

CITY COUNCIL--OFFICIAL.

REGULAR MEETING.

CITY HALL, NEW ORLEANS, Wednesday, December 26, 1877.

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

Present: Hon. Ed. Filibury, Mayor, presiding; and Administrators Cavano, Denis, Diamond and Hengstler.

On motion of Mr. Cavano the sale of the markets for January, 1878, was proceeded with.

The sale of the markets having been completed, the Council resumed with the following members present:

Hon. Ed. Filibury, Mayor; and Administrators Brown, Cavano, Denis, Diamond, McCaffrey and Hengstler.

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

Financial Business on Final Passage.

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

1. An ordinance providing for the payment of the several accounts therein named, beginning with C. A. Shepard & Co., and amounting to \$410 89.

2. An ordinance in favor of Jas. J. O'Hara and John Page, amounting to \$299.

3. An ordinance providing for the payment of the accounts therein named, beginning "Chandler & Ashby," and amounting to \$1021 21.

Reports of Committees.

The following report was read:

CITY HALL, NEW ORLEANS, December 26, 1877.

To the City Council of New Orleans, we refer the petition of the citizens in the rear of the city, asking for an extension of the fire alarm telegraph to Broad street on Canal, beg leave to report favorably, and recommend the adoption of the accompanying resolution.

ROBT. E. DIAMOND, Administrator of Police.

CHAS. CAVANO, Administrator of Finance.

JAMES D. EDWARDS, Administrator of Waterworks and Public Buildings.

The following report was read and adopted:

CITY HALL, New Orleans, December 26, 1877.

To the Honorable Mayor and Administrators: Upon the petition of citizens residing in the vicinity of St. Mary's Market, asking for the opening of certain streets in that locality, leading to the river,

We, your committee, have the honor to report that, in the year 1876, a similar petition was received by the City Council, and that the necessary steps having been taken to open the streets, the New Orleans, St. Louis and Chicago Railroad Company and a large number of cotton planters and commission merchants addressed counter petitions against the opening of the streets, and a compromise was effected, by which the parties interested having failed, suit was instituted by the city to enforce the opening of said streets; the city was enjoined from proceeding in the matter, and in the course of time the suit was transferred to the United States Circuit Court, where it now lies. Your committee are informed by the City Attorney that he hopes to bring the case to trial at an early day, but that meanwhile the city can take no further steps in the matter.

CHAS. CAVANO, Administrator of Finance.

ROBT. E. DIAMOND, Administrator of Police.

JNO. McCAFFEY, Administrator of Improvements.

The following report was read and adopted:

DEPARTMENT OF COMMERCE, City Hall, New Orleans, December 26, 1877.

To the Honorable Mayor and Administrators: I have the honor to report that the following mentioned bids for the collection of the revenues of the public markets for the month of January, 1878, were received, and I recommend their acceptance, viz:

Fruit and Vegetable... \$3,500

Fresh Meat... 2,510

Poultry and Pigeons... 2,000

Trawls... 1,700

Washington and Fort J. Booth... 210

St. Bernard... 770

Le Breton... 520

Magazine... 1,865

Jefferson City... 145

Hoparura... 185

First Street... 595

Algiers... 350

Dryades... 1,780

Total... \$16,648

Resolved, That the above mentioned bids be and the same are hereby accepted.

CHAS. CAVANO, Administrator of Commerce.

Ordinances and Resolutions Offered.

By Mr. Diamond and adopted: Resolution authorizing the Administrator of Police to extend the wires of the fire alarm telegraph to Broad street on Canal, and to establish alarm boxes.

By Mr. Brown: 1. Resolution transferring unexpended balance of appropriation in the budget of 1877 to such items in said budget as require to be increased to cover expenditure. Adopted.

