (Accounts), L. T. Delassize (Public Buildings), James Lewis (Police), J. S. Walton (Finance), and H. Bonzano (Assessments).

The Department of Commerce. The Mayor laid before the Council the following communication, received in reply to inquiries made by him:

DEPARTMENT OF FINANCE, January 9, 1871.

To the Hon. Benjamin F. Flanders, Mayor: In reply to your communication of this date, asking me to inform you of the exact amount of money belonging to the revenues of the city of New Orleans, in the hands of S. C. Emley, late Administrator of Commerce:

I have the honor to state that the amount is twenty-nine hundred and thirty-six dollars and ninety cents (\$29,364.90).

He obtained possession of this money by claiming the right, as Administrator, to control the markets not under his control, and instead of this department. It was not until several letters had passed between us, that I was able to satisfy him that he was mistaken.

It then appeared that there was a deficit, which he promised to make up as soon as possible. He made some partial payments, and I have reason to believe would have settled the balance before this time, had he remained longer in office.

JOHN S. WALTON, Administrator of Finance. Received and spread upon the minutes. Mr. Walton made the following further report:

DEPARTMENT OF COMMERCE, January 9, 1871.

To the City Council of New Orleans: The honor conferred upon me at the last meeting of the Council of being charged with the administration of the Department of Commerce was widely unexpected, and my first impulse was to decline it.

A little reflection, however, led me to the conclusion that the duties of the position were not very arduous, and that I should have very little to do, and that I limited the industry of my late incumbent, intrusting upon the province of other Administrators, and introducing elaborately drawn up ordinances which could not be carried into effect, and which it required considerable ingenuity to bring within the scope of any legitimate commerce.

I therefore decided to accept the honor and the duty, and I have, respectfully, to report that, in my opinion, the whole department is an exercise upon the city government, and if it could be removed altogether it would be to the advantage of the corporation.

Its cost has heretofore been nearly, if not quite equal to that of the Department of Finance, while there is not a single duty devolving upon any person connected with it, which can not easily be performed by some of the employees of other departments without interfering with their functions.

I have removed the following persons, because I do not consider their services necessary, and because the treasury is in no condition to pay their salaries: Christian Rosche, J. J. Bonzano, John W. Henderson, Carroll, E. C. Emley, A. Bibb, William Fernandez, J. J. Bonzano, F. Garrett, J. C. Miller, W. T. Pratt, eleven inspectors of markets at one hundred and twenty-five dollars per month each, and Henderson McCarty, messenger, at forty dollars per month.

With the aid of the police officers on duty in the markets, and of the sanitary inspectors of the Board of Health, order can be preserved and cleanliness secured, quite as well as by the employment of special city officers.

I recommend the adoption of the accompanying resolution.

JOHN S. WALTON, Acting Administrator of Commerce. Resolved, That the collectors of market dues, and the cleaners of markets heretofore employed by the Board of Health, are hereby transferred to the Department of Finance, to be paid on a separate pay roll; and that all other persons employed by said department be hereby discharged.

The report was received and confirmed, and the resolution was adopted.

Board of Health. The following communication was received: OFFICE BOARD OF HEALTH, January 9, 1871.

To the City Council of New Orleans: I have the honor to state, for your information, that the term of office of three members of the Board of Health, elected on the part of the city, will expire this day, the said members having been chosen by the late Common Council, and the Common Council are hereby transferred to the Department of Finance, to be paid on a separate pay roll; and that all other persons employed by said department be hereby discharged.

C. B. WHITE, M. D., President Board of Health, State of Louisiana. On motion of Mr. Shaw, the Council went to an election to fill the vacancies.

Drs. M. P. Avila, B. Maas and W. H. Hire were unanimously elected.

Monthly Reports. The following reports were received, and ordered to be printed: DEPARTMENT OF POLICE, January 10, 1871.

