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CITY COUNCIL--OFFICIAL

REGULAR MEETING.

City Hall, New Orleans, Tuesday, December 12, 1871.

The Council assembled in regular session at noon.

There were present at roll call Mayor Benj. F. Flanders, in the chair, and Administrators John Cockrem (Improvements), L. T. Delassize (Waterworks and Public Buildings), James Lewis (Police), and John S. Walton (Finance).

The Mayor requested permission to correct on the minutes some clerical and typographical errors in the figures in the message submitted by him to the Council November 21, which errors were in matters of detail, and did not affect the general result.

Permission was given.

Explanation.

Mr. Walton explained some remarks he had made at the last meeting of the Council in reference to the Touro Almshouse fund. In using the word "fund" he meant the whole charity and everything belonging to it; and in saying that the fund had been robbed, he did not mean that the gentlemen appointed by the late Judah Touro had appropriated any of the money placed in their hands. He now learned that a fire occurred in the building in 1865, and on the thirtieth of April, 1868, the property was transferred under notarial act by the commissioners to the city of New Orleans. These gentlemen assured him that in that interval of two years and a half the property was not depredated upon to any extent, and that when it was transferred to the city the walls were still standing. Everybody knew this was one of the finest buildings in the city, containing an enormous quantity of brick. Mr. Heath, who was then Mayor of the city, accepted the transfer, but went out of office directly afterward; went out of office and was succeed by Mayor Conway, under whose administration the walls were torn down and the foundation dug up, and as far as he could ascertain, no account had been rendered to the city or anybody else as to what became of this material. All that he had been able to find of the Turo fund was something less than $4000 in city notes and currency inclosed in an envelope in the treasury vaults. The ordinance directing the Mayor of New Orleans to accept the transfer of the property required that a detailed statement should be made of the property surrendered. That he did not think had ever been done. He now proposed to place the fund under the same administration as the Fink and McDonough funds.

The Mayor mentioned that he was preparing a memorial to Congress for compensation for the buildings belonging to the fund, destroyed by the United States troops.

[Administrators Bonzano (Assessments), and F. C. Remick, (Commerce); entered the Council.]

Monthly Report.

The Mayor laid before the Council the monthly report of the Administrator of Police (Mr. Lewis).

Mr. Lewis, in view of the recent report of the Grand Jury, asked that the report be read.

[Administrator Alfred Shaw (Public Accounts), entered the Council.]

The report of the Administrator of Police was as follows:

Department of Police, December 12, 1871.

Hon. Benj. F. Flanders, Mayor:

I have the honor to submit the following report of this department for the month of November, 1871:

RECORDERS' COURTS.

Commitments during the month:

First District	1210
Second District	811
Third District	208
Fourth District	105
Fifth District	42
Sixth District	61
Total	2437

Of this number 491 were committed to the Parish Prison, and 70 to the Workhouse, 488 were fined, 1164 were dismissed, and 264 were miscellaneously disposed of by being sent before the district court, etc.

RECEIPTS.

First District	$1115 45
Second District	661 00
Third District	203 50
Fourth District	206 50
Fifth District	26 50
Sixth District	92 50
Total	$2305 45

EXPENSES.

Pay rolls	$3059 98
Miscellaneous	144 65
Total	$3204 63

CITY WORKHOUSE.

The average number of prisoners in this institution per day during the month was 699½; number subsisted during the month, males, 1031; females, 1035; total, 2066.

EXPENDITURES.

Pay rolls	$698 31
Groceries and provisions, fresh beef, vegetables and milk	460 50
Blankets	227 50
Forage	291 94
Lumber	136 20
Ticking	102 50
Fuel, hardware, etc	157 30
Total	$1894 25

EARNINGS

As per report of work performed for different branches of the city government:

Burying indigent dead and conveying sick to hospital, coffins furnished, horses cared for, repairs to wagons, etc	$330 00
Prison wagons, care of horses, etc	215 00
Boys' House of Refuge—hire of horse and wagon for delivery of bread, repairs to wagon, hire of female prisoners for washing, etc	91 25
City Hall, washing towels, etc	19 25
Cash receipts	198 00
Total	$853 50

