CITY COUNCIL--OFFICIAL.

REGULAR MEETING.

CITY HALL, NEW ORLEANS,
Tuesday, September 11, 1877.

The Council met this day at 12 o'clock m. in regular session.

Present: Hon. Ed. Pilsbury, Mayor, presiding, and Administrators Brown, Cavanac, Denis, Diamond, Edwards and McCaffrey.

The minutes of the previous meeting were approved and their reading was dispensed with.

Communications from the Mayor and Administrators.

The following communications were read and ordered spread on the minutes:

CITY HALL,
New Orleans, September 11, 1877.

To the Honorable Council of the city of New Orleans:

Gentlemen—A communication presented by the Administrator of Improvements at the last meeting of your honorable body contains so many grave reflections upon the official conduct of the undersigned, as in their opinion to require notice at their hands.

Pretermitting altogether the question of propriety of form or disregard of official etiquette prevalent among colleagues in office in the manner of its presentation, and not pausing to class the communication either as a protest or a privileged question, the fact yet remains that the subject matter has served the purpose for which it was obviously intended in openly arraigning a majority of this body before the public, as prompted by unworthy motives and guilty of many misdemeanors in their official action. To that arraignment the undersigned feel that a due regard for an intelligent public opinion, as well as a proper sense of duty to their constituents, compels on their part a prompt and full response. The first ground of complaint which the honorable Administrator advances is that the Council has seen fit to declare by ordinance that the control and superintendence of the bridges over the navigable canals belonged to and should be exercised by the Administrator of Commerce in lieu of the Department of Improvements as heretofore. The impression is sought to be conveyed that the president and a majority of the Council pretended to base their action on the opinion of the City Attorney that the control of those bridges properly belonged to the Administrator of Commerce, when in fact the City Attorney had given no such opinion, but had confined himself to asserting that under the charter "the Department of Commerce shall have general superintendence of all matters relating to canals." The most cursory reference to that opinion, and the resolutions upon which it was asked, will show how disingenuous is the action of the Administrator of Improvements, in endeavoring to force such a construction upon the language. That opinion commences (see official proceedings City Council, July 10, 1877), "I have received the resolutions offered by Administrator Cavanac at the last meeting of the Council, which you referred to me for my opinion," and the second of them, as shown in the official proceedings of the City Council of July 3, reads:

"That the Administrator of Improvements be and he is hereby directed to turn over and transfer at once to the Administrator of Commerce all canals and bridges over the New and Carondelet canals."

It was with this object and intent of the resolution plainly before the mind of the City Attorney that he says (paragraph 2, section 9) if the city charter "expressly provides that the Department of Commerce shall have general superintendence of all matters relating to canals * * and that the Administrator if he finds the control in other hands has a right, and it is his duty to see that it be transferred to his department, where it belongs."

Paragraph 2, section 9, of the city charter establishes "a department of commerce, which shall have general superintendence of all matters relating to markets, railroads, canals, etc., etc."

Nor is anything found in the city charter in any way in conflict with this provision, but on the contrary paragraph four of the same section, providing for the Department of Improvements, says: "A Department of Improvements, which shall have general superintendence of all matters relating to the streets, sidewalks, pavements and wharves, and the construction, cleaning and repair of the same, the construction and repair of bridges, and the drainage of the city." * * * The fact that the bridges across the navigable canals, by being open or shut, regulate the use of these arteries of commerce, and control that important branch of our city trade by water communication, shows that their custody and management belong to that department charged with the care of its commerce, and any other construction would annul that clause of the city charter fixing the control of the canals as one of the most vital of the elements of that department. It is equally plain that the authors of the charter expressly and purposely confined the powers of the Administrator of Improvements "to the construction and repairs of bridges." This was the view taken by the majority of the Council in which they were confirmed by the City Attorney, and upon which they proceeded to act, after calm and mature deliberation, during nearly two months' time, extending from the meeting of July 3 to that of August 28, at which last meeting the ordinance was passed by virtue of the indisputable power of the Council, under sections 11 and 18 of section 12 of the charter, which authorize them to organize the various departments. It is to be regretted that the Administrator of Improvements did not exercise a like calmness of consideration and maturity of deliberation upon this subject, and thus have spared our city the humiliating spectacle of a single Administrator resorting to the courts, during the midsummer vacation, only to delay the enforcement of an ordinance of the city, and the sorrier supplement of an arraignment of the Council for the discharge of what they deem a plain duty under the law, and which they feel convinced the courts must be ultimately compelled so to decree. To prevent this nullification of an ordinance of the city, and the substitution of the will of one administrator for that of the whole, through the machinery of the law's delays, the Council has appointed, under the ordinance, keepers of those bridges, the Administrator of Commerce having been enjoined from recommending suitable persons. While it is true that "clerks and officers shall be recommended for appointment by the Administrators of said departments respectively, and be appointed by the Council," under section eleven of the city charter, it is to be observed that it is the Council who appoints, and if in this case there existed "the ridiculous anomaly" of an appointment without the recommendation of the Administrator of the department, it is only by reason of that other unprecedented "anomaly" by which one Administrator, enjoining his colleague from the discharge of his duty, has prevented the proper Administrator from so recommending, save by the infringement of an order of the court, and a consequent contempt of its jurisdiction. Nothing stands in the way of the enforcement of this ordinance except this order of the court obtained by the Administrator of Improvements in opposition to the action of this body, of which he is a co-ordinate member.