To the Hon. Benjamin F. Flanders, Mayor: In accordance with section ten of the charter, I have the honor to submit the following report of this department for the month of December, 1870:

RECORDERS' COURTS. The total number of cases arraigned before the several Recorders' Courts during the month amounting to 387. The following will show the number before each court:

Table with 2 columns: District and Number of cases. First District: 328, Second District: 296, Third District: 236, Fourth District: 139, Fifth District: 79, Sixth District: 99.

Of this number 227 were committed to Parish Prison; 221 to the Workhouse; 71 to the First District Court; 12 to Houses of Refuge; 15 to Insane Asylum; 9 were turned over to United States Commissioner; 57 released on peace bonds; 914 were fined, and 2359 discharged.

The following will exhibit the receipts and expenditures during the month:

Table with 2 columns: Category and Amount. RECEIPTS: First District—Fines collected: \$2,534.09, Second District—Fines collected: 1,228.00, Third District—Fines collected: 131.50, Fourth District—Fines collected: 370.00, Fifth District—Fines collected: 129.00, Sixth District—Fines collected: 177.00. Total receipts: \$4,655.59.

Table with 2 columns: Category and Amount. EXPENDITURES: First District—Pay rolls: \$673.33, Blank books and stationery: 129.00, Coal: 25.00, Carriage hire, etc.: 15.75, Ice: 1.50. Total: \$845.58.

Table with 2 columns: Category and Amount. Second District—Pay rolls: \$633.33, Blank books and stationery: 79.50, Coal: 35.00, Ice: 9.50. Total: \$757.33.

Table with 2 columns: Category and Amount. Third District—Pay rolls: \$333.33, Blank books and stationery: 11.50, Coal: 1.00, Ice: 1.00. Total: \$345.83.

Table with 2 columns: Category and Amount. Fourth District—Pay rolls: \$113.33, Blank books and stationery: 11.50, Coal: 25.00, Fire grate coal, stuttle, etc.: 5.15, Ice: 7.50. Total: \$162.48.

Following is a statement of the expenditures and earnings for the month:

Table with 2 columns: Category and Amount. EXPENDITURES: Pay rolls: \$508.31, Fresh beef: 139.27, Coal: 25.00, Soap: 12.00, Pick-a-handles: 4.00, Groceries and provisions: 236.90, Forage: 135.67, Carriage hire: 21.21, Bread supplied by Boys' House of Refuge: 372.14 lbs., 2847 pounds, at six cents: 173.02. Total: \$1,412.88.

Earnings as per report of work performed for other branches of the city government—

Table with 2 columns: Category and Amount. Department of Improvements: \$192.00, Buying indigo, dead coffins furnished, horses cared for, repairs to charity rooms, etc.: 569.50, Metropolitan Police—care and shoeing of horses for prison wagon, repairs to wagons, etc.: 229.50, City Jail—kitchen wood furnished, prison cells, etc.: 50.00, Boys' House of Refuge—repairs to bread wagon, hire of horse for same, etc.: 82.50, City Jail—kitchen wood furnished, clothes washed, etc.: 41.10, Fire alarm and police telegraph—table for instruments: 1.00.

Total: \$779.50. Net cost of institution for month: \$633.38. Making the average cost of prisoners per day about twenty-two and four-fifths cents.

INDIGENT SICK AND DEAD. There were during the month one hundred and thirty-two indigent sick and seven bodies buried.

Expenses on this account, except \$100 paid to drivers of the charity wagons and \$29 for burials in the Fifth District, are included in the Workhouse accounts, as the work of removing and burying the dead is performed by that institution under the provisions of resolution No. 35, Administration Series.

The total number of patients during the month, for whom medicines were furnished at an expense of \$64.75.

BOYS' HOUSE OF REFUGE. Number of inmates on hand November 30, 1870: 113, Number discharged during the month: 11, Number committed to Charity Hospital: 1, Number escaped: 1, Number remaining on hand December 31, 1870: 115.

Average number per day: 115. Average cost of subsisting each inmate per day, twenty-five cents.