On account of new bedding purchased, the old having become entirely unserviceable, the expenses for this month have been necessarily above those of former months. In addition, the buildings have undergone trifling repairs, in order to make the inmates more comfortable, and that has increased the expense. In former reports I have endeavored to show that this institution is not, comparatively, extravagant or useless to the city, and I have used every effort to make it what it should be—a self-sustaining one. But few realize how impossible it is to make worthless vagabonds earn even their salt. The records will show that whenever mechanics are committed to this prison (and few are ever found within its walls), they are made to work. The earnings of the under officers and those prisoners who are capable of performing work show an amount exceeding eight hundred dollars. The average monthly expense during the current year, exclusive of salaries has not exceeded nine hundred dollars. The subsistence expenses for this month is in excess of the usual cost, and shows an expense to the city for the maintenance of each prisoner per day of about twenty cents. (The yearly average expense under my administration has been but eighteen cents.) Let us compare this with the cost to the city of subsisting prisoners at the Parish Prison. The rate there is sixty cents per day and a dollar for turnkey's fees in each case. An examination of commitments made by the various Recorders during the month discloses the fact that by far the majority were sent there for five days. At sixty cents per day, this would be three dollars, and "turnkey's fees," another dollar or eighty cents per day; when the cost for their imprisonment at the Workhouse for the same period would be but ninety cents—a clear saving to the city of just three dollars and ten cents in each case.

But, in the face of these facts, the last Grand Jury has submitted to the criminal court a report as a final act of its official obligations, characterizing the "condition of the Workhouse as disgusting and deplorable; that a few miserable victims of poverty are supported at a large expense to the city; that its officers enjoy a sort of sinecure, and recommend the abandonment of the present buildings and the transfer of the present and future subjects of industrial reform to the Parish Prison." It adds: "We are satisfied that a considerable economy would be effected by such a measure," a satisfaction, I opine, few enjoy who foot the expenses.

In view of these statements I recommend that Recorders be compelled to send to the Workhouse all cases where imprisonment for violation of city ordinances is the alternative, in default of the payment of a fine. I am clearly of the opinion that the Parish Prison was designed as a place of incarceration for those who are guilty of heinous crimes, and upon whose imprisonment the safety of the community depends, and not a place of refuge for "miserable victims of poverty."

Recorders express themselves reluctant about committing to the Workhouse, as the constitution of the United States guarantees a trial by jury in criminal cases. Judging from the bill of the criminal sheriff for maintenance of prisoners, I do not see how commitments to the parish prison bring offenders nearer to a trial by jury, as the records of the month show that all who were committed there somehow neglected the opportunities, if they had any, of such a hearing; and what is most strange to me, in almost every instance those who were committed for five days' fees, those for ten days', eleven days' fees, and so on. Another strange circumstance in the payment of the Sheriff's bill on the approval of the Judge of the First District Court: The bill for the month shows 644 commitments; of this number only twenty-two were committed by the District Court, and the balance were sent by Recorders, for minor offenses in most instances, in default of the payment of a small fine. This fact goes to sustain my opinion about the Parish Prison being properly a place of confinement for criminals whose liability to escape from less secure prisons would be hazardous to the community. Every well regulated city has a prison under jurisdiction and management of its own authorities, and I am satisfied that if the Recorders will send every case to the Workhouse that could be and should be sent there, a saving of at least sixty per cent would be realized to the city. In examining these accounts I have noticed other features which, at some future day, I will communicate to the Council.

INDIGENT SICK AND DEAD.

During the month there were eighty-three sick removed to hospital and twenty-nine burials. The city physician of the Fifth District attended twenty-two cases of indigent sick.

BOYS' HOUSE OF REFUGE.

The average number of inmates in this institution during the month was 104. The cost of subsistence for this number and thirteen officers and employees, including bread furnished by themselves, amounted to $673 42, or nineteen and one-half cents per day each.

EXPENDITURES.

In consequence of the dilapidated condition of the fence and some of the buildings, considerable expense has been incurred this month in making the place secure. The recent cold weather rendered it necessary to buy the usual winter outfit of warmer clothing, and care has been taken to purchase this material at the best obtainable rates.

Pay rolls	$445 00
Milk, vegetables, groceries and provisions and fresh beef	466 61
Fuel, sand and cement	64 25
Medicines	20 00
Hardware	80 65
Lumber	131 40
Flour for bakery	530 00
Material for clothing	173 53
Total	$2,216 84

EARNINGS.

By bread furnished other institutions, as follows:

Insane Asylum, 1536 at six cents	$272 16
Home of Aged and Infirm, 535½ at six cents	32 13
Girls' House of Refuge, 403½ at six cents	24 21
City Workhouse, 2317½ at six cents	139 05
Boys' House of Refuge, 3403½ at six cents	207 81
Total	$675 36

GIRLS' HOUSE OF REFUGE.

On the first of November there were eighteen inmates. During the month two were released and one was committed.

EXPENSES.

Pay rolls	$75 00
Window glass and glazing	22 80
Fuel	16 00
Groceries, provisions, vegetables and fresh beef	124 50
Clothing material and shoes	175 29
Total	$413 59

CITY CEMETERIES.

The receipts from sales of lots during the month amounted to $325 50.