His complaint, for it must be so styled, as it neither proposes an inquiry into the matter charged, or suggests any remedy therefor, is, that while an enforcement of this ordinance is sought, the proper observance of others is purposely neglected. It instances 1. "ordinance No. 3807, approved January 16, 1877, requiring the removal of wooden sheds and buildings from the levees," and charges that "whole blocks of similar rookeries and fences have been permitted to remain ever since without any assigned reason therefor." It was a matter of public notoriety, of which the Administrator of Improvements cannot plead ignorance, that the immediate object and aim of the ordinance cited, was to abate the nuisances existing in the shape of disreputable shanties on Canal street, between Wells and Front streets, and on the levee, and its enactment was followed by the prompt demolition of those objectionable buildings, which have been replaced by substantial brick edifices, making by the change a much needed improvement in that locality. The proprietors of the square in front were notified to remove some buildings, which although objectionable, by no means presented the same urgent reasons for their immediate removal, as they were neither complained of as disorderly or annoying to the neighborhood, on a request to grant time to get plans and specifications, and to make arrangements for their replacement by proper and suitable buildings.

The wishes of the proprietors were indulged to that extent, the more readily for the reason that their demolition involved the destruction of the temporary depot of the Mobile Railroad, which was then applying to the city to locate a site for a new depot. With the exception of this reasonable indulgence the reasons for which were equally made known to the honorable Administrator of Improvements as to his colleagues, the ordinance has been strictly enforced in every instance which has been brought to the knowledge of his Honor the Mayor or the Council.

2. Complaints have been made of a building situated on the neutral ground on Goodchildren street, and the same was referred to the Administrator of Improvements, who reported against its removal. If the ordinance has not been enforced in this instance it is directly attributable to the report of the Administrator of Improvements himself, the correctness of which, however, continues to be called into question by many worthy citizens residing in that immediate neighborhood. It is proper to remark that the charter does not explicitly indicate the officer whose duty it shall be to remove such obstructions and nuisances from the streets. Under the Aldermanic system it pertained to the bureau of streets, and under the present system of government the power has always been exercised by the Administrator of Improvements, under whose charge the streets and pavements and all things relative thereto fall, and there it is conceded to belong at present. If, therefore, any cases infringing this ordinance have occurred without prompt action thereon, the Administrator of Improvements as the officer responsible therefor, must bear the chief blame, inasmuch as not only has he refrained from abating these nuisances himself, but has abstained from calling the attention of the Council thereto. Of a similar nature is the second instance given by the honorable Administrator of Improvements in the case of the building occupied by Peter Lamia on the levee, at the head of Ursulines street. The building in question reverted to the city after the expiration of a two years' lease. A renewal of a like term was then sought, and, although granted by the Council, was vetoed by the Mayor. It was then proposed to utilize the building, valued at a thousand dollars, as a harbor police station, but an examination by the city surveyor showed that it could not be removed to a suitable place without demolition and a heavy expense to the city. As it was deemed no obstruction to commerce on the levee during the summer months, it was thought eminently proper to allow its lease at forty dollars per month until such time as reviving business necessitated its removal, or the city required its use. In that condition the matter now stands, terminable at the will of the Council, and it is a source of astonishment that any effort should be made to torture the fact into an evasion or reversal of the effects of the Mayor's veto.

3. The non enforcement of ordinance No. 3963, approved May 31, 1877, providing for the abolition of the City Workhouse, as a place of confinement, and the transfer of buildings to the Department of Waterworks and Public Buildings is made the third ground of complaint. It is furthermore charged that the Administrator of Police continues in the custody of them. It must be well known to the Administrator of Improvements as it is to every other Administrator, that a portion only of the old Workhouse has been set aside as a warehouse for public property under the Administrator of Police as required by paragraph 5, section 9, city charter, and that another portion is occupied as a carpenter shop for manufacture of coffins for indigent dead and still another as a blacksmith shop, and stable for the stock, and running gear of the city—consisting of small-pox wagons, Black Marias, charity and Fire Alarm Telegraph wagons—under the control of the same Administrator; thus in nowise contravening the ordinance in letter or in spirit, and availing the city of the only retired, isolated place under its control suitable for the purpose, without any special expense other than that of the employes necessary to watch the buildings and perform the work required. Of these, however, complaint is also made that the Administrator of Police "keeps a superintendent, clerk, blacksmith and carpenter, at a yearly expense of $3210."

