

To B. Geraghty, for one hundred barrels of oyster shells, ten dollars.

To the St. Mary's Market Steam Ferry Co. for towing wrecks, &c. into the stream, forty two dollars and twenty cents.

To John Wolfe, for repairing Fire Engine No. 6, seventy five dollars.

To S. G. Sears, for three hundred and twenty five barrels of oyster shells, thirty two dollars and fifty cents.

To M. Wershar, for ten barrels of oyster shells, one dollar.

To Cornelius White, for painting, twenty seven dollars and thirty seven cents.

Resolved, That a note at ninety days for seventeen hundred and eighty two dollars and fifty nine cents be issued to G. G. Kirke, for bridge bars and other work furnished by order of the Surveyor.

Resolved, That a note of this municipality at four months, for nineteen hundred and forty eight dollars and seventy one cents, be issued to the Orleans Navigation Company for tolls on timber rafted through the canal.

Resolved, That from and after this date the reimbursement to individuals for one third of the cost of banquettes, laid by them in front of their property, may be paid by this municipality in notes at fifteen months, being the average time allowed to individuals for reimbursement of paving done by the municipality.

The ayes and nays being ordered in the passage of this resolution, stood as follows: ayes, Messrs. Caldwell, Peters, Whitney and Yorke; nays, Messrs. Freret, Hall, Rogers and Sewell—four ayes and four nays. There being a tie the Recorder gave his casting vote in the affirmative, so the resolution was adopted.

The chairman of the Committee on Finance also reported the following ordinance, and the rules having been dispensed with it was taken up, and being read over section by section was adopted as follows:

[See first page for Ordinance.]

Mr. Caldwell, chairman of the Committee on Streets and Landings then submitted the following report:

Your Committee beg leave to report upon the petition referred to them of sundry property holders on the line of way of the Carrollton Railroad and Banking Company, that an ordinance of the city of New Orleans, approved 15th March, 1833, gave to the said Carrollton Railroad and Banking Company the right to place one single rail track from the lower limits of the Nun's plantation down Naiades street, across Tivoli Circle, down Triton and Baronne streets to the point where the last street meets with Canal street; which, if at any time said track shall be considered a nuisance, the following is the section of an ordinance, granting the aforesaid power to the Carrollton Railroad Company, providing for the removal thereof:

"Be it further resolved, That if at any time hereafter, the majority of the inhabitants and property holders, through which it passes, shall complain thereof as a nuisance, (the Company having received thirty days notice of said complaint,) the Mayor of the city shall cause said railroad track to be removed, and the street put in the same order as it was before; and should the company refuse or neglect to do so, the Mayor shall cause it to be done at the expense of the said Company."

Your committee begs leave to say that the signatures to the petition do not form a majority of the inhabitants and property holders, required by law to remove said considered nuisance, and therefore beg leave to offer the following resolution:

Resolved, That the petition of sundry inhabitants and property holders, asking this Council to cause to be removed the railway of the Carrollton Railroad and Banking Company on Baronne street, from Canal street to Zimple's station, is not sufficient for this Council's action.

Be it further resolved, That this Council can take no cognizance of any desire to remove said railway, until the requisite number of inhabitants and property holders, on the line of said railroad, shall have petitioned for a removal of said road according to law.

JAMES H. CALDWELL, Ch'n,
SAM'L J. PETERS,
EDW. W. SEWELL.

The report and resolutions were then on motion adopted.

The Council then adjourned until Tuesday next, April 7th, at 5 o'clock, P. M.

PERSIFOR F. SMITH, Sec'y.

THE SECOND MUNICIPALITY

TUESDAY, March 31, 1840.

The Council met pursuant to adjournment.

Present, the Hon. Joshua Baldwin, Recorder, Aldermen Caldwell, Freret, Hall, Lockett, Peters, Rogers, Sewell, Whitney and Yorke.

The minutes of the meetings of the 17th, 24th and 25th instant were read and approved.

The Recorder communicated a petition and citation served on him from the Commercial Court in the case of John Gibson vs. Municipality No. 2; which were referred, on motion, to the Attorney of the Council; also a writ of injunction from the Parish Court, in the suit of J. P. Benjamin vs. L. R. Gaiennie and Municipality No. 2, which was, on motion, directed to be handed to the Treasurer.

The Treasurer's accounts for the two preceding weeks were then read, as follows:

SECOND MUNICIPALITY.

Weekly Report of the Treasurer.

By balance last report,	\$8,100 64
Amount received since,	60,657 97
	\$68,758 61
Disbursed this week,	59,002 98
	\$9,755 63

THOS. SLOO, Jr., Treasurer.