SUMMARY

Of the cash expenditures of this department for the month, which includes salaries and expenses of every other character:

Administrator's office	$411 50
City Workhouse	1,894 25
Boys' House of Refuge	2,216 84
Girls' House of Refuge	413 59
City cemeteries	49 75
Public pounds	445 96
Recorders' Courts	3,204 63
Public squares	266 00
Burying indigent dead, etc	101 50
Parish Prison, medical supplies	19 70
Lighting city	20,249 87
Total	$29,273 59

JAMES LEWIS, Administrator.

Mr. Bonzano moved that the report be received and printed, and that the recommendations made be subject to consideration by committee of the whole.

Adopted.

The Fink-McDonogh Fund.

By Mr. Walton:

Department of Finance, December 12, 1871.

To the City Council of New Orleans:

Among the assets of the McDonogh school fund and the Fink asylum fund were two certificates of the Southern Bank, Fiscal Agent, for ninety-eight hundred and ten dollars, and forty-three hundred and twenty dollars, respectively, which were convertable into city seven per cent bonds, issued in 1869.

For some reason unknown to me the exchange was not made by our predecessors, and when the Southern Bank transferred the fiscal agency it did not reserve the bonds to redeem the certificates.

It now remains for the city to provide for the warrants given for the certificates, which are no longer of any value.

They were issued October 16, 1868, and I recommend that they be settled, with interest, in the manner provided for in the accompanying ordinance:

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 settle warrant No. 2936 for ninety-eight hundred and ten dollars, issued October 16, 1868, to the McDonogh school fund, and warrant No. 2937 for forty-three hundred and twenty dollars, issued the same day to the Fink asylum fund, with interest at seven per cent per annum, by the delivery to those funds of seven per cent bonds now in the hands of the Administrator of Finance, at eighty-two and a half cents on the dollar, for the amounts due them respectively.

Adopted.

Finance.

Mr. Shaw called up on third reading the various tax ordinances read twice last week, and moved their continuance till next meeting.

Adopted.

Sundry expenses of the Department of Improvements commencing W. K. Spearing, $50, read twice last week.

Mr. Cockrem moved that the claim of William Golding for $5000 58, therein included, for bridge plates, in settlement of litigation, be made a special order.

Mr. Shaw seconded the motion, which was adopted, as well as the whole ordinance.

A claim of William Golding, for repairs to draining machines, $3480 43, read twice last week, was passed.

A claim of Thomas J. Coleman for $584 66 in improvement bonds, read twice last week, was passed.

Claims of Norbert Trepagnier, $1589 35; J. A. Masicot, $5765; J. A. Masicot, $277 26; P. Creagh, $1021; J. T. Jackson, $813, were passed and referred to committee of the whole.

Mr. Walton, in regard to the Sheriff's charges for boarding prisoners and turnkey's fees, said he voted aye because this was a burden saddled on the city by the Legislature. It was a swindle, but the city could not help itself. The city could board them for eighteen cents a day, but had to pay the Sheriff sixty cents.

Mr. Lewis believed the city could help itself to a great extent. Having the control of the Recorders, it could compel them to send prisoners committed for a short term, in default of payment of fines, to the Workhouse, where they would cost eighteen cents a day, instead of to the Parish Prison, where they cost sixty cents and a dollar turnkey's fees.

Bills of the Republican Printing Company, for $511 and $517 60, were passed.

By Mr. Shaw:

An ordinance to pay the judgments therein named.

Be it ordained, That the Administrator Public Accounts warrant on the Administrator of Finance in favor of the following named parties:

In payment of judgment rendered by the Fourth District Court, in suit of J. F. Rusk vs. City of New Orleans, No. 23,816 of the docket of said court, which judgment is in favor of J. F. Rusk, for the sum of	$10,251 58
With interest at five per cent from February 26, 1870, to December 13, 1871, one year and 290 days	925 75
Total sum	$11,180 33

Which is to be distributed, paid and warranted for, in conformity to judgment rendered in the suit of J. F. Rusk vs. E. D. White et al., No. 8663 of the docket of the Seventh District Court, to wit:

M. Carvin	$3,010 00
Cotton & Levy	1,500 00
E. D. White	1,945 23
Administratrix of W. J. Goodman	910 29
Patrick Murphy	1,247 47

And the balance to be equally divided, between E. D. White, Patrick Murphy and the estate of W. J. Goodman, to wit:

E. D. White	$835 81
Patrick Murphy	835 81
Estate of William J. Goodman	835 81
Total	$11,180 33

Adopted.

By Mr. Shaw:

An ordinance providing for the payment of the account therein named.

Be it ordained, That the following appropriation be and is hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment of the same:

E. M. Livingstone, assistant deputy wharfinger, for one month's salary for November, 1871, at $1000 per annum, $83 33.

This being an omitted item from the last payroll of the Administrator of Accounts, was, by special order, returned to the same priority it would have held if passed last week.

