

REPORT
OF THE
Committee to Investigate

THE AFFAIRS OF THE

New Orleans Park Commissioners.

NEW ORLEANS :

PRINTED AT THE REPUBLICAN OFFICE, 94 CAMP STREET.

1873.

(STEREOTYPE EDITION.)

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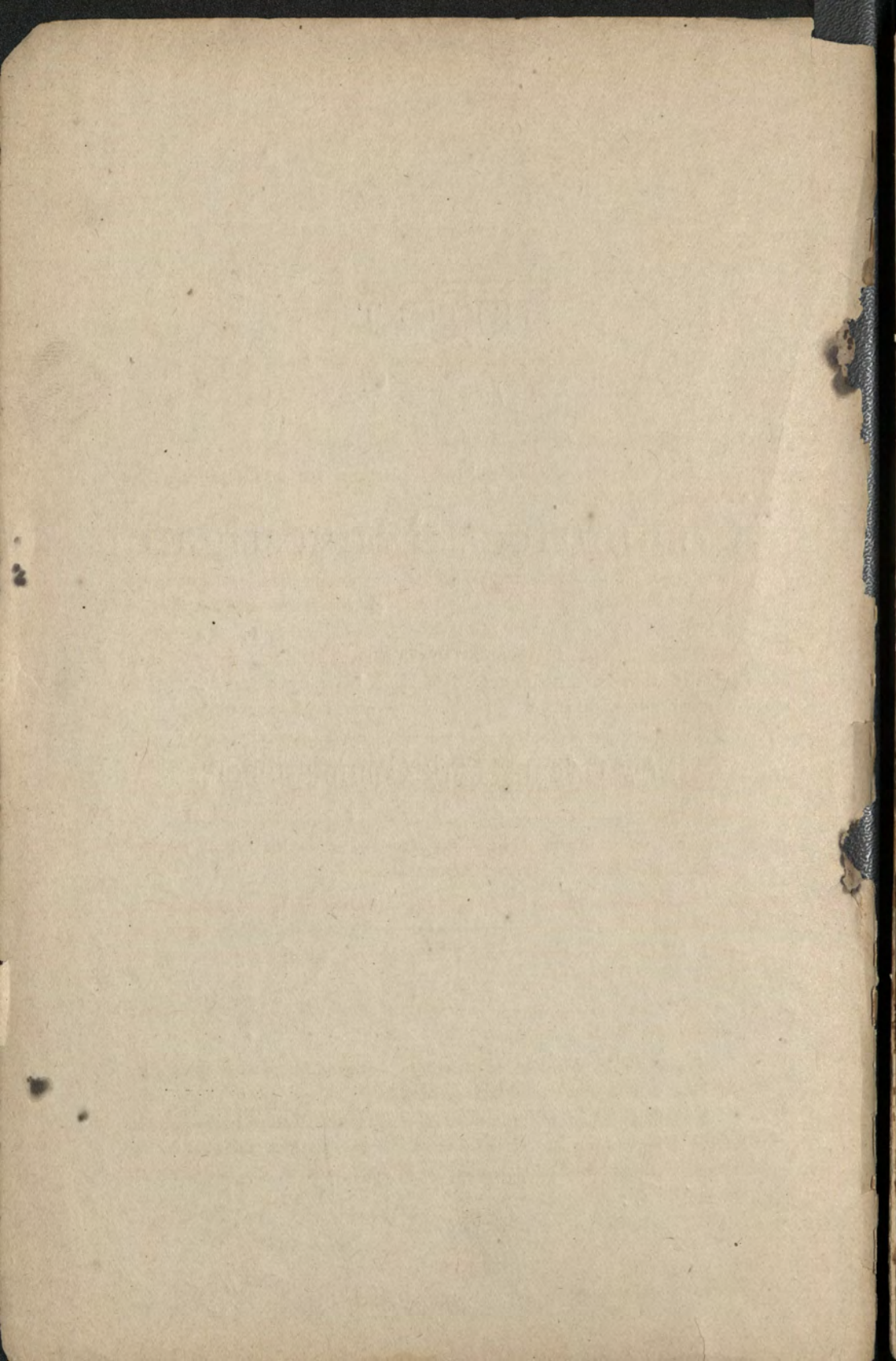


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REPORT.

HOUSE OF REPRESENTATIVES OF LOUISIANA,

February—, 1873.

To the honorable Speaker and Members of the House of Representatives.

Your committee appointed to investigate the affairs of the New Orleans Park, respectfully report :

That they entered upon their duties with no conception of the difficulty and intricacy with which they have since found the subject to be enveloped. The records and documents to be examined were numerous, and as remarkable, perhaps, for what they do not tell as for what they do.

The origin of the New Orleans Park was in the setting apart of the McDonogh and other property along the Metairie Ridge, from the vicinity of the Carondelet to that of the New Canal, which was done by the City Council, and some fencing and a few improvements were provided.

The resources of the city, however, were inadequate to pay for a proper construction of the Park out of the general funds of the city. Accordingly in 1870 the General Assembly passed Act No. 83, with the following leading features :

First—A tax of one-eighth of one per cent. per annum on all property in the city of New Orleans for ten years

Second—Its administration by five commissioners to be appointed by the Governor. These commissioners to be without pay except three hundred dollars per annum each for expenses of visiting and inspecting the Park.

Third—A power to purchase or expropriate some additional property, between the Metairie Ridge and the lake.

Fourth—The power to mortgage for construction, and to issue eight per cent. bonds secured by such mortgage.

A faithful execution of a law which gives to the Executive the singular power of appointing the commissioners of a tax strictly local would incline him to a prompt but careful selection of such men as the law evidently intended.

The tax was immediately levied and collections commenced, but no steps were taken by the Governor to execute the law for more than a year.

J. R. West, the future President of the Park Commission, was then the leading member of the city administration and the head of the chief department of expenditure, that of Improvements. The financial and political expansions of that department pending the State and city canvass of 1870, are remembered generally by the citizens of New Orleans for an accumulation of debt and the expenditure of all available cash in the city coffers. The law required the Park tax to be deposited in a bank to be selected by the Park Commissioners. There being no such commissioners and no bank assigned, and consequently no provision of law operating to enforce a separation of the funds in the city treasury, the taxes became subject like moneys in common to general appropriations, which being paid first come first served, the deficit usually falls upon the last vigilant.

There was neglect in this, if not design, and we would fail in the duty of a committee not to point out the salient facts.

Had Governor Warmoth made the appointments according to law, the moneys could have been expended on the Park; as it was, the matter was reserved to be settled in 7-30 certificates and other city paper, to be sunk in the carrying out of a scheme of future purchase.

We shall proceed step by step with the analysis of all public or documentary matters connected with the Park, and if the examination shall show that the authorities invested with its control have been faithful guardians of the public interest, no censure will attach. But if the facts, when all developed, are consistent with no other explanation than a long and patiently concocted design to speculate upon the public means, to delay the organization of the Park Commission and the purchase of Park property till the preliminaries were all secured to effect it at exorbitant rates, it is the misfortune of those who shall be found culpable if they do not bear a more favorable interpretation.

On the first of February, 1871, Robert Bloomer addresses a letter to Girardey & Co., auctioneers, inclosing \$2500 earnest money, and offering to purchase sundry tracts lying between the lower line of Greenville and the upper line of Burtheville, and extending from the Mississippi river to the rear of the Sixth District. One part of these united tracts lies to the left (ascending) of the St. Charles avenue, and from that to the river, since generally denominated the New or Upper Park, to distinguish it from the Old or Lower Park before described.