"What these employes do," continues the Administrator, "to reimburse the city for the salaries paid them, can better be explained by the Administrator or his honor, the Mayor, who permits such things to go on." The duties of these officers are already explained in stating for what purposes the portions of the building are used by the Administrator of Police, "that is, for making coffins for indigent dead, repairing and keeping the numerous vehicles in the department." These circumstances were well known to the honorable Administrator of Improvements, or, at least, should have been sufficiently well known so as not to need inquiry on his part at this time, especially as the proceedings of the Council of July 10, 1877, show that he voted for the appointment of these officers, for at that meeting he appears by the published minutes "present," and in the appointments in the Department of Police appear "City Workhouse—James Lynch, superintendent, per annum $840; Robt. Berry, clerk, $800; John Curry, blacksmith, $800; Jas. Moore, carpenter, $800;" all of whom were appointed by a unanimous vote, without division, so that it would seem the Administrator of Improvements should have been able to answer the question then which he propounds now with as much facility as he can now after this information.

Next in order, complaint is made as to the non-enforcement of section sixteen of ordinance No. 3421, approved May 19, 1875, relating to the repairs of the wharves. It is charged that "during last spring an effort was made to compel the contractors to do their work, but the Council refused to assist the departments in the enforcement of these obligations," and it is alleged as a consequence that the city is now on the approach of its business season without proper wharf accommodations for its shipping. The report of the City Surveyor at the time mentioned (see Council proceedings April 26, 1877) shows that it was impracticable to pile and fill at that time owing to the high water and consequent caving of the banks, but that "framing and planking, ballasting and shelling can be prosecuted to much advantage no matter what the height of the water; when the wharves are least loaded with freight, these kinds of work could then be most properly commenced during May. * * * I therefore respectfully recommend that all surface repairs, including caps, stringers, planks, ballast and shell, be commenced immediately so that on the fall of the water the entire energy of the contractors may be turned towards rebuilding the wharves of the Third District, some in the Second District," etc. On the 8th of May, (see proceedings of Council of that day), a resolution was adopted instructing the City Surveyor to order without delay all work required upon the wharves and their approaches. After some debate a clause ordering the forfeiture of the lease, if conditions were not complied with, was rejected by a majority vote. It will thus be seen that the Council has spared no effort to improve the condition of the wharf facilities for the use of our commerce, and the best answer to assertions to the contrary is that there has been ample provision thus far for the shipping, and that by their jealous care of this branch of their trust and a vigilant watch over the contractors, by the 15th of October next such improvements will have been completed as to render abundant accommodations for our commerce during the winter.

Identified as most of the members of the Council have been for years past with this branch of our city's industries, they have never failed to have a keen appreciation of its paramount importance to this city and have directed all exertions towards its improvement in that regard, and that their efforts have been successful will be seen by reference to a report of the City Surveyor, which has been asked with a view to the information of our commercial classes on the subject. In this connection it has been made a further burden of complaint by the Administrator of Improvements that an appointment by himself of Gen. A. G. Blanchard as an inspector of wharves was ignored by the Council and the contractors, under instruction of the acting Mayor. It has been previously noticed that under the charter an Administrator could only recommend, and that the Council alone appoints, and the position was distinctly concurred in by the Administrator of Improvements (see proceedings of Council, June 5, 1877); that until such appointment the officer was in nowise qualified to act; and yet fault is found because in this instance an officer, whose name had not even been presented to the Council for appointment, was not recognized and his acts not respected. It should be further borne in mind that at the time of the selection of Gen. Blanchard, Mr. Pilie had been already appointed and was acting as Deputy City Surveyor, the proceedings of the Council July 17, 1877, showing that the appointment of "L. H. Pilie, deputy in charge of wharves, at $1800," was made unanimously and without division, Administrator McCaffrey being reported as present. Gen. Blanchard's claim to act by virtue of the authority of the Administrator of Improvements was without force, for the reason he had never been appointed by the Council as the charter required; and secondly, because Mr. Pilie had been so appointed and was acting, and a further appointment was a useless and uncalled for expense.

Frail and untenable as are the grounds of support of this complaint, yet they are not more so than those which are urged as proofs of the non-observance of ordinance No. 3981, providing for contracts to the lowest bidder for all supplies exceeding in amount five hundred dollars. It is alleged that "ordinance No. 3386, flour for House of Refuge, $698 50; ordinance No. 4031, flour for House of Refuge, $535; ordinance No. 4072, flour for House of Refuge, $549 25," are in flagrant violation and antagonism with the contract ordinance before mentioned. How flimsy a pretext this assertion rests upon will be readily perceived when it is stated that these several amounts represent the aggregate cost of a large number of small articles, flour among the number, purchased during a month—that owing to the varying of the number of persons to be supplied, these articles cannot be purchased in large quantities or in regular apportionments, but have to be bought from time to time in small lots as needed, not one of these lots exceeding $500, or even approximating that sum—it will be readily perceived that the ordinance was never intended to apply to purchases of such small lots, as the expense of advertising and employing experts for the inspection of a variety of small articles which have to be bought from time to time would augment the cost in a ratio entirely disproportionate to the value of the purchases. The present has been the immemorial practice—indeed none other is practicable in an economical point of view, and it is indeed strange that the Administrator of Improvements should, after nearly a year's conformity to the practice by the sanction of his vote in approving such bills and ordering their payment, at this late day take occasion to find fault with a proceeding in which he has been a participator without objection. It should be further stated that the articles here entered as purchased for the House of Refuge include what is supplied to the Home of the Aged and Infirm, Insane Asylum, formerly to the soup-house, and the Workhouse, and if the total amount for each month were divided among these institutions, the whole monthly amount of each institution would fall within the five hundred dollar clause of the ordinance.