The following will exhibit the expenditures and earnings for the month:

Table with 2 columns: Category and Amount. Pay Rols: \$415.09, Turnaway, fire and wood, and sundries: 64.45, Fresh beef: 139.00, Repairs: 25.00, Groceries, milk and sundries: 59.25, Coal: 25.00, Wood and charcoal: 75.00, Groceries and provisions: 337.55, Material for clothing: 57.45, Socks, bolts and cutlery: 48.25, Work performed by Workhouse: 82.50.

Total: \$1,276.16. Earnings, by bread furnished, as follows: City Workhouse, 2857 pounds at six cents: \$171.42, Insane Asylum, 437 1/2 pounds at six cents: 261.45, House of Aged and Indirm, 697 1/2 pounds at six cents: 41.85, Girls' House of Refuge, 496 pounds at six cents: 29.16, Boys' House of Refuge, 454 pounds at six cents: 272.21.

Total: \$845.09. Net cost of institution for the month, \$1,301.44, making an average expense for each inmate per day of 31.4 cents.

It will be seen that the bread earnings that the large amount of flour purchased for this institution has been made to pay a profit of over three hundred dollars.

The inmates are in good health, and are making progress in their studies and trades. They are as well provided for at present as the limited means allowed for the purpose will admit.

GIRLS' HOUSE OF REFUGE. On the first day of December, there were twenty inmates, and the month one was released, making the balance on hand nineteen.

The expenses for the month were as follows:

Table with 2 columns: Category and Amount. Pay rolls: \$75.00, Fresh beef: 25.00, Groceries: 23.25, Turnaway, furniture, etc.: 12.50, Wood: 12.50, Coal: 25.00, Groceries and provisions: 81.25, Bread furnished by Boys' House of Refuge: 29.16.

Total: \$209.67. The health of the inmates has been good; they are comfortably cared for, receive daily instruction, and seem to be contented.

THE CITY CEMETERIES. The receipts from sales of lots and burials during the month amount to \$169.30. The receipts of sexton keeper's salary in Sixth District, \$30.

The following is an exhibit of the cash expenditures of this department during the month, which includes salaries and expenses of every other character:

Table with 2 columns: Category and Amount. Administrator's office: \$365.00, Pay rolls: 1,355.86, Boys' House of Refuge: 2,093.66, Girls' House of Refuge: 251.82, Recorders' courts: 3,143.33, Public squares: 1,839.80, Coal: 1,839.80, Lighting city: 19,339.33, Parish Prison, medicines supplied: 77.50, City cemeteries: 29.00, City Park: 60.00, Buying indigent sick and conveying sick to hospital: 181.75.

Total: \$23,758.75. JAMES W. HENDERSON, Administrator.

DEPARTMENT OF WATERWORKS AND PUBLIC BUILDINGS, January 1, 1871.

To the Hon. Benj. F. Flanders, Mayor: Becoming further extension of the Waterworks, and the adoption of a new system of construction, perfection can be inaugurated, I have not, during the past month, reported in favor of laying further pipes, though there are on file petitions asking for the same, that should receive early attention. My views as to the practicability of an immediate move in the direction of the improvement indicated, will be found in the report I had the honor of making to the Council on the twenty-seventh ultimo.

The contract for the severing of water from the plugs of the City Waterworks, for one year, was adjudicated on the twenty-third of last month to Joseph Elliott, for the sum of \$3000, an increase of \$750 over the sum realized last year.

The engineer at the pumps reports the supply of coal in the Waterworks yard as being very low, and that the quantity of the fuel entertained and expressed during the past summer that a failure then to secure a supply of coal would result in the pecuniary detriment of the city, and that the realization through providential interposition.

In my report of last month I failed to note the completion of the boilers for the Waterworks. Too much praise can not be accorded the contractor for the superior style in which he executed his contract.

The following were the collections on account of water rents during the past month:

Table with 2 columns: District and Amount. For the period ending September 30, 1870—First District: \$131.96, Second District: 191.88, Third District: 128.40. Total: \$452.24.

The quantity of water pumped during the past month was 164,829,000 gallons; the number of hours worked, 3307; amount of coal consumed, 1280 tons, and cost, \$12,800.