By Mr. Shaw:

An ordinance fixing and assessing a tax or license to provide for the interest of bonds issued to the Pontchartrain Railroad Company.

Be it ordained by the Council of the city of New Orleans, That in conformity with section two of the act of the Legislature, approved fifteenth of March, 1854, a tax of two per cent on the amount of every license issued by the city for the year 1872, be and is hereby levied to meet the accruing interest on the bonds of the city, issued to the Pontchartrain Railroad Company.

Read twice and laid over.

By Mr. Shaw:

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

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

BUREAU OF STREETS.

N. Connell, paving, etc., on Moreau street	$2,106 50
Page & Co., banquettes, St. Charles avenue	922 00
McLellan & Co., stone, Moreau street	733 45
A. G. Blanchard, surveying	16 00
H. Van Horssen, oyster shells	43 25
M. Condran, oyster shells	232 50
Total	$4,053 51

BUREAU OF CITY DRAINAGE.

David Moores, clearing line in Taylor avenue	$274 00
Total	$4,327 51

Read twice and laid over.

By Mr. Shaw:

Resolved, That the Administrator of Finance be and he is hereby authorized to issue improvement bonds at the rate of seventy-five cents on the dollar, in settlement of the following claim:

William Henry, for city's portion of shell road on State street, from Benjamin to Green streets, as per ordinance No. 1017, Administration series, $2236 70.

Read twice and laid over.

By Mr. Shaw:

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

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

J. A. Masicot, Criminal Sheriff, repairing ironworks, locks, and making keys for Parish Prison, $167.

J. W. Madden, stationery for the office of the commissioners of consolidated debt, $32 50.

M. Adams, grand jury warrant, $123.
M. Condon, grand jury warrant, $117.
L. Gaspard, grand jury warrant, $123.
J. B. Chalain, grand jury warrant, $123.
R. Hall, grand jury warrant, $123.
V. Jean, grand jury warrant, $123.
P. Heft, grand jury warrant, $120.
C. Booker, grand jury warrant, $123.
J. Fremaux, grand jury warrant, $123.
C. Andre, jury warrants, $60.
A. McCarthy, jury warrants, $138.
J. A. Guesnon, jury warrant, $51.
A. Windman, jury warrant, $51.
M. Caric, jury warrant, $6.
S. Karner, jury warrant, $51.
J. Heippler, jury warrant, $51.
T. H. Meddendorf, jury warrant, $51.
J. Duplessis, jury warrant, $51.
F. Lauer, jury warrant, $51.
J. O'Brien, grand jury warrant, $111.
J. A. Gresham, books for City Attorney's office, $12.
S. Walsh, serving notices to delinquent taxpayers, $60.
New Orleans Republican, printing, etc., for Department Waterworks and Public Buildings, $124.
S. Pollard, repairing fence gate, etc., for Department Waterworks and Public Buildings, $35.
J. Klein, jury warrants, $456.
George H. Shotwell, jury warrants, $444.
A. W. Benjamin, jury warrants, $393.
J. Chapus, jury warrants, $174.
J. S. Walton, reimbursements for law charges, $112.
W. Zimmerman, coroner's jury warrants, $4.
J. Haindel, coroner's jury warrants, $4.

Adopted, with the exception of the first item, which was referred to the Administrator of Waterworks and Public Buildings.

Mr. Shaw called up the ordinance providing for the November expenses of the Department of Police, which was read twice last week, which, with one or two slight changes, was finally passed.

The November expense ordinance of the Department of Waterworks and Public Buildings was passed.

The expense ordinance of the Department of Assessments for the month of November was passed.

Mr. Shaw offered the following resolution, drawn up by the Administrator of Assessments:

Resolved, That the assessment rolls for the year 1871, prepared by the Department of Assessments, showing the value of taxable property in the city of New Orleans to be as follows—

Real estate	$1,146,377 22
Income	27,269 73
Furniture	9,925 10
Horses and carriages	11,377 80
Stock in vessels	8,300 98
Capital	180,884 99
Total	$1,384,135 82

Be and the same are hereby accepted and homologated as the lawful basis of taxation for the year 1871, payable in 1872.

Adopted.

General Business.

By Mr. Cockrem:

Resolved, That the City Attorney take such legal steps as may be necessary to cause the immediate expropriation of such land and property as may be necessary for the proposed draining canal from Galvez street to Carrollton avenue, running parallel to the New canal, at a width of one hundred feet from the New canal, or State property.

Adopted.

By Mr. Cockrem:

Resolved, That the Administrator of Improvements be and he is hereby authorized to advertise for proposals for furnishing fifty thousand barrels of lake shells.

Mr. Cockrem stated that these shells were requisite for the levee, as the Administrator of Commerce would testify.