So well known are all of these facts to the members of the Council, as indeed they are to any one who has interest enough to inquire, that it has been a source of increasing wonder, as we have closely examined the paper presented by the Administrator of Improvements, that he could have betrayed an ignorance or assume a want of knowledge of the facts which we have had occasion to set forth herein. Were not his signature to the paper, and presented by him, we should be inclined to believe it an emanation from some one whose sources of information were either exceedingly limited or else whose disposition led him purposely to neglect his opportunities for seeking for the true condition of the different matters discussed. Purely in self-defense, as public servants, we have sought to correct errors of fact prejudicial to our official reputation and integrity, by a candid statement, full free and fair, without recrimination where perhaps an erring colleague has laid himself open to severe animadversion. Amenable to just criticism at all times, as all public servants are, while we welcome a demonstration of our error in the past, if any there be, as prompting the surest path for our improvement in the future, we yet have claimed here the privilege of setting ourselves right before that public opinion to which no good citizen can claim a supercilious indifference. We lament the course of our colleague, which has created the necessity of this paper, while we believe ourselves justified in showing the error of his way, and the injustice of charging to partisan bias those acts which any candid mind must admit sprang from a sense of enlightened duty to the city's interest and will enure to its benefit, although unfortunately, perhaps, they may curtail in a large degree the power and patronage of the Department of Improvements.

Respectfully submitted,
J. C. DENIS,
Administrator of Finance.
CHAS. CAVANAC,
Administrator of Commerce.
ROBT. E. DIAMOND,
Administrator of Police.
J. G. BROWN,
Administrator of Public Accounts.

I concur in the above.
ED. PILSBURY, Mayor.

DEPARTMENT OF COMMERCE,
City Hall, New Orleans, Sept. 10, 1877.

J. A. d'Hemecourt, Esq., City Surveyor:

Sir—In a recent communication to the City Council the honorable Administrator of Improvements, speaking of the condition of the wharves, says: "The contractors, thus encouraged, permitted nearly the whole summer to pass without doing the work necessary to be done at this time, and we are now, on the approach of the business season, with a line of wharves completely wrecked, the landing, etc., entirely out of repair, while merchants and others are constantly petitioning for some action looking to their speedy reparation, so as to meet the wants of commerce."

In order that the Council and the commercial public may be fully acquainted with what has been done, and what is now and will be the condition of the wharves for the winter's business, I would respectfully ask a statement of the work performed, and the condition and the facilities for receiving and accommodating the shipping at this port this winter, in as brief and concise a form as practicable, and at your earliest convenience. Very respectfully,

CHAS. CAVANAC,
Administrator of Commerce.

SURVEYOR'S OFFICE,
New Orleans, Sept. 10, 1877.

Hon. Chas. Cavanac, Administrator of Commerce:

Dear Sir—In answer to your communication of this date relative to the condition of the wharves, landings, etc., I have the honor to state that during the first of June to the twenty-fifth of August last, the lessee of the wharves has been at work putting in good order and extending into the river the shipping wharves of the First District, to wit: Wharves Nos. 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 31, 32, 33, 34, 35, 36 and 37, containing three hundred and fifteen squares of new work for extension, and over one thousand squares in reconstruction and repair. He has besides filled up the batture at Canal street ferry.

At wharves Nos. 16, 17, 18, 20, 21 and 22, containing eight thousand two hundred and fifty cubic yards of filling.

The steamboat wharves and barge landing of this district are all in good order, with the exception of two portions from Lafayette to Julia street, which the lessee is now rebuilding and filling with river sand.

The Red river packet and steamship landing required an extension of over fifty feet into the river (over 400 squares), and for the last four weeks the lessee has at work been extending the same and rebuilding part of the old work in the rear; and I expect that at the end of the week this work shall be completed.

The levees in this district have always been kept in good order and condition by the lessee, and no complaint has ever reached this department regarding the same.

IN THE SECOND DISTRICT

the steamboat and steamship wharves have always been kept in good order and condition by the lessee, who is now at work repairing the apron of the steamboat wharf, and has lately repaired the front of the steamship wharf. The levee has also always been kept in good order and condition by the lessee. The lessee has besides built new wharves, below and above the Canal street ferry, measuring fifty-seven superficial squares. He has dredged the batture which had formed in front of said landing for a length of about six hundred feet, and given eight feet of water below low water mark.

FROM THE STEAMSHIP LANDING.

Going down stream on account of the caving nature of the bank, the lessee was retarded in the commencement of the work up to the 20th of August last, when he began work on the Picayune tier, below the St. Ann street ferry, and has by this time about half of it completed. The other half, I hope, will be completed in about ten days.

One wharf opposite Barracks street has stood well and has always been used.