2. An ordinance adopting an estimate of receipts or revenues of the city of New Orleans for the year 1878.

Be it ordained by the Council of the city of New Orleans, That the following estimate of the receipts or revenues of the city of New Orleans for the year 1878, be and the same is hereby adopted:

Tax one and one-half per cent on the valuation of real estate and personal property, as per assessment rolls on a total of \$111,123,095... \$1,666,856

Licenses... 300,000

Loss for Louisiana National Bank... \$250,000

Waterworks and landings... 150,000

Bills receivable... 10,500

Fines and fees... 30,000

City railroads... 5,000

Ground rents... 5,000

Found fees... 1,000

Sugar fines... 5,000

From State of Louisiana: Claims for repairing levees and cash advanced... 155,000

Miscellaneous... 75,000

Total... \$2,587,355

Reduced 10 per cent, as per act No. 68, approved April 14, 1877... 259,735

Total... \$2,327,620

Adopted unanimously, the yeas and nays having been called.

By Mr. Brown and read twice: 1. An ordinance providing for the payment of the several accounts therein named for December, 1877, beginning "Peter Markov," and amounting to \$1,821 91.

2. An ordinance providing for the payment of the several pay rolls therein named for December, 1877, beginning "officers, clerks and employes in the Department of Finance," amounting to \$18,735 96.

3. An ordinance providing for the payment of the several pay rolls therein named for December, 1877, beginning "street wages," and amounting to \$5257 80.

4. Resolution appropriating \$26,035 48 to pay the Crescent City Police for December, 1877.

5. An ordinance making appropriations for charitable institutions for December, 1877, amounting to \$4314 68.

6. An ordinance providing for the payment of

the several accounts therein named for December, 1877, beginning "Firemen's Charitable Association," etc., amounting to \$14,893 82.

8. An ordinance providing for the payment of the several accounts therein named for December, 1877, beginning "New Orleans Gaslight Company," amounting to \$15,233 04.

9. An ordinance providing for the payment of accounts therein named for December, 1877, beginning "T. Fitzwilliam & Co.," and amounting to \$740 80.

Mr. Brown offered the following, which was read twice and laid over: An ordinance adopting an estimate of expenditures of the city of New Orleans for the year 1878.

Be it ordained by the Council of the City of New Orleans, That the following estimate of expenditures (including police and schools) for the year 1878, be and is hereby adopted:

Department of Improvements: Contracts for draining, cleaning, etc., \$192,000

Drainage, gas, water, etc., 75,000

Surveyor's Department... \$267,000

Salaries and office expenses... 20,000

Department of Police: Administrator's office, salaries and expenses... 4,500

Public squares, salaries and rents... 5,000

Public pounds, salaries and rents... 5,100

Workhouse building, salaries, forage, etc... 5,000

Boys' Home, salaries, salaries, provisions, etc... 18,500

Cost of removal sick and dead Public cemeteries, repairs, etc... 1,500

Department of Commerce: Administrator's office, salaries and expenses, wharves and markets... 26,500

Canals and bridges, salaries and expenses... 7,000

Department of Waterworks and Public Buildings: Administrator's office, salaries and expenses... 3,000

Waterworks, pipes, machinery, etc... 20,000

Waterworks, salaries and wages... 36,000

House rents, salaries and wages... 6,000

Public buildings (not enumerated), repairs, etc... 10,000

House Asylum, salaries and provisions... 18,000

Income tax, salaries and provisions... 4,500

Public sinks, contracts... 3,000

City Hall building, repairs, etc... 6,000

Support of small pay stations, including salaries of physician... 6,500

Salaries and office expenses... 119,000

Department of Finance: Salaries and office expenses... 22,000

Department of Public Accounts: Salaries and office expenses... 15,000

Department of Assessments: Salaries and office expenses... 18,000

Mayor's Stationery: Salaries and stationery... 4,500

Mayor's Office: Salaries and expenses... 5,000

City Hall Building: City Hall building, repairs, etc... 6,000

City Council: Salaries and stationery... 3,000

City Attorney's Department: Salaries and office expenses... 11,400

Printing and cost of tax bills, registers, etc... 12,000

Mayor and Administrators... 49,000

Lighting City: Contract with New Orleans and Jefferson City Gaslight Companies... \$121,000