Adopted.

By Mr. Delassize:

Department of Waterworks and Public Buildings, December 12, 1871.

To the City Council of New Orleans:

With unfeigned regret I am compelled to report adversely on the petition of the Young Men's Christian Association, asking an appropriation from the city to aid them in their efforts in relieving the destitute and sick. The only reason I can offer for my action is one that is usually held to be correct when offered by an individual, with as much truth as it can be by the city—that is, lack of means to pay its just debts.

L. T. DELASSIZE, Administrator.

Adopted.

By Mr. Lewis:

Resolved, That the resolution introduced by the Administrator of Commerce, and adopted by the Council October 24, 1871, requiring the Administrator of Police to give orders for the removal of certain wooden buildings at the foot of Canal street, in violation of ordinance prohibiting any but buildings of non-combustible material to be erected in certain limits, be and the same is hereby repealed.

Adopted.

By Mr. Remick:

Department of Commerce, December 12, 1871.

To the City Council of New Orleans:

I return the copy of agreement made between George S. Lacey, City Attorney, and Elmore & King, attorneys, with my approval, and respectfully offer the following resolution in relation thereunto.

F. C. REMICK, Administrator.

Resolved, by the Council of the city of New Orleans, That the agreement made on the eighteenth of June, 1871, between George S. Lacey, City Attorney, and Elmore & King, attorneys for sundry steamboats, their owners and masters mentioned therein, agreeing to abide, as set forth in said document, by the final decision in the case of J. W. Cannon vs. the city of New Orleans, now in the Eighth District Court for the parish of Orleans, and known on the docket of said court as No. 515, is hereby approved.

Adopted.

By Mr. Remick:

Department of Commerce, December 12, 1871.

To the City Council of New Orleans:

I return herewith the petition of Edmond Burthe, president of the Carondelet Street and Carrollton City Railroad Company, asking for an extension of one year's time for the completion of said road, with the reasons set forth therein. I report favorably, and respectfully offer the following resolution.

F. C. REMICK, Administrator.

Resolved by the City Council of New Orleans, That the time for the completion of the Carondelet Street and Carrollton city railroad be and the same is hereby extended one year from the first day of January, 1872.

Resolved, That all ordinances or parts of the same inconsistent herewith be and the same are hereby repealed.

Adopted.

By Mr. Remick:

Department of Commerce, December 12, 1871.

To the City Council of New Orleans:

The petition of Joseph Reider asks for permission to erect in his yard, at No. 88 Delord street, a two story frame kitchen, and as such a building would be erected in contravention of ordinance No. 3191, old series, requiring the "walls to be constructed of brick or other non-combustible materials, covered with slates or other non-combustible materials," I report unfavorably, and recommend that his petition be not granted.

F. C. REMICK, Administrator.

Adopted.

By Mr. Remick:

Department of Commerce, December 12, 1871.

To the City Council of New Orleans:

The petition of J. F. Gasey, collector of the port of New Orleans, asks for a space of some five hundred or six hundred feet, at some convenient location fronting on the levee, for the purpose of erecting a building suitable for the examination of the baggage of passengers arriving in this port from foreign countries.

In view of the pressing demands upon the city for proper space in convenient locations to accommodate the shipping and steamboat interests, I do not see how such space can be set apart for the purpose, and, therefore am compelled to report unfavorably to the petition.

F. C. REMICK, Administrator.

Adopted.

Mr. Bonzano subsequently introduced the following resolution upon the foregoing subject:

Resolved, That in response to the request of the collector of the port, authority be and is hereby given to the Administrator of Commerce to assign a reasonable space on the levee for the erection of a building for the examination of passengers' baggage; this resolution to be subject to revocation by the Council.

Mr. Remick expressed a reluctance to assume any such responsibility as that imposed upon him by this resolution, in the present crowded state of our levees. He would have to come back to the Council.

On motion of Mr. Cockrem, the matter was referred to the Administrators of Improvements and Commerce.

By Mr. Remick:

Department of Commerce, December 12, 1871.

To the City Council of New Orleans:

At the last meeting of the Council an ordinance was passed granting permission to William Shore to erect and operate a steam engine at Nos. 186 and 188 Magazine street, for the purpose of manufacturing seed oil.

I hand herewith a petition of twenty property owners on the square and neighborhood designated, with a list of the property owned by each, taken from the assessment books. These petitioners solemnly protest against the permission granted, and, giving their reasons therefor, respectfully ask that the ordinance be repealed.

I therefore respectfully offer the following resolution to repeal ordinance No. 1240.

F. C. REMICK, Administrator.

Resolved, That ordinance No. 1240, Administration series, passed December 5, 1871, granting permission to William Shore to erect and operate a steam engine at Nos. 186 and 188 Magazine street for the purpose of manufacturing seed oil be and the same is hereby repealed.