Four other wharves, which have caved, will have to be rebuilt, and the lessee is now at work on one of them, opposite Hospital street.

IN THE THIRD DISTRICT,

also on account of the caving nature of the bank, work was begun but a fortnight ago. In this district all the wharves and bulkheads will have to be made anew. The lessee has already completed one of them (wharf No. 23), at which wharf a vessel is already moored. He is now at work on wharves Nos. 24, 25 and 26, which will be completed during the week. It may be well to restate that the extraordinary cavings which have taken place in this district has compelled the lessee to retard the work.

With the force now employed upon the wharves and bulkheads of this district, I am almost sure that by the fifteenth of October next there will be more than ample accommodation for the shipping which may arrive.

IN THE FOURTH DISTRICT.

The wharves from Felicity Road to Philip street are all in good order and condition, and sufficient for all the wants of commerce for the next three months, at which time the lessee will have completed the balance (a few wharves) from Philip to Toledano streets. The levee in that district has also been at all times kept in good order and condition.

I believe that with the work already accomplished, together with that to be done, I have no reason to apprehend that the lessee will not be ready in time for all the wants of commerce. You may rest assured that no pains or trouble will be spared by this department to have the work pushed to a speedy completion.

I remain, very respectfully,
J. A. D'HEMECOURT,
City Surveyor.

Financial Business on Final Passage.

Mr. Brown called up the following ordinances, which, having been read twice, were now on their third reading, and they passed unanimously, the yeas and nays having been called:

1. An ordinance appropriating $26,113 08 to pay the Crescent City Police for August, 1877, the total having been changed to this figure from $25,000 by an amendment which was first unanimously adopted, the yeas and nays having been called.

2. An ordinance providing for the several pay rolls therein named for August, 1877, beginning "pay rolls of recorders' courts," and amounting to $6751 65.

3. An ordinance providing for the payment of the several accounts therein named for August, 1877, beginning "T. Fitzwilliam & Co.," and amounting to $6769 73.

4. An ordinance providing for the payment of the accounts named therein for August, 1877, beginning "J. D. Houston," and amounting to $5771 90.

5. An ordinance making appropriations for charitable institutions for August, 1877, amounting to $3142 66.

6. An ordinance providing for the payment of the several accounts therein named for August, 1877, beginning "Firemen's Charitable Association," etc., amounting to $14,833 32.

7. An ordinance providing for the payment of the several accounts therein named for August, 1877, beginning "New Orleans Gaslight Company," amounting to $13,741 01.

Reports of Committees.

By Mr. Cavanac—

Favorably, by resolution, on the petitions of (1) the New Orleans, Jackson and Northern Railroad Company, asking the privilege of laying down a side track on the banquette along the north side of its freight depots, on Front street, for a distance of three blocks; (2) Silas Weeks & Co., for permission to lay a switch railroad track in front of the Mississippi and Dominion warehouses, foot of Jackson street; (3) Jas. Jackson, for permission to construct a railroad switch in front of the Fisk salt warehouse, in the square bounded by First, Second and Tchoupitoulas streets and the river; (4) Jackson & Manson, for permission to construct a switch in front of the Transit salt warehouse, in the square bounded by Fourth, Fifth and Tchoupitoulas streets and the river; and (5) E. D. Elliott, for permission to erect a steam engine at No. 39 Natchez street.

By Mr. Diamond—

On the petitions for and against the "Newsboys' Home," Mr. Diamond submitted the report of Sergeant Ed. Ryan, who states that from personal inspection and from information received the building known as the Newsboys' Home is not a nuisance, as stated in petition of complainants. The report was adopted.

Ordinances and Resolutions Offered.

By Mr. Cavanac—

1. Resolution granting permission to the New Orleans, Jackson and Northern Railroad Company to lay down a side track on the north side of its freight depots on Front street for a distance of three blocks.

2. Resolution granting Silas Weeks & Co. permission to lay a switch railroad track in front of the Mississippi and Dominion warehouses, foot of Jackson street.

3. Resolution granting James Jackson permission to construct a railroad switch in front of the Fisk salt warehouse.

4. Resolution granting Jackson & Manson permission to construct a railroad switch in front of the Transit salt warehouse.

5. Resolution granting E. D. Elliott permission to erect a steam engine at No. 39 Natchez street.

By Mr. Brown—

1. Resolution authorizing the commissioners of the McDonogh School fund to accept proposal of Wm. Fairlie to repair the Madison school-house, corner of Prieur and Palmyra streets, for the sum of $2000. Adopted.

2. An ordinance appropriating $15 50 in favor of John Klein & Co. Adopted.

3. An ordinance providing for the payment of the several accounts therein named, beginning "Paulin Durel," and amounting to $1200 26. Read twice.

By Mr. Edwards, and read twice—

Resolved, That the sum of eleven hundred and ninety dollars be and the same is hereby appropriated to John Page for repairing the court room of Recorder of Second and Third Districts, as per resolution No. 4023, passed July 3, 1877, and that the Administrator of Accounts warrant in payment of same.