MARKETS. The Treme market, which had long been an eye-sore to that portion of our citizens who were compelled to draw their supplies therefrom, has, during the last two months, undergone a marked change in its exterior appearance, and the stalls have been replaced by others of a neat and substantial make, and by the use of paint and whitewash, the gloom that pervaded the edifice has been eliminated.

POLICE STATIONS. During the past month the wants of the police in the city precinct (Algiers) have been supplied in the matter of a station, the contract under resolution No. 456 Administration Series having been completed.

GENERAL OFFICE. Stationery, etc.: \$52.75. WATERWORKS. Hardware, founder's work and lead pipes: \$636.53. Replacing pavement and brick work: \$109.65. Lumber and wood: \$39.99. Rent of office, soap and ice: \$36.25. Hauling hydrants and freight thereon: \$141.28.

INSANE ASYLUM. Beef, provision and drugs: \$317.65. Coal and wood: \$25.50.

HOME OF AGED AND INFIRM. Provisions and soap: \$62.50. Coal and wood: \$36.75.

COURTROOMS. New door and furniture: \$211.50. Repairs to stoves, pipes, clock, etc.: \$273.20.

Balance of contract for twenty armchairs for Second District Court: \$400. Contract for remodeling lower story of Algiers courthouse: \$1000.

REPAIRS TO SUNDRY SCHOOL-HOUSES: \$281.65. Coal and ice: \$300. Repairs to urinals, water-closets, chandeliers, etc.: \$159.15.

CLEANING PRIVIES: \$435. L. T. DELASSIZE, Administrator. DEPARTMENT OF COMMERCE, January 9, 1871.

To the Hon. Benj. F. Flanders, Mayor: Sir—I have the honor to submit the following report, for the month of December, 1870:

EXPENDITURES OF DEPARTMENT PROPER. Salaries: \$116.67, Purchases: 75.00, Charity: 75.00—\$266.67.

BUREAU OF SERRIES. Salaries: 3,419.99, Labor: 29,239.22, Purchases: 459.00, Contracts: 257.12—\$34,416.33.

BUREAU OF WHARVES AND LANDINGS. Salaries: 1,834.33, Labor: 1,045.02, Purchases: 1,657.93, Contracts: 257.12—\$4,794.40.

BUREAU OF CITY DRAINAGE. Salaries: 2,019.27, Labor: 1,826.62, Judgment: 509.00—\$4,354.89. Add ten per cent. retained on contracts: 433.81. Total: \$4,788.70.

The foregoing amount is comprised of current expenses—\$18,919.99. Iron bridge plates, St. Charles avenue: 10,000.00. Brick bridge, St. Charles avenue: 2,000.00. Setting curb, St. Charles avenue: 763.17. Renewing three canal bridges: 865.96. Ditching Handlin street: 450.00. Damages to wharves: 282.34.

Fourth Districts: 2,409.78. Oyster shells: 1,139.60. Total: \$46,836.84.

Of which \$17,910.85 has been expended for permanent improvements. The usual routine of business has been carried out during the month. The ordinance concerning the removal of the refuse from the levee within twenty-four hours from time of being landed, passed in month of December, has already worked much good, as is shown by a comparative view of the reports of the sanitary inspectors, who are progressing favorably and gradually approaching completion.

This department labored under much difficulty during the month to keep the streets clean, and to remove the refuse of heavy and frequent rains, but I am pleased to say that they now present a very respectable appearance.

J. R. WEST, Administrator. Reports on Deferred Business. To the City Council of New Orleans: The communication from Messrs. Sullivan & Hughes, in behalf of Messrs. Sullivan, Billings & Hughes, claiming twenty-five hundred dollars for alleged professional services as attorneys at law in advising Joseph, or the Lutheran Church of St. John, William H. Bell and John Lockwood, relative to their duties as arbitrators in the purchase of the Waterworks, has received my attention.

