

New Orleans Republican OFFICIAL JOURNAL OF THE UNITED STATES CITY COUNCIL-OFFICIAL

REGULAR MEETING.

CITY HALL, NEW ORLEANS, Wednesday, May 29, 1872.

The Council met in regular session at noon.

Present—Mayor Benj. F. Flanders in the chair, and Administrators H. Bonzano (Assessments), John S. Walton (Finance), James Lewis (Police), F. C. Remick (Commerce), L. T. Delassize (Waterworks and Public Buildings), and John Cockrem (Improvements).

The minutes of the previous meeting were approved and their reading dispensed with. Mr. Walton rose to a question of privilege. He found, in the minutes of the last meeting, an ordinance purporting to have been read twice in the usual way, but which, in point of fact, was never read at all, except by title, creating a new department in the city government, and superceding him in the duties imposed upon him by the charter itself.

The Mayor said the Administrator's remarks would be in order when the ordinance was called up for final passage.

The Assistant City Attorney.

The following message was read:

MAYORALTY OF NEW ORLEANS, May 27, 1872.

I veto the ordinance passed last week abolishing the office of Assistant City Attorney, and creating the office of Assistant City Attorney and attorney for the collection of drainage assessments.

No cause is assigned for dispensing with the services of the present Assistant City Attorney. It is not alleged that he has been unfaithful, neglectful or derelict in the discharge of his official duties. On the contrary, I have found him a zealous, able and efficient officer of the city. Such an officer, in my judgment, should not be dismissed without cause.

A second objection is that Mr. Waples, for some months past, by special instructions of the Council, has been devoting his whole time to the study of the drainage question, and now that he may be presumed to have mastered that difficult subject, it would be very unwise to dispense with his services without cause and put some one else in his place to begin at the beginning and study the whole question over again.

The ordinance appears to me to be impolitic and unnecessary, and against the interests of the city. I therefore return it to the Council with my veto.

BENJ. F. FLANDERS, Mayor.

Mr. Remick moved that the ordinance do pass, the objections of the Mayor to the contrary notwithstanding.

Mr. Cockrem seconded the motion.

A motion to postpone was lost.

Mr. Shaw said he believed the official terms of office of all the elected officers of the Council had expired; that they were simply holding on until their successors were appointed. Hence he was in favor of declaring all the offices vacant. He believed a simple motion to go into an election would be valid, if the Council had now the right to elect. On examining the ordinance he thought there were defects which ought to be amended before it should become a law. These he could not, perhaps, offer as amendments, but presented them rather as objections. He would strike out the words "and attorney for the collection of drainage assessments," and insert "whose duties shall be the enforcement of the drainage laws, under the immediate direction of the Council, and to assist in the litigation of the city in its proper corporate capacity, under the direction of the City Attorney." He would strike out the provision of the first section and after the words "\$500 per annum," insert "but he shall not be entitled to any fees for services under the statutes relative to draining." After the words "two years" he would also insert "unless sooner removed by the Council."

Mr. Bonzano asked, if the ordinance were passed over the Mayor's veto, could it be reconsidered, and these amendments be inserted.

Mr. Shaw replied no. It would become a law as soon as passed over the veto.

Mr. Lewis said he was willing to go into an election, as Mr. Waples' term had expired; but he did object to doing a subordinate officer an injustice by dismissing him without cause.

The question was put—shall the ordinance pass, the objections of the Mayor to the contrary notwithstanding?

Yeas—Cockrem, Delassize, Remick and Bonzano—4.

Nays—Shaw, Lewis and Walton—3.

The Mayor's veto was sustained.

Mr. Remick moved that the office of Assistant City Attorney be abolished.

The Mayor ruled that the motion was not in order at the present time.

Mr. Remick moved to suspend the rules by a two-thirds vote.

Yeas—Cockrem, Delassize, Remick, and Bonzano—4.

Nays—Shaw, Lewis, Walton—3.

The rules were not suspended.

DEPARTMENT REPORTS, ETC.

By Mr. Delassize:

DEPARTMENT OF WATERWORKS AND PUBLIC BUILDINGS, May 29, 1872.

On the twenty-first instant removed from office Mr. L. E. Converse, assessor and collector of water rents, and Mr. Ernest Joubert, assistant assessor and collector of water rents; and appointed to fill the vacancies thus created, Mr. Ernest St. Cyr to the first named position, and Mr. Alphonse Fleury to the last named.

I would respectfully ask the cancellation of the bonds of the gentlemen removed, an examination of their accounts having established the fact of fidelity to the trust reposed in them.