By Mr. Diamond—

Resolution authorizing the Administrator of Police to contract with the New Orleans Gaslight Company for the erection of four lamps on Canal street, between the Mobile railroad depot and the wharf.

Order of the Day—Sugar Shed Question.

Mr. McCaffrey, chairman of the committee on sugar sheds, called for the reading of the report of the committee, and the ordinance submitted by them July 24, 1877.

These documents having been read, Mr. Cavanac submitted the following resolution as a substitute for the ordinance:

By Mr. Cavanac:

Resolved, That the City Attorney, B. F. Jonas, be and is hereby requested to furnish for the guidance of the Council an opinion upon the following points connected with the sugar shed question:

1. Whether, under the law, the Council has the right to declare of its own motion the forfeiture of the privileges granted under ordinance 1528, N. S., for exacting illegal and excessive rates of storage?

2. And in the event that the City Attorney be of the opinion that the Council is so empowered, whether said buildings on said forfeiture revert to the city, as in case of expiration of charter?

3. Whether, if in this last event, the city will become responsible to the Sugar-Shed Company in damages or in any way for the value or any portion of the cost of said buildings.

4. As to whether there exists any practicable means of forcing the Sugar Shed Company to reduce its storage rates to the charter charges, by ordinance, or whether legal proceedings in the courts be necessary to that effect.

5. Whether, in the event of a determination of the Council to forfeit the charter, judicial proceedings will be necessary, and if so, what facts must be substantiated in order to procure a decree of forfeiture.

6. In case of such a judicial decree of forfeiture, whether such a judgment can make the city responsible in damages or for the cost or value of the improvements, in case a reversion of the buildings to the city be decreed.

7. That Mr. Jonas, the City Attorney, be requested to advise the Council whether the facts alleged against the Sugar Shed Company, or any of the acts of said company, have been violative of its charter and are such as would entitle the city to obtain a forfeiture. Therefore,

Resolved further, That until the Council shall have received responses to the foregoing inquiries, all action relating to the Sugar Shed Company be suspended.

Mr. Edwards moved the adoption of the report before taking action on the ordinance or the substitute.

Mr. Cavanac opposed the adoption of the report, because of the vague and unjust allusions it contained in reference to city officials.

Mr. Denis also opposed the adoption of the report, because it appeared to him to decide the very points of law which were proposed to be referred to the City Attorney by Mr. Cavanac's resolution.

Mr. McCaffrey stated that the City Attorney (Mr. Jonas) had carefully read the committee's report before it was submitted to the Council, and that the ordinance offered by the committee had been written by the City Attorney himself.

Mr. Edwards called for the yeas and nays on the adoption of the report, which being ordered, resulted as follows:

To adopt—Edwards and McCaffrey—2.

Against adopting—Brown, Cavanac, Denis and Diamond—4.

The chair declared the motion to adopt lost.

Mr. Cavanac called for the yeas and nays on his resolution, which were ordered, with the following result:

Yeas—Brown, Cavanac, Denis and Diamond—4.
Nays—Edwards and McCaffrey—2.

In casting his vote, Mr. McCaffrey said:

I vote no, because the Council has not disposed of the report of the committee either by its adoption, reference or rejection; hence the subject is not, according to legislative proceedings, properly before the meeting.

The chair declared the resolution adopted.

Petitions.

From (1) V. M. Cruzat; (2) C. F. Humbrecht; (3) Camilla S. Lewis; (4) S. Rolf, and (5) J. J. A. Plauche, for reduction of assessments. Referred to the Administrator of Assessments.

From (1) citizens complaining of the collations, wakes, etc., held at No. 272 Lafayette street, known as Kinney's Hall, and also at No. 277, same street, known as "Montgomery's Hall." Also, (2) a communication from Messrs. Rogers, Vizard and Meaken against "Kinney's Hall," with a report of the chief of police on the latter; and (3) a communication from the United States Sons of Honor Benevolent Association, against closing Kinney's Hall. Referred to the Mayor and Administrator of Police.

From (1) Hy. Raoul, relative to asphalt pavement on Wells street; (2) citizens of the Fifth District, for the better draining of the rear portion of said district; (3) D. M. Hollingsworth, to put up six improved waterwheels to be operated by steam, and (4) citizens, for the removal of the wharf at the foot of Jeanne street. Referred to the Administrator of Improvements.

From (1) Decan & Co., agents of Liverpool Steamship Line, for the use of the wharf at the foot of Calliope street for the steamers of their line, and (2) Crescent City Boat Club, for permission to build a boat house at post thirty-eight, Fourth street. To the Administrator of Commerce.

From (1) Widow J. B. Ballester, for an extension of time to pay city taxes; and (2) Johnson Armstrong, for the cancellation of a tax bill. Referred to the Administrator of Finance.

From citizens, for the erection of an oil lamp on Magnolia, between Thalia and Erato streets. Referred to the Administrator of Police.

From L. J. Dodge & Co., to furnish city with titles of city property and other information relative to ground rents. Referred to the Administrator of Public Accounts.