Another and very important portion of the proposed purchase lies to the right of St. Charles avenue, containing, say two hundred and thirty arpents, against three hundred and twenty in the Upper Park property.

Bloomer offers to purchase as soon as the titles can be obtained from the parties in France, represented by A. Rochereau & Co., in this city. The price, which appears to have been fully agreed upon, is to be \$600,000, \$60,000 of which is to be paid in cash; and there are to be ten annual payments of \$54,000 each, bearing seven per cent. interest. Girardey & Co. at once accept in writing, and this offer and acceptance are made matters of record in the office of Conveyance, book 98, folio 373, February 2, 1871.

On the same day, February 1, 1873, Bloomer makes a private written declaration, subsequently made of record in the Conveyance office, book 99, folio 369, February 16, declaring that he is only interested in the matter to the extent of one-sixth, and that five-sixths of the transaction are for account of M. A. Southworth.

Meanwhile two bills are before the Legislature: one providing for a commission to locate a State House and grounds. This became a law February 24, 1871, in a manner somewhat peculiar to Governor Warmoth's administration, by omitting to either veto or sign.

Another, the additional Park act, was signed by him April 6, 1871, in the recess of the Legislature, when sending the act to the Secretary of State without signature would not answer the purpose. It materially changed the Park act, authorized the purchase or expropriation of ground anywhere in the parish of Orleans for a park, and authorized the Capitol Commissioners to locate the ground so to be purchased or expropriated. It did away with the requirement of erecting a bridge at the New Canal, reducing it to a simple permission to do so, but provided that half the Park tax should be expended on the Lower Park. Neither of these provisions has been carried out to the extent of one cent as far as known, except some incidental expences of keeping.

Pending the passage of these two bills, documents of the following purport were in the hands of a number of persons:

This agreement witnesses that I, Robert Bloomer, hereby agree for and in consideration of five hundred dollars, in hand paid, the receipt whereof is hereby acknowledged, to convey to _____ four lots, measuring twenty-five feet front by one hundred and twenty-five feet deep, of square No. 3, fronting towards St. Charles Avenue, of the Foucher Property. But this is, *provided* the State House or Public Park be located thereon by the joint commission to be appointed under the act now before the Legislature; otherwise this instrument is void.

(Signed)

R. BLOOMER.

February 14, 1871.

In the original, of which the foregoing is a true copy, the words "one dollar" are erased, and the words "five hundred dollars" substituted, all in the same handwriting.

Hon. P. B. S. Pinchback was appointed by Gov. Warmoth on the Capitol Commission, and subsequently on the Park Commission, positions somewhat incompatible, as they were deemed a check upon each other. The reason for this double appointment has not transpired.

On the twelfth of April two transactions occurred which have been assigned by rumor an important relation with each other and the future of the Park, but this relation is not entirely clear in all particulars, and the proceedings can only be detailed as they appear of record.

The first is an act under private signature, given by Southworth and Bloomer to Henry A. Corbin, since Secretary to Governor Pinchback, and William G. Brown, afterwards Assistant Secretary of the Park Commissioners. By this instrument, made of record next day, April 13, before A. Hero, notary public, a part of the Foucher property on the northeast or right (ascending) of St. Charles avenue and adjacent to the proposed State House site, is conveyed to Corbin and Brown to secure an alleged loan of forty thousand dollars from these two gentlemen, with right of redemption, that is, by paying the loan, which is said to be effected to make Southworth and Bloomer's advance cash payment on the property. No such money was used for this cash payment, as it will be later shown that it was obtained from elsewhere. Neither do Corbin and Brown appear to be such capitalists as the vendors would ordinarily resort to for financial relief. If they were really such, it is doubtful if a sale of property not yet owned would be an adequate form of security. This sale is subsequently recalled or annulled, the forty thousand dollars being paid by the so-called vendors.

On the same date Mr. Pinchback and the other Capitol Commissioners enter into an "agreement," as it is called (though the law requires them to fix and determine) that the Park shall be located on the part of the Foucher property between the St. Charles avenue and the Mississippi river, in addition to the Lower Park which, according to their words, "has been located near and between the rear terminus of the great and southern thoroughfares of the city, Canal and Esplanade streets, affording a convenient place for pleasure and recreation for the middle and southern portion of the city." There is evidently some confusion of points of the compass here, as the Lower Park, Esplanade street, etc., are not in the southern portion of the city.

Things appear to be ready on the twenty-seventh of April, 1871, when Governor Warmoth appoints as Park Commissioners J. R. West, P. B. S. Pinchback, A. W. Smyth, H. C. Dibble and M. A. Southworth.

The commissioners assemble on the third, fourth and sixth of May, except Southworth, who, if present, is not so recorded. On the third they

organize by making West president. On the fourth they receive a letter from Southworth and Bloomer, offering to sell them the future park property, being that part located by the State House Commissioners for a park, between St. Charles avenue and the river, for the modest sum of \$1,500,000. On the sixth they obtain a loan of \$65,000 of Park moneys, advanced from the Louisiana Savings Bank, which they have selected as their bank of deposit, and which is their custodian of moneys and city securities, holding, or sure to receive sufficient to cover all risk. This money they on the same day loan to Southworth and Bloomer, for the refusal of the property (but without naming any price) for ninety days. The note is made by Southworth and Bloomer to the order of the commissioners, and being indorsed by West, Smyth, Pinchback and Dibble, is deposited as collateral for the loan, and protested at maturity after ninety days. The note, secured by an act of mortgage, which is signed by Southworth and Bloomer on the one hand, and by all the commissioners except Southworth, on the other. These proceedings take place before P. C. Cuvellier, notary. On the same date, sixth of May, 1871, before another notary (Gottschalk) Rochereau and Hepp, as agents, sell to Southworth and Bloomer the whole Foucher property; not only the future Park, but the portion to the northeast of St. Charles avenue, on which are facing—commencing on the lower boundary—first, the future State House property; next, the property covered by the \$40,000 proceeding to Brown and Corbin, with some extensive reservations above and in the rear for the lucky vendors. The price of the total purchase is \$600,000, the only cash payment being \$60,000, and for this sum they would only have to walk from one notary to the other.

Thus, by ready money obtained indirectly from the people of the city, and without risking or advancing a dollar of their own, the notarial, legal and other expences, including revenue stamps, being covered by the odd \$5000, they effect a purchase on which their anticipated profits must have been gigantic; say a million and a half as price for the Park, a million or so for the State House, and fabulous prices for the remainder, owing to its contiguity. But we do injustice; a venture had been made of two thousand five hundred dollars on the first of February preceding.

The next three months appear to have been spent in finding out how much it will do to pay for the property. A movement in lots commences; through whose agency, and whether the Park Commissioners personally are engaged in the movement, does not appear. Persons in the vicinity, as well as a number of gentlemen in the real estate business, are called upon to appraise the future Park. We cannot blame the holders of property in the vicinage for taking a *couleur-de-rose* view of the progress of things.