The gentlemen do not claim that they were ever employed by the city corporation, who alone had the right to employ them. They contend, however, that the arbitrators had authority to employ them, and that the principle that "a delegation of power carries with it every incident necessary for its execution." The sophistry of this reasoning will become apparent when the proposition is fully stated. It would be fully stated, it is this: The city corporation delegated legislative power to Messrs. Richardson, Eitelj, Parker, Bell and Lockwood, with the implied authority to employ arbitrators, in all matters which, in their judgment, might be necessary or incident to this grant of power.

The city could not, under its charter then existing, or that now existing, delegate legislative power. It has been repeatedly held, and it is held again, that a municipal corporation may exercise the functions imposed on them by their charter, and have no power to delegate them to others. And our own Supreme Court has always held the same doctrine. Even had arbitrators been municipal officers, they could make no contract that would bind the city in the engagement of counsel; and "a corporation can not be bound by any contract made by its officers, without its authority, expressed by a resolution of the Common Council."

While the city can not delegate legislative power, as to giving a subordinate body authority to legislate, it may, however, entrust to agents the execution of resolutions already adopted, or it may appoint a commission to collect information, etc. But when Messrs. Sullivan, Billings & Hughes, a delegation of power "carrying with it every incident necessary to its execution," if they do not mean a delegation of legislative power, where do they find the authority to contract so as to bind the city? The Council could not have employed lawyers without an ordinance—without some legislative action. Had the arbitrators greater power? It would seem that they have discovered a legal road to reach the results of legislation.

It seems perfectly clear that any department of the city government has as much right to engage legal counsel, as a claimant has to employ an attorney, and that the arbitrators had to employ Messrs. Sullivan, Billings & Hughes.

It is contended by these gentlemen that because Mr. Flanders was one of the arbitrators, he could not be the legal advisor of the arbitrators. Does it follow that he needed to be legally advised? Doubtless he was selected in consideration of his legal attainments, of course, none should have been selected, unless considered competent. It was right to suppose that the arbitrators should freely confer, and that while one might profit by his legal knowledge, another might contribute his business information toward the result sought.

But, if the arbitrators needed that Messrs. Billings & Hughes should impart legal information, of course, none should have been selected, unless considered competent. The very large sum at which these arbitrators valued their services, some twenty thousand dollars, if I mistake not, would seem to favor the view that they considered themselves competent, or were willing to pay for acquired information. Whatever they meant, it is certain that they never authorized them, either expressly or impliedly, to act in the name of the city, or to contract with Messrs. Sullivan, Billings & Hughes.

As to the value of the services, about which the applicants say that there is no question, I am unable to report that they were rendered, or that they considered themselves competent, or were willing to pay for acquired information. Whatever they meant, it is certain that they never authorized them, either expressly or impliedly, to act in the name of the city, or to contract with Messrs. Sullivan, Billings & Hughes.

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authorized to instruct the Sheriff to postpone indefinitely further proceedings in the case of the City vs. Widow B. Durand, pp. 2547, Fourth District Court, the same being for the tax of 1868, amounting to one hundred and thirty five (\$135) dollars and costs.

Mr. Bonzano reported unfavorably on the petitions of committee representing butchers, New Orleans Mechanics Society, Mechanics and Agricultural Fair Association, Hasam & Cooley, F. M. Fair, congregation of the Nuns of St. Joseph James W. Cannon.

An ordinance providing for the payment of the several accounts therein named, was adopted.

Resolved, That the following appropriations are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment of the same:

W. S. Mount, for salary as treasurer from first to fourth of April, 1870, \$55.55. Parish of Jefferson (right bank) for one-third of a note for \$900 collected from Philip Dymond, on the 1st of April, 1870, \$120.

J. R. Conway, late Mayor, for rent of office box from June, 1868, to June, 1870, \$24. Race, Foster and E. T. Merriell, for professional services in collecting sundry notes, \$500.

Read twice and laid over. By Mr. West: Resolved, That permission be and is hereby granted to John Jones & Co., lessees of the Canal street ferry, to erect a shed on that portion of the public wharf embraced within their lease for the protection of passengers and baggage, in accordance with a plan to be furnished by the City Surveyor; provided, that this permission shall remain in force during the pleasure of the Council.