From J. M. Weymouth, to furnish the city with names of owners of property classed as "unknown" on city tax lists. Referred to the Administrator of Finance and Public Accounts.

A requisition from Assistant Recorder W. H. Holmes, for stationery, was referred to the Administrator of Police.

From five hundred citizens and property owners of the Second and Third Districts, relative to the condition of the wharves and levees in said districts. Read and received.

From Mrs. Myra Clark Gaines in relation to her claims. Referred to the Mayor and the Administrators of Finance and Public Accounts.

Remarks of Administrators.

Mr. McCaffrey—

In connection with my communication of last Tuesday, and in answer to the one just read from several of the Administrators, I would like to make an explanation.

With reference to the first part—ordinance No. 1307, approved January 16th, requiring the removal of sheds, buildings, etc., it is charged that buildings and fences have been permitted to remain without any reason being assigned therefor. I can designate now as to the buildings to which I referred. On that portion of the square between Wells and Delta, and fronting on Customhouse street, full one-half of the square is still occupied by the same character of tenements that were ordered to be removed by resolution passed last January. On the other half of the square the tenements fronting on Canal street were demolished, and brick buildings placed in their stead. Why the first mentioned buildings were not removed, of course I cannot explain.

The square between Wells street and the river also contains the same quality of buildings; and, further, there is a building situated immediately upon the street (Water street), occupied at present as a cabaret, formerly used as a city tool-house, together with an adjoining building between that and the Mobile railroad depot. Both are in a dilapidated condition and should be removed. I would also point out in the square between Customhouse, Crossman, Delta and Wells, a number of buildings entirely in contravention of the city ordinance, and some of which were constructed immediately after the passage of this ordinance last January. So much in verification of the assertions made in reference to that ordinance.

In the second place, reference is made to the building on Goodchildren street. When the subject was referred to the Administrator of Improvements, I made a thorough examination of the complaint and reported the result thereof to the Council. It was my opinion that the building was not a nuisance, as complained of, and the Council by their vote indorsed that opinion. If there is any analogy between this case and the non-enforcement of the ordinance requiring the removal of rookeries from the levee, I fail to see it.

Now, sir, as to the enforcement of the City Workhouse ordinance, I have simply to state that in voting for the confirmation of officers, as recommended by the Administrator of Police, I supposed that the subject had already been discussed in committee of the whole and been approved by the Mayor and others. I confess I did not give the matter the attention I should have done; otherwise I would have protested before the Council against such appointments, as I did in my communication. Why a superintendent and clerk are required for a vacant establishment, after its transfer to another department, has not been clearly shown. It is also a matter of dispute whether there is sufficient employment for a blacksmith, when it is considered that there are not more than eight horses now used for public purposes—four in the charity wagons, three for the Black Maria, and one for the fire alarm telegraph wagon—showing the cost for shoeing these horses to be $70 per month for labor alone, when it could be done at a much less rate by giving out the work.

Now, coming to the question as to the removal of the building at the head of Ursulines street, on the levee. The Council, by a vote, had already consented to the lease of that building. The Mayor vetoed the resolution, and the Council, respecting the opinion of the chief executive, believing that the ordinance was not reasonable, or that it should not be carried out, approved the veto, thereby setting aside their previous action. To my knowledge, no explanation has been given at any time by the Mayor to the Council, or to me as a member of the Council, why the building was not removed. If there has been any reason for its maintenance, notwithstanding the action of the Council, it has been confided to a few officers who are consulted upon such subjects and not to the Council.

Now, in relation to the ordinance authorizing the payment of bills for flour. It is well known that bills of this character are all bunched in an omnious ordinance once each month, the whole amounting to twelve or fifteen thousand dollars. Supposing that all the items had been properly audited by the Administrator of Accounts, I have always voted for the passage of such ordinances without scrutinizing them closely.

The communication of to-day claims that from time immemorial purchases of this kind were made in open market. This is a mistake, as under the aldermanic system contracts were regularly awarded for furnishing supplies of this kind to the city institutions. Under the bureau system, when the law requiring contracts was ignored and all the city's affairs were conducted by the respective departments, purchases were made by the Administrators. But on the 1st of June just past, the contract system was again renewed, and no department should have been permitted to ignore the ordinance.

I now come to the wharf question, which at present engages the attention of all classes of our people. The Administrators who signed the communication read to-day took the trouble to call upon the City Surveyor for a verification of their assertions that the wharf lessees are doing all in their power to fulfill their contract. I would like to append to that opinion of the City Surveyor one addressed by him to the Administrators of Commerce and Improvements, dated September 1, 1877, just ten days ago. Here it is:

SURVEYOR'S OFFICE, ROOM NO. 19, CITY HALL,
New Orleans, Sept. 1, 1877.

To the honorable Administrators of Improvements and Commerce:

Gentlemen—I have the honor herewith to transmit the report of Mr. Louis H. Pilie, Assistant Surveyor in charge, relating to the neglect on the part of the lessee of wharves to obey the instructions from this department. I would respectfully suggest that an appointment be made at your earliest convenience to consider this matter.

I remain, very respectfully,
J. A. D'HEMECOURT,
City Surveyor.