It was quite natural, and, perhaps, it will be quite refreshing to real estate owners, who have sometime been inclined to fear New Orleans was in her decadence, to look over these appraisements. Some of them are inserted in the minutes without dates, so that we can not ascertain what effect the Park movement may have had on their minds. But the only appraisers who were employed or paid as such, were Gabriel de Feriet, Nash & Hodgson and Green and Elder, who, with C. W. Culbertson, under date of fourteenth of June, 1871, certified \$334,433.33 to be a liberal appraisalment.

Previous estimates were more favorable, and subsequent ones were sought, which were of an entirely satisfactory and gratifying character. Dr. Smyth acts as chairman of the Committee of Appraisalment, which elicited all these opinions, including those who were called upon for their friendly advice, outside of the professional appraisers.

Things appear at length again to be ready, and on the twelfth of August Southworth passes an act of sale of five-eighteenths of the whole original purchase to Girardey & Co., in which the price stipulated is one hundred and fifty thousand dollars, and certain assumptions are made, described in the act passed between them.

The final price fixed upon for the Park portion, to be bought by the commissioners, is eight hundred thousand dollars. This is made up as follows: Sixty-five thousand dollars have been already paid in cash; Southworth and Bloomer's notes of purchase for five hundred and forty thousand dollars, bearing mortgage on the whole original property are assumed and to be paid entirely out of the park portion or fraction, and bonds for one hundred and ninety-five thousand dollars, secured also by mortgage on the Lower Park, are given for the balance. The sale is made on the fifteenth of August before Ainsworth, acting for Cuvellier, notary. The vendors are Southworth and Bloomer and Girardey & Co.; the purchasers Pinchback, West, Dibble and Smyth.

We pause for a moment to examine into the matter of the mortgage of the Lower Park. It is certainly singular if the new park property was in reality deemed worth the purchase price that the vendors would have exacted or the purchasers granted a mortgage on other property: this in addition to sixty-five thousand dollars cash payment. Such a thing is unknown to ordinary usage; and a proposition from a vendor of such a character would be regarded by ordinary purchasers as an admission that the property was worth nowhere near the proposed purchase price. But the views and rules of action governing this sale appear to have been different from those ordinarily actuating persons transacting business judiciously and reasonably for themselves, or faithfully as the mandatary of others.

There was authority in the first act to mortgage the Park for its construction. There may have been implied authority in the power to purchase, perhaps to mortgage the property purchased. But there was no authority to mortgage property which the commissioners found unincumbered for anything but "construction," which is the word used, and doubtless means the laying out, improvement and embellishment of the grounds. Any other construction of the word, as used in the act, is fallacious, and would be violative of the wisdom of the legislative intention always to be presumed.

What careful public servant would infer to himself a right to mortgage under such circumstances? We shall see subsequently strong evidences of doubt of the validity of this mortgage in the recent efforts of the commissioners to sink or absorb prematurely by exchanging city securities for them nine years before they are due. And we find President Smyth, in his report, apparently anticipating the question of validity of their mortgages by the cheerful assumption that "full and ample authority was given to the commissioners to purchase, receive and hold real estate, and to give bonds in payment therefor in addition to the property already designated to be used for park purposes."

It was the duty of Governor Warmoth to have appointed commissioners, in the first place, instead of causing or letting the funds be squandered. It was his duty then to have appointed them in time before the property should be inflated by the prospective location, or got possession of by speculators for the purpose; and not to have appointed Southworth at all under the circumstances. But Southworth is said not to have acted because he omitted to take the oath, till things were well under way; and we note the fact that Smyth did not qualify till after he had attended three meetings, and completed the preliminaries of the whole affair by signing the act of loan and mortgage of the \$65,000, and pledging the notes by indorsement of his name to the bank. But this examination is not one of criminal inquiry; in the forum of the public conscience the one who took the oath is not more responsible for his acts than the one who did not. Who ever failed to qualify kept out of that board another person who might have proved a just representative of the people whose money they were spending; who might have prevented the consummation of the whole injurious scheme by dissuasion or exposure.

The law required the Governor to appoint in place of persons not qualifying, and to remove from office any commissioner interested in any contract or work whatever connected with the park, directly or indirectly, which is characterized as an offense and misdemeanor.

The portion of the duties of the Governor requiring him to appoint instead of any commissioner not qualifying, Acting Governor Dunn complied with by appointing Joseph H. Wilson. The Board, to gain time, appointed Smyth and Pinchback a committee, who fully carry out the purpose by taking six months to investigate and then report there was no vacancy, because the Governor said Southworth had not declined. The acts says, vacancies caused by neglect or incapacity of qualification shall be filled by the Governor, and Southworth's case was either one or the other.

Southworth, on the twenty-third of December, 1871, appears and acts as a member, and also January 31, and March 12, 1872, although he does not take the oath of office till April 26, 1872.

At the meeting of the thirty-first of January, 1872, at whose motion does not appear, the Louisiana Savings Bank is authorized to sell \$71,029.63 of city securities and have one per cent. commission; provided it take up \$54,000 mortgage notes, then about due and bearing mortgage not only on the Park, but on the whole Foucher property, including that still held by the vendors to the commissioners. There appears to have been some anxiety about this, and a similar apprehension appears to prevail in the meetings of October 16 and November 18, 1872, relative to the notes to be due February 1, 1873, and more markedly relative to the bonds representing the unfortunate mortgage on the lower Park, not due till September 1, 1881.

It appears that the board had gratuitously resolved to pay one-tenth of these bonds every year, although there was no contract to that effect, and no parties interested in it appear unless the commissioners themselves were. October 16 they apply to Girardey & Co. to know on what terms they will take city certificates for this sort of bonds. It will be recollected that events were then premonitory of the change of State government, which has since occurred. The whole proceedings of October 16 and November 18, 20 and 22 are indicative of an effort to part with all assets in the shape of moneys or securities and to irrevocably transfer others not yet in hand; and the minutes of January 16, 1873, show a movement on Mayor Wiltz and the Council to obtain more for the purpose of carrying out their contracts presumably with Girardey & Co.

They create a sort of new syndicate by contract with Girardey & Co., —President Gaines, of the Citizen's Bank, declining the part assigned him to secure the mortgages due in 1873 and 1874. Girardey & Co. are to take care, at least, of those due in 1873, and to convert as many as possible of the bonds secured by the doubtful mortgage so far from maturity, which there seems so much willingness to exchange for depreciated city securities.

This whole proceeding is in violation of the law requiring them to deposit with their own bank and pay therefrom. Its effect would be, had the present Governor or Legislature removed or abolished them, to keep out of the hands of their successors the control of any immediate assets. They had gone, or were irrevocably transferred to sink debts and liabilities of both kinds, which may happily yet be contested for fraud and invalidity, and relative to which it is still a doubt whether it is not best to lose all that has been invested rather than complete the onerous bargain. Of course these payments, accomplished by such severe efforts on the part of the commissioners, tend to lessen the interest of the people in favor of breaking up the thing and increase the probability of their paying the rest of the debt without contestation.

At last accounts sixty-five thousand dollars of the one hundred and ninety-five thousand dollars of Lower Park bonds had been exchanged for city securities, being more than three times as much as the commissioners had in the beginning expressed the intention of redeeming; and no engagement is made in the act of mortgage to redeem any till maturity. The transfers made, or proposed, prevent all effective expenditures upon the Park at present, and are an express violation also of the law requiring half of all receipts to be expended on the Lower Park. Paying a mortgage for the Upper Park is not appropriating it to the lower one.