Received and approved.

By Mr. Lewis:

Resolved, That the adjudication by the Administrator of Police of a contract for resolution No. 1518, Administration series, for the furnishing of fresh beef to the City Workhouse and Boys' and Girls' Home of Work, at the price and sums of eight cents per pound, all around, to Louis Rich as principal, with Hugh Cassidy as security, be and the same is hereby approved, the security accepted, and the Mayor authorized to enter into contract in behalf of the city, per notarial act before the City Notary, for the performance of the said contract.

Adopted.

By Mr. Walton:

DEPARTMENT OF FINANCE, May 29, 1872.

The petition of Cahill & Coffey, referred to the Department of Assessments May 21, and by it transferred to this department,

asks for the refunding of the amount of a manufacturer's license paid in error. It appears by the books of this department that on the sixteenth of January, 1871, they paid fifty dollars for a license to carry on business in error.

I recommend that the accompanying resolution be adopted.

JOHN S. WALTON, Administrator.

Resolved, That the Administrator of Public Accounts is hereby authorized to issue a warrant to the Department of Finance to Cahill & Coffey for fifty dollars, payable in license, being the amount paid by them in error for a manufacturer's license in 1871.

Adopted.

FINANCIAL BUSINESS.

Mr. Shaw moved the adoption of an appropriation of \$57 17 to R. Diamond, for extra work on engine house of Creole Fire Company No. 3.

Adopted.

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:

- Stetson & Armstrong, stationery for Mayor's office, \$14 63. W. H. Henning, glassware, etc. for Mayor's office, \$15. H. Peters, repairing locks and making keys for same for library office, \$7 50. Clerk of the Eighth District Court, for costs in the following suits: F. Honold vs. City of New Orleans, No. 49, \$29; city of New Orleans vs. Thomas McKnight, No. 4322, \$300.

New Orleans Republican Printing Company, for advertising for Department of Improvements, \$14.

Clerk of the Third District Court, for costs of copies in the matter of the board of commissioners of the second drainage district, praying for a decree of mortgage, \$18 55.

J. S. Walton, cash advanced for law charges, as per vouchers, \$11 85.

F. Finnegan, jury warrant, \$69.

J. A. Masiot, Criminal Sheriff, for transportation of twenty-three convicts, as per bill approved by the Judge of the First District, for a total of \$111 10.

Alexander Walker, in compromise of his claim against late drainage commissioners for legal services, \$4000.

Hick & Co., stationers, forty tax receipt books, \$100.

Hick & Co., stationers, bill for Department of Public Accounts, \$119 75; same for registers, under act No. 73 of 1872, \$21 55; total of \$141 10.

Passed two readings.

By Mr. Shaw:

An ordinance appropriating money to defray the expenditures of the Department of Assessments for the months of April and May, 1872.

Be it ordained by the Council of the city of New Orleans, That the following sum of money, or as much thereof as may be necessary, is hereby appropriated to defray the expenses of the Department of Assessments for the months of April and May, 1872, and that the Administrator of Public Accounts draw his warrant on the Administrator of Finance in payment of the same:

- Registers of Conveyances, 223 certificates of transfer of property during the month of March, 1872, \$146 50. Register of Conveyances, 338 certificates of transfer of property during the month of April, 1872, 169 00. New Orleans Republican Printing Company, advertising proposals to lease the city powderhouse property, \$30 00. New Orleans Republican Printing Company, advertising notice to property owners in the Fifth District, Algiers, \$12 00. New Orleans Republican Printing Company, advertising notice to property owners in the Fifth District, Algiers, \$3 00. L. S. Watrous, postage stamps during April and May, \$8 50. Hick & Co., stationers, bill for the month of April, 1872, \$7 25.

Total, \$376 25

Passed two readings.

By Mr. Shaw:

An ordinance making an assessment upon the lands of the third drainage district.

SECTION I. Be it ordained by the Council of the city of New Orleans, That an assessment of two cents per superficial foot, in accordance with the authorization and direction of the statutes of the State, be and is hereby made upon all the lands comprised within the said drainage district, and assessed by the act of the General Assembly of the State of Louisiana, entitled "an act to provide for levying, draining and reclaiming swamp lands in certain parts of the parishes of Orleans and Jefferson," approved March 18, 1868, and that the assessment roll prepared by the Department of Public Accounts of the city of New Orleans, containing a description of the lands, and the names of the owners thereof, so far as known, and all the requisites required by law, herewith submitted to the Council, be and is hereby adopted as the assessment made upon said land and upon each portion thereof, described in said roll, and against the owners thereof respectively.