Adopted.

Mr. Lewis gave notice, as this resolution had been repealed on account of the protest of neighboring property owners, he should next week move for a repeal of the permit granted to R. Van Wickle to establish a cotton pickery, against which there was a strong protest.

Mr. Remick called up on final passage the following ordinance:

An ordinance granting the right of way for a street railroad from the river along the trunk road on Canal street to the lower line of Carrollton.

Be it ordained by the Council of the city of New Orleans, That the right of way and privilege is hereby granted to H. C. Millaudon, and his assigns and successors, of laying out, constructing and working a street railroad, with the necessary turnouts, turntables and switches, through the following named streets, to wit: Commencing at the common starting point of Canal street, near the river, with such station and turning point as may be assigned by the City Surveyor, and running thence by the common trunk along Canal to Dryades street, subject to the conditions and penalties for running on said trunk road, and returning to the point of departure along said trunk, and connecting at the intersection of Dryades street with a double track road running along said Dryades street to Calliope street, with a double track on said Calliope street, alternate cars turning right and left: Firstly, to the left on Calliope street to the intersection of Camp and Prytania streets, from thence returning along Calliope street to Dryades street, continuing the route back along Dryades street to the common starting point on Canal street in front of the iron building, near the river. Secondly, to the right, after having started from the common starting point on Canal street, to Franklin, along Franklin to Jackson, along Jackson to Magnolia, and along Magnolia to the intersection of Fourth street, at the lower line of Carrollton, all according to plans to be submitted to and approved by the City Surveyor, and that the said right of way is granted and to be accepted by the said H. C. Millaudon upon the following terms and conditions:

ARTICLE I.

That the rails used shall be of a pattern similar to those now in use by other city railroads. The timber used shall be of the best quality of swamp cypress or upland yellow pine, free from sap, and of such dimensions as may be designated by the City Surveyor.

ARTICLE II.

That the cars shall be of like construction with first class cars as used upon other city railroads, carrying at night colored lights different from those already used by the present street cars, to be easily distinguished at night time, and the cars to be painted a color different from any in use this day.

ARTICLE III.

That the lines and levels for the road shall be fixed by the City Surveyor, and its material and construction shall be subject to the approval of the City Surveyor and Administrator of Improvements.

ARTICLE IV.

That the rate of fare for the whole distance shall not exceed five cents for each passenger between the hours of 5 A. M. till twelve midnight, and after midnight till 5 A. M. the fare must not exceed ten cents. The cars upon said road shall be run at such intervals as may be required to accommodate passengers who may desire to travel thereon. Such intervals to be not more than thirty minutes each way from between 5 A. M. and midnight, and not more than one hour each way between midnight and 5 A. M. The cars to be provided with lights, as appointed in article two, and subject to the same police regulations as other city railroads, and the cars shall not be run at a speed exceeding six miles an hour.

ARTICLE V.

That the said railroad may be completed in two sections. The first section to comprise that part commencing from the common starting point on Canal street, front of the iron house near the river, along Dryades street to Calliope, on the left to the intersection of Camp and Prytania, back again to Dryades; alternate cars to Franklin, along Franklin to Jackson, to where Magnolia street intersects; and this first section must be completed and opened for public use on or before the first day of January, 1876.

The second section to comprise that part of the road commencing at Magnolia street, where Jackson street intersects, and along Magnolia to the intersection of Fourth street, at the lower line of Carrollton. And this second section must be completed and opened for public use on or before the first of January, 1878.

ARTICLE VI.

The contractor shall pay annually into the city treasury, upon the assessed value of said roads and fixtures, the annual tax levied upon real estate, and the value of said roads and fixtures shall be assessed by the usual mode of assessment.

ARTICLE VII.

That at the expiration of twenty years the right of way, the road, rolling stock equipments, machinery, depots and fixtures shall be subject to be taken by the city at a valuation to be fixed by two disinterested persons, one to be appointed by the Mayor of the city and the other by said grantees or their assigns. In the event that said two appraisers shall not agree, then another shall be selected by them, whose decision as umpire shall be final. And the term of twenty years is to be computed as commencing at the day of completion of the first section.

ARTICLE VIII.

That the streets through which said grant extends, as well as the bridges thereon, shall be kept in good order during the term of this privilege.

ARTICLE IX.

That whenever the Administrator of Improvements may become aware that said grantees have failed to keep any street in repair according to the provisions of the foregoing articles, the said Administrator may issue a written notice to them at their domicile, requiring said repairs to be done, and if the said work is not begun within forty-eight hours from the service of said notice, then said Administrator may cause said work to be done at the charge and risk of said grantees, who shall be liable for all costs and expenses which may be incurred in executing said repairs, and shall reimburse the same to the city on demand.