Facts enough, it would seem, have been developed by these matters of record to aid dispassionate examiners to come to no uncertain conclusion. And that conclusion must arraign Governor Warmoth and all the commissioners originally appointed, either of designing and carrying out a speculation of half a million of dollars at the expense of and to be lost by the taxpayers, or so aiding in its accomplishment as to allow only the charitable alternative that they were duped and utterly incompetent for a public trust of responsibility of a fiduciary nature.

The public would indeed have naturally expected that men to be invested with such a trust would have been selected from citizens either known for their public spirit or appropriately representing the tax-paying interests. It would not have been difficult to find such men in New Orleans, men who would have taken an honorable pride in serving the public without a hope of fee or reward, and who would have refused to carry out a stupendous project of gain to individuals. But they were selected from the immediate personal surroundings and boon companions of the Executive, who basked in the sunshine of his favor, so that it can be scarcely supposed for a moment that he was not cognizant of the whole plan from the moment of its conception, to its execution, as far as it has gone; or that any of them less than connived with it.

The great and principal transaction accomplished so eclipses all others that it seems a descent to examine points of smaller matters of administration. We have no choice, however, having been directed to investigate the affairs of the New Orleans Park Commissioners.

There has been a general looseness in keeping their accounts, although they have paid the handsome salary of \$2500 per annum in cash to an assistant secretary, who has found time to edit a newspaper and could indulge in much leisure beside. We do not find any record of large appropriations placed in the hands of the secretary for contingent purposes. Drafts should have been made on their bank directly and specifically for such purposes. We do not find how much has been paid for interest or discounts; what per cent. a month they have allowed for shaving; nor in detail their dates and prices of sale of securities. Some of these matters have been learned by personal inquiry, and perhaps all could be, but the records of the commissioners, it would seem, should show them plainly without the need of such research.

This committee has not taken any time to investigate matters of hearsay, swear witnesses, or attempt further inquiry than has resulted in the production of documents. We waited a long time for the delivery of a report. Very singularly, no report of the important proceedings of 1871 was made to the Legislature, though expressly required by statute. President Smyth naively remarks that it was perhaps their duty to do so, but there was such disquiet in public affairs at the opening of the Legislature in 1872, that it was not done. We are not aware that there was any public disturbance till sometime after the opening, nor any occasion for withholding the report, if there was, unless it would have furnished material to impeach the Executive and remove the commissioners. The report of the present session, the first one, by the way, was not furnished without repeated demands. Though dated January 17, 1873, the committee received nothing but apology for its non-appearance for some time afterward. And it did not at last reach the desks of members till the thirtieth of January.

It may be a matter of difficulty to decide upon measures necessary to be taken in the premises; and any suggestions we make are submitted with deference to the Legislature and a recommendation that members give early attention, and before adjournment adopt some solution that will be satisfactory and just to the public, even if it be not the plan suggested by this committee.

The debts of the Park principally to be considered are as follows:

Mortgage notes of \$54,000, adding interest, due February 1, 1874	\$ 65,340
Mortgage notes of \$54,000, adding interest, due February 1, 1875	69,120
Mortgage notes of \$54,000, adding interest, due February 1, 1876	72,900
Mortgage notes of \$54,000, adding interest, due February 1, 1877	76,680
Mortgage notes of \$54,000, adding interest, due February 1, 1878	80,460
Mortgage notes of \$54,000, adding interest, due February 1, 1879	84,240
Mortgage notes of \$54,000, adding interest, due February 1, 1880	88,020
Mortgage notes of \$54,000, adding interest, due February 1, 1881	91,800
	<hr/>
	\$628,560
Bonds due in 1881.....	130,000
Interest for nine years, if left outstanding, \$10,400 per annum	93,600
	<hr/>
	\$852,160

If the tax is to be continued, there are seven more years of revenues to be considered, so that, dividing the above by the years to ensue, sinking, there would be \$121,737, less, perhaps, some \$1300 per annum reduction of interest by anticipation of immatured bonds. Now, the revenue is but little over \$160,000, even if quite generally paid up, which is, by no means, the case, leaving at best hopes only \$40,000 a year to run the Park with. Considering its miserable condition now, and the embellishments and improvements it will require to be of any use, the prospects seem hopeless.

The Park tax has been levied three years—collectable, say, in 1870, 1871 and 1872. That of 1870 was very promptly paid up and disposed of as has been shown, being settled in seven-thirty certificates, which were sold at a discount.

The tax of 1871 was partially paid, but had to be refunded on account of the five-eighth excess decision of the Supreme Court. The taxes levied were—city \$1.75; the larger part being for principal and interest of bonded debt; Metropolitan, 75 cents; Park, 12½ cents; total \$2.62½ on the \$100 of valuation. Five-eighths being annulled by the Supreme Court, it

was considered on the one hand that the Park was cut off, but on the other that it should have been considered received as part of the two per cent. As the Metropolitan warrants had to be received in any event, and the debt and interest paid, the city could not pay this in cash, having nothing practically to run with, so the account was settled in new consolidated seven per cent. bonds. This is the cause of the difference of opinion, whether the city owes, it having not really received for 1871, or having had to refund all it did receive.

For 1872 the city advanced \$45,000 ten per cent. bonds to be returned, so that the Park Commissioners could be enabled to meet their February notes. The tax due this year had to be received in city paper, there being an entire indisposition to pay certain taxes of which the Park tax seems to be leadingly obnoxious.

If the city is charged with the receipts of 1871, it owes the Park Commission; if not, the Park Commission is in advance or overpaid. There would be no question probably about this, nor about the payment of the tax hereafter, were it not for an entire want of confidence on the part of the tax-payers in the park management, or that it is in any way an investment for the public benefit. Any policy that will leave these grounds of dissatisfaction unremoved, would be an incentive to non-payment of taxes. Tax resisters have based much of their arguments against this particular tax. Added to the burden of taxes already very heavy, it can no longer be enforced, unless accompanied by popular sympathy and confidence in its management, and in its hope of ultimate success. With the retrospect of its management and the financial prospect as shown in unerring figures, how can such support be expected?

Had the inquisitorial powers of the Legislature been invoked in this examination, the attendance and testimony of witnesses been enforced and direct examination pursued to the extent usual in investigating committees, a depravity of official morality would have been perhaps developed little expected to exist in our enlightened day. The time of your committee would not however have admitted of such an investigation during the session, and it would perhaps have been of no essential benefit. The documentary record was sufficient to base any necessary legislation upon.

There is one matter of administration that should be annulled at once. We find in the minutes of June 13, 15 and 28, 1872, that President Smyth had induced Mr. Bogart, a New York Park engineer, to visit New Orleans, and introduced him to the board; and the board authorized the President to contract with Bogart & Culyer, of New York, civil engineers, at five thousand dollars a year salary, and five per cent. of the amount expended

in the improvement of the Park. With such competent engineers in New Orleans as D'Hemecourt, Beauregard, W. H. Bell, John Ray, H. C. Brown, A. G. Blanchard and a host of others, who know best what could flourish in and ornament a landscape in our climate and soil, there is no need of introducing either an engineer from abroad, or the corrupt and extravagant system of paying a per centage on expenditures—a method not tending either to economy or integrity.