SECTION 2. Be it further ordained, etc., That this ordinance shall take effect from its passage.

Passed two readings.

An ordinance to pay Sheriff's costs in tax suits against sundry persons.

Be it ordained by the Council of the city of New Orleans, That the Administrator of Public Accounts warrant on the Administrator of Finance in favor of C. S. Sauvint, Civil Sheriff for parish of Orleans, costs due him in sundry suits, viz:

- City vs. James E. Darse, No. 24,642, Fourth District Court, \$57 55. City vs. P. F. Martinez, No. 16,170, Third District Court, 31 05. City vs. J. Lacroix, No. 1800, Sixth District Court, 49 00. City vs. P. C. Mandel, No. 2113, Fifth District Court, 9 20. City vs. J. M. St. Louis, No. 1817, Sixth District Court, 54 35. City vs. T. M. Baker, No. 13,935, Third District Court, 9 25. City vs. Widow H. Stenon, No. 35, 37 10. City vs. Mrs. A. Leggett, No. 15,770, Third District Court, 9 25.

Total, \$288 30

Read twice and referred to the Administrator of Finance, to report at next meeting.

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:

- P. Keenan, forage for horses, \$50 00. J. W. Madden, stationery, 74 75. W. D. Ash, reimbursement, 22 90. Total, \$147 65. Stetson & Armstrong, stationery, \$108 05. New Orleans Republican Printing Company, printing, \$102 45. L. Lambert, repairing tools, 29 00. M. Weydig, gutter base, 100 00. J. Root, balast and lime, 389 12. Charlotte Crossin, debris, 17 00. P. Carrabar, oyster shells, 161 20. John Keegan, sand, 69 00. M. shells, balast and oyster shells, 407 30. H. Van Hosen, brick debris, 130 45. H. Ringgold, office rent, 30 00. E. Yonker, office rent, 25 00. A. De Monacoe, office rent, 25 00. E. P. Boyer, office rent, 25 00. New Orleans Times, subscription, 16 00. John Coleman, balast, 329 96. John Coleman, balast, 765 78. Nicholas Connell, paving, 180 00.

John W. Madden, stationery, 188 50. Polger & Co., hardware, 281 00. F. Schmirkley, lumber, 137 50. William Wells, lumber, 427 83. Total, \$1456 50.

BUREAU OF WEAVES AND LANDINGS.

Samuel & Knoop, stage plank, \$573 32. T. Burdick, towing boats, 800 00. Cothell & Brady, repairing nuisance boat, 1442 05. Total, \$2815 81.

BUREAU OF DRAINAGE.

P. Keenan, lumber, \$1512 52. Charles Monaghan, raising chimney, 200 00. Total, \$1712 52.

Passed two readings.

Mr. Shaw called up on final passage an ordinance amended to read as follows:

An ordinance providing for the payment of bills for repairs to fire engine houses.

Be it ordained by the City Council of New Orleans, That the following appropriation be and are hereby made in accordance with the terms of ordinance No. 1332, Administration series:

- J. T. Hamlin, for repairs to the following engine houses: Columbia, No. 5, \$734 00. Louisiana Hose Company, 1,194 00. Perseverance, No. 13, 600 00. Voluntary, No. 1, 1,431 00. Crescent, No. 12, 2,311 25. Lafayette, No. 11, 2,368 00. Chalmette, No. 23, 1,003 00. Jefferson, No. 22, 1,670 00. American Hook and Ladder Company, No. 3, 968 50. Total, \$11,169 75.

Thomas Soubriet, for repairs to engine house of Orleans Fire Company, No. 21, 2,788 00. Total, \$13,957 75.

Adopted, Mr. Shaw voting no.

Mr. Shaw called up the ordinance, read twice last week, providing for the payment of the monthly pay rolls.

Adopted.

Mr. Shaw called up an ordinance, read twice and called last week, commencing: New Orleans Republican, \$146 50.

An item of Henry J. Leovy, fees as curator ad hoc, \$100, was laid over. The rest of the ordinance was adopted. Mr. Shaw voting no on the appropriation of \$291 75 to Page & Co., for carbolic acid.

An ordinance providing for the payment of the promissory notes given by the city for the opening of Royal and Charre streets was adopted.

Mr. Shaw called up the following ordinance:

An ordinance for the settlement of a balance due the Girod fund.

Be it ordained by the Council of the city of New Orleans, That the Mayor and Administrator of Finance be authorized and directed to settle, under the provisions of the law for funding, with the trustees of the Girod fund for a balance of \$1327 17 due said fund, as per account rendered.