New Orleans, 24th March, 1840.

SECOND MUNICIPALITY.

Weekly Report of the Treasurer.

By balance last report,	\$9,755 63
Amount received since,	54,398 75
	\$64,154 38
Disbursed this week,	52,739 50
	\$11,414 88

THOS. SLOO, Jr., Treasurer.

New Orleans, March 31st, 1840.

The following letter from the counsel in the case of Municipality No. 2 vs Duncan N. Hennen, enclosing the opinion and judgment of the Supreme Court in the case, was read and ordered to be inscribed on the minutes:

NEW ORLEANS, March 31st, 1840.

GENTLEMEN:—We enclose you a copy of the judgment of the Supreme Court, rendered yesterday, in the suit of Municipality No. Two vs. D. N. Hennen. Although by the decision of the Court, you will perceive that the Municipality has been non-suited in the present action, the decision is, in its main features, highly favorable to the Municipality, and such as to afford well founded expectations of eventual success in asserting the rights of the corporation against Mr. Hennen. We understand the decision as settling the following points:

1st. That the Corporation, in making the contract with Messrs. Freret & Debuy, were acting within the legitimate scope of their powers, and that none of the objections to its legality, urged by the able counsel of Mr. Hennen, are tenable. The importance of this point will be obvious, when you consider that it at once shuts the door against the numerous law-suits that would have been instituted against the Municipality, by the purchasers at the Freret & Debuy's sale in 1837, if a contrary decision had been made.

2d. That although the Municipality cannot recover in this suit against Mr. Hennen, "because it had no right, as the Court declares, to bid in the property at the second and third sales," yet nothing prevents the Municipality from urging its claims against Mr. Hennen in another form of action, for which the present decision, instead of being an obstacle, will form a basis.

We have deemed it our duty to submit this communication to you, through apprehension that the decision might be misconstrued into a final judgment against the Municipality, instead of being what it actually is, a judgment that it cannot claim under the *folle enchère*, but leaving its other rights unimpaired.

We remain, very respectfully, &c.,

RICHARD M. CARTER,

J. P. BENJAMIN.

To the Recorder and Members of the Council of the Second Municipality.

Whereupon Mr. Peters offered the following resolutions, and the rules having been dispensed with, they were taken up and passed:

Resolved, That the Council approves of the exertions made by their attorneys, R. M. Carter and J. P. Benjamin, Esqs., in prosecuting the claims of Municipality No. Two against Duncan N. Hennen.

Resolved, That the said attorneys are hereby authorized to institute suit, or adopt such other proceedings as they may judge legal and expedient, to cause to be finally determined the rights which this municipality has against the said Hennen, growing out of the purchase of lots made by him at auction on the first day of February, 1837.

A report from the Commissary of the Poydras Market, on the necessity of an additional water-plug for cleansing said market, was read and referred to the Committee on Streets and Landings.

A letter from the persons appointed to take the census of voters, was read and referred to the Committee on Finance.

A petition from residents of the first ward, for the removal of certain lewd and disorderly persons, was read and referred to the Committee on Police.

A petition from R. McNair for the renewal of certain notes, was read and referred to the Committee on Finance, with power to act thereon.

A letter from Paul Morton offering to furnish morus multicaulis trees to plant in public places, was read and referred to the Committee on Streets and Landings.

A petition from Thomas J. Spear was read, whereupon Mr. Peters offered the following resolution, and the rules having been dispensed with it was taken up and passed:

Resolved, That the same privilege be granted to T. J. Spear, auctioneer, to sell on the vacant ground in the centre of Canal street, between Magazine street and the Lavee, as has been granted to Messrs. J. B. Blache and J. A. Beard, and on the same conditions.

A letter from E. Johns & Co. with a prospectus of a Digest of the Laws of Louisiana, was on motion laid upon the table.

A complaint of E. Crocker against the wharfinger was read and referred to the Committee on Streets and Landings.

Mr. Peters, chairman of the Committee on Finance, reported the following resolutions, which, the rules having been dispensed with, were severally taken up and adopted:

Resolved, That the Treasurer pay the following sums on the warrant of the Mayor, viz:

To Jean Lasse, for seven hundred and thirty barrels of oyster shells, seventy three dollars.

To Andre Rosello, for one thousand and forty five barrels of oyster shells, one hundred and four dollars and fifty cents.

To Joseph Canabal, for nine hundred and twenty one barrels of oyster shells, ninety two dollars and ten cents.