Should it be decided to maintain or continue the Park and the Park tax there are several provisions of the Park enactments requiring reform. For instance, one section would make them a self-perpetuating body. They are not confirmed by the Senate. It is very doubtful if the act is conformable in this particular to article 60 of the constitution; in other words, whether the right to prescribe other modes of appointment means that any appointments are to be made by the Governor, not subject to confirmation of the Senate, and submitted at next session if made in recess. As the act reads, although the Governor appoints originally and in case of non-qualification, they fill their own vacancies, and can make themselves an independent, separate corporation to administer the Park taxes to the end of the five years, unless the Legislature intervene.

We have not, however, come to the conclusion that any such temporary expedients or trifling amendments will serve to make the situation materially better. We submit all the documents to which we have found access, appearing to bear materially on the matter of investigation; and we recommend the earnest attention of members to the necessity of some adjustment of Park matters before the adjournment, whether the views arrived at in this report be sustained or not. These views, in conclusion, we unequivocally state to be in favor of repealing the tax, abolishing the Board of Commissioners and giving the City Council power to liquidate and close out the whole matter. If they should sell the Park property it will, perhaps, stimulate enterprise and improvement, induce a great deal of building, and thus help trade and industry, and perhaps benefit the city more in the long run than the hoped for park for which, without realizing, the people's funds have been so shamelessly squandered.

A bill is herewith submitted, containing a plan which may perhaps effect a final settlement of Park matters at an early period. In the ordinary course of proceedings in the courts, it would be difficult for years to bring this matter to a finality.

Respectfully submitted.

MICHAEL HAHN, Chairman;
L. SEWELL.

MINUTES OF COMMISSIONERS NEW ORLEANS PARK.

NEW ORLEANS, May 3, 1871.

The meeting of the Board of Park Commissioners, appointed under and by virtue of an act of the General Assembly, approved the sixteenth day of March, 1870, was held this day. The following gentlemen appeared and produced their commissions: J. R. West, P. B. S. Pinchback, A. W. Smyth, H. C. Dibble—leaving one vacancy on the board.

On motion, duly seconded, J. R. West was elected president of the commission.

On motion, duly seconded, H. C. Dibble was elected secretary of the commission.

A motion was carried that the Governor be duly notified of the organization of the Board of Commissioners. The following was the vote: Yeas—West, Pinchback, Dibble and Smyth. Nays—None.

On motion, duly seconded, the following resolution was adopted:

Resolved, That the secretary be authorized to appoint an assistant secretary at a salary not to exceed two thousand five hundred dollars per annum.

The following was the vote: Yeas—Pinchback, West, Smyth and Dibble. Nays—None.

On motion, duly seconded, it was

Resolved, That the Louisiana Savings Bank and Safe Deposit Company be appointed as the bank in which shall be deposited the funds of this commission until the further order of this board.

The following was the vote by which the resolution was adopted: Yeas—Dibble, Pinchback, Smyth and West. Nays—None.

On motion, duly seconded, the following resolution was adopted:

That a communication be addressed to the Mayor and Administrators of the city of New Orleans, notifying them of the organization of this commission; that the Louisiana Savings Bank and Safe Deposit Company has been duly chosen as the bank in which shall be deposited the Park funds, and requesting that the funds now in the treasury of the city to the credit of the Park fund be turned over to the commissioners of the New Orleans Park. The following members voted yes: Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That the secretary cause the several laws relative to the Park to be printed in pamphlet form. The following members voted yes: Dibble, Pinchback, Smyth and West.

On motion, duly seconded, the commission then adjourned, to meet to-morrow evening, May 4, at 7 o'clock.

(Signed)

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, May 4, 1871.

The board meet this day pursuant to adjournment, the President in the chair and Messrs. Dibble, Pinchback and Smyth present.

The minutes of the last meeting were read and approved.

A communication from his Excellency the Governor, transmitting a communication and accompanying documents addressed to him by the commissioners appointed to locate the site for a State House and for the city Park, was submitted by the President.

On motion, duly seconded, the letter was received and the documents ordered to be spread upon the minutes :

OFFICE OF THE COMMISSIONERS ON STATE HOUSE,

New Orleans, April 12, 1871.

To his Excellency H. C. Warmoth, Governor of Louisiana :

Sir—I herewith furnish your Excellency, as directed by resolution of the Board of Commissioners, held at their office on the 12th inst., a certified abstract of the proceedings of said board in reference to the location of a public park in the city of New Orleans, Messrs. Pinchback, Antoine, Barrett and Faulkner being a majority of the board being present and acting.

Respectfully,

(Signed)

JAMES M. CARTER, Secretary.

ABSTRACT OF PROCEEDINGS OF MEETING OF BOARD OF COMMISSIONERS ON STATE HOUSE, HELD APRIL 12, 1871, AT THEIR OFFICE.

* * * * *

Commissioners submitted the subjoined agreement relative to the location of a public park in the city of New Orleans, signed by five of the Board of Commissioners with the resolution attached thereto. The agreement was accepted and resolution adopted.

AGREEMENT RELATIVE TO PUBLIC PARK.

Whereas, according to the provisions of an act entitled an act to amend and re-enact sections one, twelve and seventeen of an act to establish a

public park for the city of New Orleans, to provide means therefor, approved March 16, 1870 :

The commissioners appointed under and in accordance with the provisions of an act entitled an act creating a commission to locate the site for a State House in the city of New Orleans, to purchase the necessary grounds therefor, and making an appropriation to pay for such grounds and to build a State House and other buildings necessary for State purposes and improving the same, No. 31 of the session acts of 1871, are required and directed to fix and determine, within the corporate limits of the city of New Orleans, a site for a public park ; and

Whereas, a city park has been located near and between the rear terminus of the great and southern thoroughfares of the city—Canal and Esplanade streets—affording a convenient place for pleasure and recreation for the inhabitants of the middle and southern portions of the city ; and

Whereas, it is but just and proper that another city park should be established in the upper part of the city, on the great thoroughfare (St. Charles avenue) leading through that portion of the city for similiar purposes ; and

Whereas, after a careful examination, a suitable piece of ground in the extreme upper portion of the city, adjoining Carrollton, and lying between St. Charles avenue and the Mississippi river, containing about five hundred acres of high ground, and mainly unoccupied by buildings, exists, known as a portion of the Foucher tract of land, that in every point of view, location, high grounds and free from buildings, presents the most favorable point for a city park of any piece of ground in that, or, in fact, any other portion of the corporate limits of the city :

It is therefore agreed by the said commissioners that, in pursuance of the authority vested in the commissioners by the acts of the General Assembly, referred to in the preamble hereto, that the City Park they are authorized to locate, be fixed and determined on that portion of the tract of land known as the Foucher tract, bounded above by the City of Carrollton, and lying between St. Charles avenue and the Mississippi river, and adjoining both, containing about five hundred acres.

In testimony whereof, the members present of said commissioners, being a majority thereof, have hereunto signed their names on the eleventh day of April 1871.

(Signed)

JOHN RAY,
A. W. FAULKNER,
W. B. BARRETT,
P. B. S. PINCHBACK,
C. C. ANTOINE.

Resolved, That the preamble and agreement fixing and determining the location of the public park hereto annexed and made a part hereof, be and the same is hereby adopted by the commissioners in their corporate capacity, and that said agreement be attached to this resolution and spread upon the minutes of the Board of Commissioners.

Voted that the Secretary of the board be instructed to furnish to his Excellency the Governor, to his honor the Mayor of the city of New Orleans, and to the owners of the property selected for the Park, certified copies of the above agreement and resolution relative to the location of the public park in the city of New Orleans.