Contract for lighting with oil... 22,000

Fire Department: Firemen's Charitable Association for city... \$140,000

Firemen's Charitable Association, Fifth District... 12,000

Firemen's Charitable Association, Sixth District... 18,000

Firemen's Charitable Association, Seventh District... 8,000

Board of Underwriters for Babcock machines... 6,000

Board of Health: Salaries sanitary inspectors... \$5,000

Sanitary police... 1,600

Disinfectants, etc... 9,000

Criminal Justice: Superior Criminal Court... \$9,000

First District Court... 5,500

Criminal Justice, Parish Prison and courts... 75,000

District Attorney, salary... 7,000

Jury Commissioners' salaries... 1,200

Recorders and Justices of the Peace courts and constables... 30,000

Black Maria... 1,500

Houses of courts and police stations... 7,900

Miscellaneous: Support of orphans... \$39,500

Law charges... 20,000

Coroners' salaries, etc... 13,000

Collecting deaths... 1,000

Judgments... 20,000

Interest and redemption... 500,500

City Park... 82,000

Police Department... 325,000

Public schools... 225,000

Total... 2,339,004

Contingent... 2,616

Grand total... \$2,339,620

By Mr. Denis, and adopted: Resolved, That the Administrator of Finance be and is hereby authorized to offer to prompt payers of licenses the following discount: Twenty per cent for first week in January. Fifteen per cent for second week in January. Ten per cent for third week in January. Five per cent for fourth week in January. Three per cent during the month of February.

By Mr. Cavano, read twice and laid over: Ordinance for the government of the markets of the city of New Orleans, for the year 1878, and providing for the sale of the revenues thereof.

SECTION 1. Be it ordained by the Council of the city of New Orleans, That after five days' notice in the official journal, the Administrator of Commerce shall sell at public auction, or adjudge on sealed proposals at his office the revenues of the public markets for such time and on such terms and conditions as the Council may prescribe, the city reserving the right to reject any or all bids.

Sec. 2. That the purchaser or lessee of such revenues shall not be entitled to collect other dues than those hereinafter mentioned, and the occupants of the stalls and stands of the several markets, are hereby required to pay for said stalls, stands and privileges, at the following rates: For butchers' stalls, including block, forty-five cents per day, and for each corner table additional sum of five cents. The dimensions of the butchers' stalls shall be three by eight feet, or as near that measurement as the plan and construction of the market will permit.

For fish, crabs and vegetable stalls, three by four feet, forty and a half cents per day. For fruit and all other stands not specified herein, upon any day, one and one-half cents per foot for each and every superficial foot of space occupied.

For coffee and chocolate stands, three by eight feet, thirty-five cents per day, and one and one-half cents per day for every additional foot, and one cent for each corner table. The duty of the City Surveyor to designate which are corner tables. All occupants of stalls and stands are required to return the same to the lessee in as good condition as when received, and the lessee of markets are required to return the stalls, stands and fixtures of the markets to the city in as good condition as when received from the city.

Sec. 3. That all kinds of meat, fowl, game, fish, vegetables and all other articles of human food, shall be sold at the public markets, and no fresh meat of any kind shall be sold in the Vegetable Market of the same district.

Sec. 4. That each and every person occupying

a stall or stand in any market in this city shall have their name painted on a tin sign, in a plain and legible manner, and shall place the same in a conspicuous place over the stall or stand occupied, and shall be liable to a fine of ten dollars.

Sec. 5. That the markets of this city shall be open at the dawn of day, and shall close at 12 o'clock m., all the year round.

It is not intended that this section shall apply to persons occupying coffee or fruit stands, or prevent any butcher from supplying ships, steamboats, railroads and other public conveyances on the eve of departure from the city, provided the meat so supplied be not less in quantity than a quarter.

Sec. 6. That during the half hour immediately after the closing of the markets, the occupants of stalls and stands are required to scrape, wash and clean the same, so as to keep them in the highest state of cleanliness.

Sec. 7. No person or persons shall be permitted to occupy or control, either directly or indirectly, more than two meat stalls or stands in any one market; and when any stall or stand shall be abandoned, or when the occupant thereof shall be absent, the lessee of the market shall hold the same as abandoned, and subject to the demand of any other applicant; provided, however, that the stall or stand shall not be leased to any other than an occupant of the same.

Sec. 8. That it shall be the duty of the lessee of the several markets to keep an exact register of the persons to whom they let stalls or stands, and to give certificates to the occupants thereof.