ARTICLE X.

The said H. C. Millaudon, his assigns and successors, shall have the right of employing and using any motive power in running cars which may be adopted by other roads or found practicable, subject to the police regulations of the city.

ARTICLE XI.

That the said grantee shall agree to all the provisions of this ordinance within sixty days after its passage, by act before any competent notary public, or, failing therein, this ordinance to be null and void; but nothing in the provisions of this ordinance shall be construed into an obligation on the part of said grantees to repair said streets until the completion of said railroad.

ARTICLE XII.

That the city of New Orleans reserves the right to lay gas and water pipes in the streets named as the route of this railroad, and the said city, in executing said work, shall use as much of said streets as may be necessary without becoming liable for damages to said Millaudon, his assigns and successors, and the city of New Orleans shall not be held liable for costs or damages in any controversy between owners of property along the route of said road and the said grantee and his assigns and successors which may arise from any dispute or litigation between said parties.

ARTICLE XIII.

Upon the acceptance of this ordinance by act before the city notary, as prescribed in article twelve, then the same shall have all the force of a valid contract between the said H. C. Millaudon, his assigns and successors, and the city of New Orleans.

At the request of Mr. Lewis, the ordinance was laid over for one week.

By Mr. Remick:

An ordinance granting an extension of the right of way of the Carondelet Street and Carrollton City Railroad Company, from their present terminus, corner of Eighth and Carondelet streets.

Be it ordained, That the right of way and privilege be and is hereby granted to the Carondelet Street and Carrollton City Railroad Company, assignees and successors of P. M. Baker, E. Fulton and N. Commandeur, of all their rights and privileges under ordinance No. 180, Administration series, of laying out, constructing and working a street railroad, with the necessary turnouts, switches, turn-tables, etc., through the following named streets: A double track railroad, commencing at the present terminus of the Carondelet Street and Carrollton City Railroad Company, from the corner of Eighth and Carondelet streets, through Eighth to Coliseum, thence through Coliseum to Felicity street; thence a single track down Coliseum, to meet and intersect at the juncture of Camp and Prytania streets, and these jointly by and with the consent of Shelby Seymour and Charles H. Chase, grantees of certain rights of way from the city, under ordinance No. 1222, Administration series, to run on their line and road, so granted in aforesaid ordinance No. 1222, crossing Prytania street, running thence along Calliope street to St Charles street; along the east side of St. Charles street to Tivoli circle; around Tivoli circle to St. Charles street; along the east side of St. Charles street to the trunk road, on Canal street; along said trunk road to the common turning point on Canal street, and returning by said trunk road to Carondelet street, and thence, with the consent and approval of the said Seymour and Chase to run jointly with them on their line and road, granted under ordinance No. 1222 aforesaid, across Canal street on the west side of Carondelet street to Clio street; through Clio street to their double track, at their junction on Camp and Prytania street; thence on their single track, up Coliseum; granted to them under ordinance No. 992, Administration series, to Felicity street, to meet the double track granted in the present ordinance, and that the said right of way and privilege are granted for twenty years, upon the following conditions:

ARTICLE I.

The rails used shall be of the same pattern as those now in use by the city railroads, the lumber to be of the best quality of swamp cypress or upland yellow pine, free from sap, and of such dimensions as may be designated by the City Surveyor.

ARTICLE II.

The cars shall be of like construction with first-class cars used upon other city railroads.

ARTICLE III.

The lines and levels for the road to be fixed by the City Surveyor, and the lumber and materials used in the construction of said road and bridges to be approved by the City Surveyor and Administrator of Improvements, and said road to be built under the supervision of the City Surveyor.

ARTICLE IV.

The rate of fare for the entire or intermediate distance, up or down, from corner of Eighth and Carondelet streets to the common turning point on Canal street, not to exceed five cents for each passenger, and the rate of speed not to exceed six miles per hour, except between the hours of 12 P. M. and 5 A. M., when double fare may be charged.

ARTICLE V.

That for and in consideration of said right of way, the road, cars, mules, fixtures, etc., are to be assessed and made to pay an annual tax as other property of like nature.

ARTICLE VI.

On the expiration of said grant of right of way, the said road, rolling stock, equipments, depots and fixtures shall be taken by the city at an appraised value, to be ascertained by the appointment of two disinterested persons, one to be appointed by the city and the other by said company; and, in the event of a disagreement, an umpire shall be selected by said two appraisers, whose decision shall be final.

ARTICLE VII.

The said road to be completed and in running order by the first day of January, 1874, and the term of twenty years to run from date of completion.

ARTICLE VIII.

That the streets through which said grant extends, as well as the bridges thereon, shall be kept by said company in good running order and condition during the term of this privilege.