I certify the foregoing to be a true copy taken from the minutes.

(Signed)

JAMES CARTER,
Secretary of the Board of Commissioners.

A communication signed by Messrs. M. A. Southworth and R. Bloomer, proposing to sell the property upon which the Park has been located, was read, received and ordered to be spread upon the minutes:

NEW ORLEANS, La., May 4, 1871.

To the President and Members of the Board of Park Commissioners of the city of New Orleans:

Gentlemen—We hereby offer to sell you, within the next five days, that portion of land known as the Foucher property, lying between St. Charles avenue and the Mississippi river, and upon which the New Orleans City Park has been located, with all the rights of accretion and batture, and embracing about five hundred and fifty acres, for \$1,500,000, on the following terms and conditions: \$150,000 cash, you to assume nine notes for \$60,000 each, bearing seven per cent. interest, the first payable February 1, 1872, and one annually thereafter until all are paid, \$810,000, the remainder to be paid in eight per cent. bonds of the commission, secured by mortgage on the property.

We have the honor to be your obedient servants,

M. A. SOUTHWORTH,
R. BLOOMER.

On motion, duly seconded, it was

Resolved, That a committee of three be appointed by the President on appraisement and valuation.

The following was the vote: Yeas—Dibble, Pinchback, Smyth, West.
Nays—None.

The President appointed Messrs. Smyth, Pinchback and Dibble.

On motion, duly seconded, the following resolution was adopted :

That the Committee on Appraisements be instructed to examine experts with the view of determining the value of the property upon which the Park has been located. Yeas--Pinchback, Dibble, Smyth and West.

On motion, duly seconded, it was

Resolved, That the President be instructed to employ Wm. Grant, Esq., as the attorney of the board, and to contract to pay him \$1000 for his services until the first day of January, 1873. Yeas—Pinchback, Dibble, Smyth and West.

On motion, duly seconded, it was

Resolved, That the commissioners make a contract with M. A. Southworth and Robert Bloomer for the refusal for the period of ninety days of the property described in the communication from the commissioners to fix the site of the State House, and which has been selected as the location of the New Orleans Park.

This contract to stipulate that in consideration of the refusal of said property for said period, the commissioners will advance to said parties the sum of \$65,000; the contract further to stipulate that the money shall be returned at the expiration of the period named if the property is not bought, and to be secured by a claim of mortgage upon said property to be executed by said parties in favor of the commissioners. The following members voted yea : Dibble, Pinchback, Smyth and West.

The board then adjourned until Saturday, May 6, at 12 o'clock noon.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, May 6, 1871.

The board met this day pursuant to adjournment, the President in the chair, and Messrs. Dibble, Pinchback and Smyth, members.

The minutes of the last meeting were read and approved.

The Secretary laid before the commission a notarial act prepared by P. C. Cuvellier, notary public, signed by the commissioners and by M. A. Southworth and Robert Bloomer, in conformity to the resolution adopted at the last meeting of the board.

On motion, duly seconded, it was

Resolved, That the contract be approved, the loan ordered to be made and a copy of the contract be transcribed upon the minutes. Yeas—Dibble, Smyth, Pinchback and West.

[Copy of the Contract.]

UNITED STATES OF AMERICA, STATE OF LOUISIANA,

City of New Orleans.

Before me, Pierre Charles Cuvellier, notary public, in and for this city and parish of Orleans, duly commissioned and sworn, and in the presence of witnesses hereinafter named and undersigned, personally came and appeared Messrs. Joseph R. West, Henry C. Dibble, Pinkney B. S. Pinchback and Andrew W. Smyth, of this city, herein acting and stipulating in their capacities as the Commissioners of the New Orleans Park; and Messrs. Malek A. Southworth and Robert Bloomer, also of this city, herein severally stipulating in their respective proper name and behalf, who severally declared that they have mutually covenanted and contracted and agreed, and by these presents do covenant, contract and agree, by and between themselves as follows:

Whereas, the commissioners for the selection and location of a site for the State House have, in virtue of the power in them vested by law, selected and designated as the location of the New Orleans Park, the following described track of land, within the limits of the Sixth District of the city of New Orleans:

The tract of land known as the Foucher property, lying and being between St. Charles avenue and the Mississippi river and the lower line of Greenville and the upper line of Burtheville, with all the rights of batture and accretion thereto appertaining, and embracing about five hundred and sixty arpents, more or less;

Whereas, the said M. A. Southworth and R. Bloomer are the present owners of said property—now, for and in consideration of an advance in ready money as a loan, which the said commissioners of the New Orleans Park have agreed and do hereby agree to make to the said Southworth and Bloomer, the sum of sixty-five thousand dollars in the proportion to each of said Southworth and Bloomer, of their respective interest in said above described property, the said M. A. Southworth and R. Bloomer hereby agree and bind themselves, their heirs and assigns, to give to the said Commissioners of the New Orleans Park for the term and period of ninety days from the day of the date hereof the refusal of the purchase of the said property from them, the said Southworth and Bloomer, their heirs and assigns.

And in liquidation of the said sum of sixty-five thousand dollars to them advanced as aforesaid, and the receipt whereof they acknowledge, the said M. A. Southworth and Robert Bloomer have made and subscribed jointly a promissory note, dated this day, payable to the order of the said

Commissioners of the New Orleans Park, in ninety days after date, which note for said sum of sixty-five thousand dollars has been *paraphed ne varietur* by me the said notary, in order to identify the same herewith, and delivered to the said commissioners here present who acknowledge possession of the same.

And as security for the payment and reimbursement of the said sum evidenced by the said note, and of eventual interest and costs, the said M. A. Southworth and Robert Bloomer do jointly mortgage and specially hypothecate the said hereinabove described property, in favor of the said commissioners, or any lawful holder of the aforesaid note; furthermore binding and obligating themselves, their heirs and assigns not to alienate or encumber the said property, or any part thereof, to the prejudice of the stipulation contained in this act.

The production of the certificate of mortgage, otherwise required by the Civil Code of this State, is hereby dispensed with by the parties hereto.

United States internal revenue stamps, of the value of sixty-five dollars, are hereon affixed and canceled.

Thus done and passed in my office at the said city of New Orleans, in the presence of Messrs. Warren Van Norden and William Grant, witnesses of lawful age, and domiciled in this city, who hereunto sign their names together with said appearers and me the said notary, on the sixth day of May, in the year of our Lord one thousand six hundred and seventy-one.

(Signed)

J. R. WEST,
P. B. S. PINCHBACK,
HENRY C. DIBBLE,
M. A. SOUTHWORTH
R. BLOOMER,
W. VAN NORDEN,
WILLIAM GRANT.

P. CHARLES CUVELLIER, Notary Public.

The following resolution was upon motion duly seconded and adopted:
That a communication be addressed to the Mayor and Administrators of the city of New Orleans, notifying them that the commissioners are now ready to assume control of any property which the city may be prepared to turn over to the Park Commissioners. The following was the vote: Yes—Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That the secretary be instructed to rent and fix up suitable

offices for the commissioners. The following members voted yes—Dibble, Pinchback, Smyth and West. No—none.

On motion, duly seconded, it was

Resolved, That the sum of two thousand dollars be and the same is hereby appropriated for contingent expenses, to be drawn upon the order of three commissioners, and placed to the credit of the secretary of the board, he to make a detailed report to the commissioners of the expenditure of such moneys. The following was the vote: Yes—Dibble, Pinchback, Smyth, West.