SURVEYOR'S OFFICE, ROOM NO. 19, CITY HALL,
New Orleans, —, 1877.

Jules A. d'Hemecourt, Esq., City Surveyor:

Sir—It becomes my duty to report that notwithstanding your notice of a few days ago, Mr. H. Ellerman, lessee of the wharves, has neither begun the repairs of the apron of the steamboat wharves of the Second District, nor the levee where a cave has occurred opposite Lesseps street.

From the little progress made during the week in the construction of the first wharf of the Third District, the lessee will require at least fifteen days per wharf. The number of wharves being fifteen, at that rate he will hardly complete the wharves of that district by the first of April, 1878.

I am therefore obliged to recommend that the penalties of the contract be at once imposed in order to have the wharves in the Second and Third Districts repaired in time for the wants of commerce. I remain, respectfully,

LOUIS H. PILIE,
Deputy City Surveyor.

My communication was made after the reception of this communication from the City Surveyor.

Mr. Cavanac—What is the date of that communication?

Mr. McCaffrey—September 1, 1877.

Mr. Cavanac—The communication to me bears a later date, September 10, which shows that since the communication of September 1 the lessees have employed a larger force of men, and are pushing the work.

Mr. McCaffrey—If since the publication of my protest of eight days ago the lessees have become more industrious and zealous in the performance of their contract, I am glad that my communication has at least obtained that much in the interest of the people.

Now, sir, ordinance No. 3421, adopted May, 1875, confers authority upon the City Surveyor and the Administrators of Commerce and Improvements to supervise the construction and repair of wharves. Leaving out the question whether that is in accordance with the city charter or not, but accepting the ordinance for argument sake, I would remark that the city surveyor is permitted to employ a representative to manage the interests of the city in the repairing and construction of the wharves, and the Administrator of Commerce is permitted to employ a superintendent of wharves and landings.

As far back as July or August, I cannot say which at this moment, I petitioned the Council by communication for permission to be represented in the management of the repairs of the wharves, as required of me by the city charter. The Council saw fit to defer action upon the communication on account of the absence of the Mayor at the time. As the season was advancing rapidly, when the wharves should be put in a condition to be prepared for the winter's business, and presuming that the Council would be interested by reason of the public importance of the matter, I took upon myself to commission Gen. Blanchard as my representative, and gave him his authority to that effect. If the Council saw fit to refuse compensation to that officer, well, that was their province; but why that officer's authority should be denied while holding his commission or authority from an Administrator of the city, with the right to exercise such powers by the charter, as well as by ordinance, has not been explained. Admitting, for argument sake that the employes of the city must be appointed by the Council, it is the first time in the history of city affairs when an Administrator was not recognized in his written authority. In this instance it is not denied that mine was.

I, therefore, leave the whole subject with these explanations to go upon the record, and let an "intelligent public" judge whether the Council has by its proceedings exceeded its authority, or whether the Administrator of Improvements, in his individuality, or a single Administrator, has gone beyond the bounds of reason in making an honorable protest.

The Council then adjourned.

THOS. G. RAPIER, Secretary.

H. W. JOHNS' PATENT
ASBESTOS
MATERIALS.

CALEB A. PARKER & CO.,

10 .... Union street 10

NEW ORLEANS, LOUISIANA.

GENERAL AGENTS FOR

Alabama, Georgia, Tennessee, Louisiana, Mississippi and Texas,

FOR

H. W. JOHNS

Manufacturer of

ASBESTOS MATERIALS.

Asbestos Paints in white and all known tints; colors mixed ready for use, unequalled in the market for durability and beauty.

ASBESTOS ROOFING,

Unequalled for durability; no retention of water on the roof, equal to Slate on that account.

Asbestos Roof Paint, Asbestos Fire Proof Coating, Asbestos Steam Packing, Steam Pipe and Boiler Coverings.

TESTIMONIALS:

NEW ORLEANS, October 4, 1876.

Having made use of the Asbestos Paint manufactured by H. W. Johns, of New York, and forwarded to me by C. A. Parker, Esq., 10 Union street, New Orleans, to be tested, I take pleasure in saying I have found them to be in every respect as represented. I can confidently recommend them to builders, owners of real estate and ship captains as being much superior, in my opinion, to any mixed paints in this or any other country, and in fact, beyond comparison with any (lead) in this market.

THOMAS D. CAREY,
Chemist and Painter, Washington and Magnolia streets, New Orleans.

NEW ORLEANS, April 20, 1877.

Caleb A. Parker & Co.:

Sirs—Having used H. W. Johns' Asbestos Paints and Roofing, I consider them the best have ever used. Respectfully yours,

R. SINNOTT,
Captain of Steamboat New Bart Able.

REFERENCE—Messrs. H. Dudley Coleman & Brother, 12 Union street, New Orleans.
Send Circular and Price List. jy15

EQUAL TO THE BEST.

Marais Street Steam Brewery,

86 .... Marais street 86

Between Conti and St. Louis.

H. F. STURCKEN, Proprietor,
jy10 6m NEW ORLEANS.