Sec. 9. That no person shall be permitted to convey supplies to any public market in this city for sale by any person or persons occupying a stall or stand in said markets, shall pay for each and every load twenty-five cents. All butchers and all other persons who are allowed to occupy stalls and stands in any of the public markets, and used in conveying supplies to such stalls or stands, shall be exempt from this tax. No cart or wagon shall remain at any stall or stand in any of the public markets between midnight and 5 o'clock a. m., and between the hours of 2 and 6 o'clock, p. m.

Sec. 10. That all persons are forbidden to stand, or lie on any of the stalls or stands of the public markets.

Sec. 11. No person shall expose, sell or offer for sale in any public market of this city any unwholesome meat, or the flesh of any animal which is sick, wounded, overheated, or run down by dog bites, or any other cause, or the same was slaughtered, or which died from disease, accident, casualty, or other means than the usual manner of slaughtering animals for food; nor shall any person sell, or expose or offer for sale in any of the public markets, any putrid, rancid, brown or unsound meat, fish, eggs, poultry, or any unwholesome or adulterated article of food; nor shall any person sell, or expose or offer for sale the flesh of any dog, cat or other animal, or the skin of any animal, or any lamb which was slaughtered under the age of four weeks.

Sec. 12. That no salt or corned beef or pork shall be exhibited or offered for sale on any stall or stand in any of the public markets, or six inches long, sixteen inches wide and six inches deep. The occupants of stalls may also keep a light box or cask, of no longer dimensions than a butcher's block, for keeping such meat in.

Sec. 13. That no fruit or vegetables shall be washed in any of said markets between noon and midnight.

Sec. 14. That no oysters shall be sold in any of the public markets of the city.

Sec. 15. That it shall not be lawful to light or keep any fire in any public market, except the fire of a gas stove, or a fire for the purpose of heating or cooking chocolate, tea, milk, coffee, and such other articles of food as are permitted to be sold under market conditions.

Sec. 16. That the lessee of the said public markets shall cause the markets and the sidewalks bordering the same to be swept daily, and shall cause the same to be well washed three times every week, and shall cause the ceilings, walls and floors of the markets to be swept or brushed during the first week of the months of March, June, September and December, and shall also cause the entire ceilings of the said markets or market houses, including the awnings, to be washed by the occupants of stalls and stands, or by some other person, to be well whitewashed, once every year, in the month of May, at their own expense, and for each and every day's delinquency in the performance of the duties herein imposed, the lessee so delinquent shall, upon conviction thereof by the police justice of the district in which such delinquency occurs, be sentenced to pay the penal sum of five dollars.

Sec. 17. That the lessee of the said several markets shall be entitled to collect and receive daily from the occupants of stalls and stands such dues or revenues as are specified and provided for in this ordinance, and no more nor other; and in default of payment of such dues or revenues, the lessee shall be authorized to seize and remove the stalls and stands, and in any public market, the lessee of such market shall have the right to take immediate possession of such stall or stand; and the occupant of such stall or stand shall refuse to deliver possession of the same, shall, upon conviction before the police justice of the district, be sentenced to pay a fine of one dollar, in addition to the rates fixed, for every day that he may retain possession of said stall or stand without paying for the same.

Sec. 18. That it shall be unlawful to sell or offer any intoxicating liquors in any public market.

Sec. 19. That no peddler shall be allowed to traverse any of the public markets offering any kind of goods for sale.

Sec. 20. That no erection or structure shall be made in any public market, nor any alteration to any stall or stand, not in accordance with the plan of the market, and the Administrator of the City Surveyor, except by approval of the Administrator of Commerce; and all existing structures contrary to such plans shall be removed.

Sec. 21. That the lessee of the said several markets shall furnish a sufficient number of barrels or tubs to contain the daily offal from the stalls and stands in the said markets; and all occupants of stalls and stands are required to throw such offal into the barrels or tubs furnished. And that the contractor for cleaning the streets of their district shall cause the same to be disposed of, as in the case of other daily offal, by 2 o'clock p. m. No offal or refuse from any meat, fish or vegetable stall or stand shall be thrown on the floor of the market, or into the gutters or streets, under a penalty of five dollars for each offense, to be inflicted by the Police Justice of the district, after arrest and conviction.