On motion, duly seconded, it was

Resolved, That the attorney of the commissioners be requested to make a report to the commissioners on or before the first day of June, 1871, upon the validity of the titles to the Foucher property, upon which the New Orleans Park has been located, being that property. The following members voted: Yes—Dibble, Pinchback, Smyth and West. No—none.

On motion, duly seconded, the board adjourned subject to the call of the President.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, July 1, 1871.

Pursuant to a call of the president the board met this day. Present—J. R. West, president; A. W. Smyth, P. B. S. Pinchback and H. C. Dibble.

The minutes of the last meeting were read and approved.

The secretary reported that, in conformity to a resolution of the board, he had reported to the Mayor and Council the formation of this board and their readiness, to undertake the discharge of the duties incumbent on them by law.

The secretary also reported the receipt of a letter from the attorney of the commissioners relative to the validity of the title to the Foucher property, which was received and ordered to be spread upon the minutes:

NEW ORLEANS, June 6, 1871.

Hon. J. R. West, President Park Commissioners, New Orleans.

Dear Sir—In accordance with a resolution of your board, I have made a thorough examination of the title of the Foucher property, the purchase of which you have in view, and find it perfect. The property has been transmitted by regular chain of title from the original Spanish grant, and was legally vested in the succession of Foucher, at the time of the purchase by M. A. Southworth and Robert Bloomer, your grantors.

I am, yours respectfully,

(Signed)

WILLIAM GRANT,

Attorney for the Commissioners.

The Committee on Appraisalment and Valuation reported, submitting the following opinions of experts and real estate agents, which were unanimously received and ordered to be spread upon the minutes :

OPINIONS OF EXPERTS.

NEW ORLEANS, June 14, 1871.

Gen. J. R. West, President Board of Park Commissioners :

Sir—In conformity with your request we have carefully examined the property situated in the Sixth District, forming part of the Foucher tract, and extending from St. Charles avenue to the Mississippi river (including the right of batture), and measuring, according to certificate of survey of Louis H. Pilie, surveyor, dated June 12, 1871, three hundred and thirty-four (131-30) arpents.

After mature deliberation and consultation, and a full exchange of ideas, we hereby appraise the said tract of land at one thousand dollars per arpent, making a total valuation of three hundred and thirty-one thousand four hundred and thirty-three dollars and thirty-three cents, and respectfully submit the same as a liberal appraisalment.

(Signed)

SAMUEL S. GREEN,
G. DE FERIET,
NASH & HODGSON,
C. W. CULBERTSON,
Appraisers.

NEW ORLEANS, May 9, 1871.

To the Park Commissioners:

Gentlemen—Having been desired to give my opinion, as a real estate agent, as to the value of that portion of the Foucher property lying between St. Charles street and the Mississippi river, I concurred with Mr. N. H. Thomas in stating that I considered three thousand dollars per acre a fair valuation for the same. I have since made a calculation based upon actual sales, and upon the known value of lots and squares in its vicinity and which I herewith submit. This calculation makes the average value per acre \$2971, assuming twelve lots (30x120) to be a fraction less than an acre, or less than \$251 per lot throughout.

I have assumed the tract to be divided into squares of 20 lots each (which, taking large and small, I think the proper proportion) and have valued them in their parallel with the river. As you will perceive, the the Squares on St. Charles street I have placed at \$12,000. I doubt if any could be purchased at anything near this figure. Those on each side of

Magazine street, at five, six and seven thousand dollars. Squares near them have been sold lately at from \$300 to \$400 per lot. The immediate squares between St. Charles and Magazine streets are less valuable, and some I have placed as low as \$2000. A few of these squares, in isolated instances (according to the nature of the ground), may be over or under the estimate accompanying this, but I can say with confidence that I consider the average price named a fair valuation.

Were it known certainly that the Park would be there located, I am confident the prices named would more than double at once. In valuing the whole tract on the above basis, the streets dividing the squares must be taken of course into account, as of equal value.

I have the honor to be, gentlemen, your obedient servant,

(Signed)

H. W. W. REYNOLDS.

FOUCHER PROPERTY, BETWEEN ST. CHARLES STREET AND THE RIVER, DIVIDED INTO SQUARES OF TWENTY LOTS EACH.

Tier.	Value per Lot.	Value per Square.	Number of Squares Each.	Value per Tier.
*1	\$600	\$12,000	5	\$60,000
2	350	7,000	5	35,000
3	180	3,600	5	18,000
4	150	3,000	5	15,000
5	150	3,000	5	15,000
6	100	2,000	5	10,000
7	100	2,000	6	12,000
8	150	3,000	6	18,000
9	200	4,000	6	24,000
10	250	5,000	7	35,000
†11	350	7,000	7	49,000
12	350	7,000	7	49,000
13	300	6,000	7	42,000
14	300	6,000	8	48,000
15	250	5,000	8	40,000
16	200	4,000	8	32,000
17	200	4,000	4	16,000
18	175	3,500	2	7,000
			106	\$525,000

* Commencing at St. Charles street.

† Commencing at Magazine street.

Average price per square of twenty lots.....	\$4,952.00
Price per lot	247.60
	12
<hr/>	
Price per acre (twelve lots 30 by 120) being about equal to one acre.....	\$2,971.20

NEW ORLEANS, May 13, 1871.

Gentlemen—Having examined that tract of land known as the Foucher property, and situated near Greenville, and extending from St. Charles avenue to the river, I think, being as above stated and well acquainted with the locality, that the place is worth, bought in block, from four to five thousand dollars per acre.

I remain, gentlemen, your obedient servant,
(Signed)

T. G. BURTHER.

To the Park Commissioners of the City of New Orleans:

Gentlemen—I have examined that property near Carrollton on the river side of St. Charles street, known as the Foucher property, and consider that it is worth from two thousand to twenty-five hundred dollars per acre.

Very respectfully, your obedient servant,

(Signed)

ISIDORE NEVILLE.

To the Park Commissioners of the city of New Orleans:

Gentlemen—I have examined the tract of land known as the Foucher property, situated in the city of New Orleans, and lying between St. Charles avenue and the Mississippi river, containing between five and six hundred acres, and that in my opinion said land is worth three thousand dollars per acre.

Having been engaged in the real estate business for many years, my opinion of the value of said land is based upon sales made of lands in that vicinity.

Respectfully yours, etc.,

(Signed)

GEORGE P. BOWERS.

To the Park Commissioners of the city of New Orleans:

Gentlemen—From a long residence in the city of New Orleans, and familiar with the property known as the Foucher tract, bounded by the Mississippi river and St. Charles avenue, my opinion is that three thousand

dollars per acre would be a reasonable value for said land—said land being of a superior quality and location, and property in the vicinity in great demand.

(Signed)

Respectfully,

R. CONWAY.

To the Park Commissioners of the city of New Orleans.

Gentlemen—At the request of several gentlemen I have examined the tract of land known as the Foucher property, lying between St. Charles avenue and the Mississippi river, and consider that it is worth between twenty-five hundred and three thousand dollars per acre.