ARTICLE IX.

The said Carondelet Street and Carrollton City Railroad Company shall have the right of employing and using, in the running of their cars, any other motive power instead of horses and mules which may be adopted and found practicable for the purpose, subject to the police power of the city relative thereto.

ARTICLE X.

That whenever the Administrator of Improvements discovers that said company has failed to keep any street in repair according to the foregoing articles, it shall be his duty to issue a written notice, to be served upon them, at their domicile, directing the required work to be done; and if they shall not commence said work within forty-eight hours after the service of such notice, the said Administrator is hereby authorized and required to employ a force, purchase the necessary material, and do the work for and on account of and at the charge and risk of said company, and that all costs, charges and expenses thus incurred shall be reimbursed to the city on demand.

ARTICLE XI.

That the said Carondelet Street and Carrollton City Railroad Company shall accept and agree to all the provisions of this ordinance by notarial act, within sixty days after the passage of said ordinance, and failing therein this ordinance shall be null and void; but nothing in the provisions of this ordinance shall be construed into an obligation on the part of the said grantee to repair said streets until the completion of the said railroad.

ARTICLE XII.

That the city of New Orleans reserves the right to lay gas and water pipes in the streets named in this ordinance, and in executing said work shall have the privilege of using so much of said streets as may be necessary without claim for damages by the grantees.

Laid over to be printed.

By Mr. Bonzano:

Resolved, That the Administrator of Finance is hereby authorized to cancel the judgment of city of New Orleans vs. Church of Annunciation, No. 24,428, Fourth District Court, for the taxes of 1869, amounting to $119 50, the assessment being made on certain property located on the corner of Race and Camp streets, and used exclusively for church and school purposes.

Laid over to be printed.

By Mr. Bonzano:

Resolved, That the Administrator of Finance is hereby authorized to cancel the judgment No. 24,429, Fourth District Court, amounting to one hundred and sixty-seven dollars, against Ames Methodist Episcopal church, the same being for tax of 1869, on certain property at the corner of Camp and Race streets, used exclusively for school purposes. The Administrator of Public Accounts is also authorized to cancel tax bill No. 366, amounting to one hundred and forty dollars, for the year 1870, on the same property.

Laid over to be printed.

By Mr. Bonzano:

Department of Assessments, December 12, 1871.

To the City Council of New Orleans:

The petition of Theophile Mihez asks the city to lease him a certain lot of ground situated on the levee between Toulouse and St. Louis streets.

I recommend the petition be not granted, believing said lot of ground to be required for the use of the city.

H. BONZANO, Administrator.

Adopted.

Mr. Lewis introduced a resolution that all proposals to sell land to the city for the erection of public buildings be referred to Committee of the Whole, to be acted on at the next meeting.

Mr. Delassize seconded the motion, which was adopted.

The Administrator of Assessments was authorized to advertise for proposals to lease some property of the city near the powder mill in St. Bernard.

Petitions.

A petition of property owners on Franklin street for banquettes was referred to the Administrator of Improvements.

A proposal of A. Brugier, B. Wiser, and others, to purchase city property, was referred to the Administrator of Assessments, as was also a petition of P. Donelly to lease land.

A petition of Mrs. Brown, praying for relief from payment for banquettes on account of extreme poverty, was referred to the Administrator of Finance.

A communication from the Board of Health relative to the condition of the streets was referred to the Administrator of Improvements.

A proposal of the Southern Express Company to lease the iron building was referred to the Administrator of Commerce.

A proposal of E. L. Jewell to collect taxes was referred to the committee of the whole.

A petition of J. J. O'Hara for extension of time on contract was referred to the Administrator of Improvements.

A petition for a market in the Fifth District was referred to the Administrator of Commerce.

Citizens' Meeting.

Mr. Remick said, as the regular business of the Council seemed now concluded, he asked as a matter of privilege to be allowed to make an explanation.

Permission being given, the Administrator read the following written remarks:

Mr. President and Members of the Council—During the recent discussion of the management of city affairs by the citizens, in mass meeting, and the *Times'* interviewing the several Administrators, certain interrogatories have been propounded and statements made, which, as the intent was to throw discredit upon myself as an officer, I beg permission of this Council to explain.

First—I desire to correct the false impression started by the query of Mr. Kennard at the citizens' meeting, to wit: "For the Department of Commerce, if in 1870 $20,000 was enough, why now $36,000?" Mr. Kennard, although a lawyer, appears not to know that the city charter was so changed at the last session of the Legislature as to impose upon the Department of Commerce the management of the commerce of the wharves, and the expenditure of $18,500 additionally in salaries to employes, which was paid by the Department of Improvements last year. This $18,500, added to the $20,000 of last year, makes $38,500, which, compared with the $36,000 complained of in this year