Sec. 22. That no scales, weights or measures shall be used in any of said public markets, unless the same are proved and stamped in accordance with law.

Sec. 23. That only fruit, poultry and eggs, and such other articles of food as are allowed to be sold in the Fruit Market in the Second District.

This section shall not apply, however, to the sale of other articles on the written permission of the Administrator of Commerce.

Sec. 24. That the lessee of the Vegetable Market in the Second District is hereby authorized to collect and receive from the person or persons in charge of any lugger, pirogue or other small craft who shall sell from such craft during market hours, a tax of five cents for each article to be sold in said market, at the landing between the lower line of St. Ann street and the upper line of Esplanade street, one dollar per day.

Sec. 25. That all warrens or carts attending any market shall be under the control of the Administrator of Commerce, and shall be subject to the same regulations as to the use of the same as are provided for in the regulations of the Administrator of Commerce, and shall be subject to the same regulations as to the use of the same as are provided for in the regulations of the Administrator of Commerce.

Sec. 26. That no box, barrel or other vessel not used for the purpose of conveying supplies to the market, shall be allowed to remain in said markets.

Sec. 27. That all new tops of stalls shall be furnished by and at the expense of occupants of stalls.

Sec. 28. That it shall not be lawful for any butcher or vendor of fresh meat in any public market in this city, to bring any fresh meat into

any of said markets before the hour of 2 o'clock a. m., nor to leave any fresh meat in any of said markets after the closing of such markets, on any day between the first of May and the first of October.

Sec. 29. That it shall be the duty of the Administrator of Commerce to cause to be posted up in each of the several markets in this city, six copies of this ordinance—two in English, two in German and two in French.

Sec. 30. That any person who shall be found guilty before the police justice of the district in which the offense is committed, of any violation or evasion of any of the provisions of this ordinance, shall be fined not less than ten nor more than fifty dollars, and shall pay the costs of prosecution.

Sec. 31. That it is hereby made the duty of all market inspectors to see that all the provisions of this ordinance are strictly observed and enforced, and to make affidavit before the proper courts of any violation of the same.

Sec. 32. That the Bazaar Market in the Second District, being created under a special ordinance, and leased for a term of years, is exempted from the general provisions of this ordinance.

Sec. 33. That it shall be unlawful for any person or persons to occupy any portion of the sidewalk or street in front of any of the public markets of the city by depositing thereon for sale or other purpose, any article whatsoever calculated to obstruct the free passage thereon by pedestrians, or to erect, or to continue, if already erected, any awning, shed, bench or partition; or to erect, or to continue, if already erected, within the public markets, any awning, shelf or partition, under a penalty of \$5 for each day the nuisance so created shall continue.

Sec. 34. Be it further ordained, That all ordinances, resolutions, or parts of ordinances or resolutions, contrary to or in any wise conflicting with the provisions of this ordinance, be and the same are hereby repealed.

Communications and Petitions.

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

To the Honorable the Mayor and Administrators of the City of New Orleans, composing the Council of the city, and to said city, through Ed. Filibury, its Mayor:

Gentlemen—Representing, as we do, holders for about a million and a half of the bonds of the city of New Orleans, known as the consolidated city bonds of 1852, and all the matured and unmatured bonds of the same issue, we beg to say:

We respectfully invite the attention of your honorable body to section 37 of the consolidation act of 1852, (Session acts: p. 53) and to section 5 of the supplemental act of 1853, (Session acts: p. 55) which, among other matters, provide:

That the Council shall, annually, in the month of January, pass an ordinance to raise the sum of six hundred and fifty thousand dollars by a special tax on the property of the city, to be levied on the first of January, in each year, shall be null and void, unless the ordinance imposing the said special tax shall have been previously passed.

In connection with this subject, we submit to your consideration that the Supreme Court of the United States has decided, in the case of Van Hoffman vs. City of Quincy, of a divided authority, (see 4 Wallace Report, p. 635) that:

Where a statute has authorized a municipal corporation to issue bonds and to exercise the power of local taxation, in order to pay them, and the corporation has bought and paid value