Adopted.

Mr. Bonzano in the chair.

Mr. Shaw said he should vote against the ordinance. He did not object to the settlement, but to the mode of settlement. It was the city that should be responsible for all these trust funds. That he believed to have been the idea of the donors. The city could not run away. This Girod fund had been violated in times past because Mayors and City Attorneys had had access to it. It was true the fund was now in the custody of a Mayor in whom everybody had confidence; but he objected to the mode of settlement proposed by the ordinance, because it might be used as a precedent in future for placing public trust money in the hands of individuals.

The Mayor said he was very glad of this opportunity to explain to the Council the position of the Girod fund. As to trust funds left to the city of New Orleans, to be managed by city officers, whoever they might be, the Administrator of Accounts (Mr. Shaw) was probably right in his views. But this legacy was left some twenty-five years ago, in the will of Mr. Girod, to the Mayor of the city of New Orleans; not to the corporation; not to the city; but to the Mayor, to be used for the erection of an asylum for destitute French orphans. The legacy was a hundred thousand dollars, and Mr. Girod supposed his estate was worth several millions. But when the estate came to be settled, as often happened when lawyers had a hand in the matter, there was only twenty-eight thousand instead of a hundred thousand dollars. This was paid to Mayor Crossman, on his receipt alone. Mayor Crossman, without asking or requiring any orders from the Council, proceeded to invest the amount in State and city bonds, and finally it increased to sixty or seventy thousand dollars, being taken charge of in all instances by the Mayor alone, who managed it without any control. The heirs of Mr. Girod brought suit against Mayor Crossman to recover the bequest, but the Supreme Court sustained the will. During the war Mayor Hoyt, military Mayor, having this fund in his possession, ordered the Treasurer to take the money and pay to the fund seven per cent interest, and giving the fund credit for the amount. When Mayor Monroe came into office he entered into a contract for the building of an asylum. Mr. John Davidson, as all would remember, gave a piece of land, and a contract was made for the erection of the building. But the Mayor being unable to get from the city the money which had been turned over to the city treasury by Mayor Hoyt, could only pay the contractor \$20,000 out of one hundred and odd thousand, and the same trouble continued during the ministrations of Mayors Heath and Conway. When the fund was turned over to him (Mayor Flanders) it consisted of \$449 in cash, and an indebtedness of some seventy-nine thousand dollars to the builder. There were twenty or forty contractors and subcontractors, and other creditors, standing in order to meet that amount the building had been temporarily leased. The settlement asked for now was a small balance of thirteen hundred dollars still due the fund by the city, as per accounts on file. This was not enough to run away with, and if the Council would trust him to this extent he would esteem it a great favor, as it would enable him to close up a matter which had caused him almost as much trouble and anxiety as his Mayoralty. He had all the accounts and vouchers in a tin box, and was ready to deposit them in the vaults of the city for his successor.

The ordinance was adopted. Mr. Shaw voting nay.

[The Mayor in the chair.]

An ordinance settling with H. Lawrence for \$301 city notes was adopted.

An ordinance, read twice last week, to defray certain expenses of the Department of Police, commencing: John Coleman, \$693 10, was adopted.

An ordinance amending ordinance No. 814, relative to settlements with the Mexican Gulf Canal Company, which passed two readings last week, was adopted.

Mr. Shaw, by request, and as a matter of courtesy, introduced the following amendment to be added to the tax-collecting ordinance introduced last week:

Sec. 8. Be it further ordained, etc., That this contract shall be and exist for and during the term of eighteen months from the date of passage of this ordinance, and during such further time as may be deemed necessary to complete the work on hand; at the expiration of which eighteen months the city reserves itself the right, by a majority vote of the Council, to rescind and annul the same, and upon rescission all bills, papers, books and documents necessary to further prosecution of suits and recovering taxes and costs shall be returned to the contractor, or to the city, according to the direction of the Council; provided, that said collectors shall be reimbursed by the city for all clerks' costs, sheriff's fees, recording mortgages, and expenses actually paid on such uncompleted work.

Claims of J. W. Madden, office furniture \$123, and Paul W. Dunbar, maintenance of dogs \$33, \$86 95 and \$63 21, laid over two weeks ago, were passed.

Resolutions, Etc.

Resolved, That the Administrator of Improvements be and he is hereby directed to cause to be laid out a plank sidewalk on Canal street, from Claiborne to St. Patrick street, in accordance with specifications on file in the office of the City Surveyor.

Adopted.

By Mr. Cockrem:

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