Adopted. The Mayor reported to the Council that pending the preparation of the water sprinkling contract, recently adjudicated, suit had been commenced against the city for the use of water in sprinkling the streets, and he had accordingly, with the concurrence of the contractor, added a clause to the contract, that the city should have the right of any part on street railroads to water the streets for their own purposes, and he asked that the Council would approve or disapprove this action.

On motion of Mr. Bonzano, seconded by Mr. West, the Mayor's action was approved. Petitions. A tax petition of Wallace Wood was referred to the Department of Assessments.

A petition of M. M. Samuel was referred to the Department of Finance. A petition of property holders of Magnolia street, for improvements at the city's expense, was referred to the Administrator of Improvements.

A petition of E. Merle, for relief for license overpaid, was referred to the Administrator of Finance, with power to act. A petition of Mrs. M. Gordon, for remission of costs in tax suit, was referred to the Administrator of Assessments.

A petition of J. H. Lennison was referred to the Administrator of Finance. An application of T. J. Decker, for use of vacant property in Plaquemine parish, was referred to the McDonough Commissioners.

Ex-Sheriff Maxwell's Accounts. Two bills of ex-Sheriff Maxwell were referred to the Administrator of Accounts. Mr. Walton said it would, perhaps, be in order for him to remark here that he could get no returns and no money out of ex-Sheriff Maxwell. His excuse was the litigation going on with Sheriff Sauvinet, but Mr. Sauvinet was perfectly willing that the money should be paid over to the city. There was a large amount of money somewhere, but not a dollar could be obtained to satisfy the claimants on the city treasury.

Mr. West offered the following resolution, which, at the request of Mr. Shaw, was laid over to be printed. Resolved, That the Civil Sheriff be and is hereby authorized to proceed forthwith to the city for unpaid taxes, according to the restrictions, stipulations and instructions contained in ordinance No. 77, Administration Series, entitled "an ordinance to insure the prompt collection of city taxes of 1868," approved May 17, 1868, and that this resolution remain in force during the pleasure of the Council.

Mr. Bonzano desired to recall the report made on the twenty-second of November, on the petition of the officers of Odd Fellows' Hall. The tax bill had been settled, and there was no necessity for any action on the report.

Expenses. The ordinance appropriating for the December expenses of the Department of Police was called up and passed. The numerous items "John W. Madden, stationery," excited comment.

Mr. Lewis explained that these supplies were needed for the Recorders' courts, and would last six months. The ordinance providing for the expenses of the Department of Finance was adopted.

The expense ordinance of the Department of Waterworks was passed. In the expense ordinance of the Department of Improvements, appropriations for M. Feeney, \$707.74, and Thomas Duffy, \$1166.58, were laid over at the request of the Administrator. The remaining items were administered.

The ordinance for payment of Sheriffs and Coroners was passed, but Coroner Creagh's bill, \$1085, was referred to the Administrator of Accounts, with power to act. The expenses of the Department of Commerce were passed.

An appropriation for the settlement of the Olivier judgment was passed to final reading. The Council then adjourned.

H. CONQUEST CLARKE, Secretary. Bold Case of Kidnapping. New York, January 8.—About nine o'clock last night a boy aged nine years, named William, son of Mr. S. Wood, residing at No. 33 London terrace, West Twenty-third street, was returning from a private examining school in Ninth avenue, and when in close proximity to his own residence, he was seized by some unknown person, while a cloak or shawl was thrown over his head to prevent him giving an alarm. It was not until he felt himself being rapidly hurried in the direction of a dark alley, that he fully realized the situation. When about seven or eight doors from his own residence he gathered all his strength, broke loose, and fled in the direction of his father's house. The unknown party disappeared, and from the description furnished it is supposed the apparent female was truly a man in female attire. This is another of those bold attempts at stealing children, which are so responsible citizens for the purpose of securing a reward.

Wedding presents are coming to be counted as capital upon which the business of married life is to be carried on. Not many since the wedding of Mr. S. Wood, of ex-Collector Smythe, in New York, city, the presents were estimated to represent \$30,0