(Signed)

W. H. THOMAS, 32 Carondelet street.

To the Park Commissioners of the city of New Orleans:

Gentlemen—Having resided in this city for many years, and being conversant with the value of real estate, especially in the Fourth District, I have examined the Foucher property, and from the location and advantages it possesses, being bounded by St. Charles avenue and running to the Mississippi river, with an extended front on said Mississippi river, and from sales that have been made in the vicinity of said Foucher tract, I regard said land worth, at a fair valuation, three thousand dollars per acre.

Respectfully yours, etc.,

(Signed)

J. VIOSCA.

To the Park Commissioners of the city of New Orleans:

Gentlemen—I am well conversant with the price of property in the Sixth District. I have examined the tract of land known as the Foucher property, lying between St. Charles street and the Mississippi river, and containing about five hundred acres, and think it is worth three thousand dollars per acre. Property in that vicinity is increasing in value very rapidly.

Respectfully,

(Signed)

W. R. FISH.

To the Park Commissioners of the city of New Orleans:

Gentlemen—The tract of land known as the Foucher property, situated in the city of New Orleans, fronting on St. Charles avenue, has such superior advantages in location, and being high and rolling ground, and the increasing demand for property in that vicinity make said land very valu-

able, and is worth at least four thousand dollars per acre; in fact, sales have been made recently at even a greater rate.

(Signed) _____ Respectfully yours, etc.,
A. B. SEELYE.

To the Park Commissioners of the city of New Orleans.

Gentlemen—I have examined the property known as the Foucher property, situated in the city of New Orleans, lying between St. Charles avenue and the Mississippi river, and in my opinion, said tract of land embraces between five and six hundred acres, and it is worth, at a fair valuation, three thousand dollars per acre. Having resided in that vicinity for many years, I am acquainted with the value of land in that vicinity.

(Signed) _____ Respectfully yours,
A. G. BRICE

To the Park Commissioners of the city of New Orleans.

Gentlemen—Having personally examined the tract of land designated as the Foucher property, situated in the city of New Orleans, and extending from St. Charles avenue to the Mississippi river, and from long acquaintance with said land and knowledge of sales made in that vicinity, it is my opinion that said Foucher land is worth five thousand per acre, and that that is a fair valuation for the same.

I am, with respect, your obedient servant,
(Signed) _____ A. BOULIGNY.

To the Park Commissioners of the city of New Orleans:

Gentlemen—Having frequently examined the tract of land situated in the city of New Orleans, known as the Foucher property, bounded by St. Charles avenue and the Mississippi river, and from its location and advantages, with an extended river front and the demand for property in that vicinity, I am of the opinion that three thousand five hundred dollars per acre is a reasonable value for said land.

(Signed) _____ Respectfully, ect.,

The President was requested to communicate with the City Council, calling their attention to the fact that no official reply had been received by the board in answer to its letter to the City Council.

On motion, duly seconded, it was

Resolved, That the sum of thirty thousand dollars be set apart for the improvement of the City Park in the Second District. The following members voted yes : Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That the secretary pay out of the contingent fund the sum of four hundred and fifty dollars for the appraisement of the Foucher property. The following members voted yes : Dibble, Pinchback, Smyth and West.

On motion, duly seconded, the following resolution was adopted :

That the president appoint a committee of two on construction to make the necessary improvements to the Second District Park. The following was the vote : Dibble, Pinchback, Smyth and West.

The commission then adjourned, subject to the call of the President.

(Signed)

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, August 3, 1871.

According to call of the president the commissioners met this day. The following gentlemen were present : J. R. West, president ; Dibble, Pinchback and Smyth.

The reading of the minutes of the last meeting was dispensed with.

The president laid the following communication before the board :

NEW ORLEANS, August 3, 1871.

Hon. J. Rodney West, President Board Commissioners of the New Orleans Park :

Hon. Sir—I beg to notify you that I was commissioned by the Chief Executive of this State, on the twelfth day of July, 1871, and qualified the following day, as one of the commissioners authorized by act No. 84, of 1870.

I have therefore to request you will duly notify me of the time and place of meeting of said board, and grant me such facilities as will enable me to be so informed concerning the business thus far transacted, that I may act advisedly relative thereto.

And I have the honor to remain your obedient servant,

(Signed)

JOSEPH H. WILSON.

On motion, duly seconded, it was

Resolved, That the president be requested to acknowledge the receipt of Mr. Wilson's letter, and to inform him that the commissioners had not

been officially notified of his appointment, and that he will be duly advised of the next meeting of the board, and be requested to present his credentials.

The following was the vote :

Yeas—Dibble, Pinchback, Smyth and West.

Nays—None.

On motion, duly seconded, it was

Resolved, That the property known as the Foucher estate, in the Sixth District in the city of New Orleans, which has been selected by the committee of the State Legislature, pursuant to law, as the location for a public park, be purchased from the owners, Messrs. Robert Bloomer, C. E. Girardey and M. A. Southworth, upon the terms and conditions expressed in the act of sale, of which the following is a true copy :

[Copy of Sale.]

STATE OF LOUISIANA, PARISH OF ORLEANS,

City of New Orleans.

Be it known that on the fifteenth day of August, in the year one thousand eight hundred and seventy-one, before me Martin L. Ainsworth, a notary public, in and for the parish of Orleans, State of Louisiana, duly commissioned and qualified, representing Pierre Charles Cuvellier, also a notary for said parish of Orleans, now on leave of absence by executive authority, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared Messrs. Malek A. Southworth and Robert Bloomer, of this city, by Camille E. Girardey, also of said city, acting in their name and behalf as the agent and attorney in fact of Robert Bloomer and Mrs. Newton Sedler, his wife, in virtue of a power of attorney, executed before P. C. Cuvellier, a notary in this city, on the first day of July, 1871, and as the agent and attorney in fact of said Southworth by power of attorney before said Cuvellier, notary, on the 12th day of August, 1871; and the said Camille E. Girardey herein acting in his own name and behalf, as well as on behalf of the firm of C. E. Girardey & Co., (composed of himself, Thomas L. Macon and Nicholas J. Hoey), who declared that for the price and upon the terms and conditions hereinafter expressed and specified, they do by these presents jointly sell, convey, transfer, assign and set over, under all the warranties of law, and with substitution and subrogation to all their (said Southworth, Bloomer and Girardey & Co.'s) rights, title, claims, and actions in warranty against their vendors and the vendors or the authors of their vendors, unto the Commissioners of the New Orleans Park, a body corporate, created by an act of the Legislature

of this State, entitled "an act to establish a public park for the city of New Orleans, and to provide means therefor," approved March 16, 1870, being act No. 84 of the extra session of the General Assembly, begun and held in the city of New Orleans, March 7, 1870, amended by an act entitled "An act to amend and re-enact sections one, twelve and seventeen of an act entitled an act to establish a public park for the city of New Orleans, and to provide means therefor," approved March 16, 1870, said latter act approved April 6, 1871, the following described property, to wit :

That certain tract of land situated, lying and being in the Sixth District of the City of New Orleans and bounded by the Mississippi river, the middle of Nayades street, on St. Charles avenue, the lower line of Greenville and the upper line of Burtheville, containing about three hundred and seventy arpents (more or less) superficies, having (French measure) the following stated dimensions, viz : A width and front on a line in the middle of the public road of two thousand two hundred and fifty-nine feet, or twelve arpents and ninety-nine feet ; then on the upper boundary of said tract or lower line of Greenville, five thousand and sixty-two feet and two inches from the middle of the public road to the middle of St. Charles avenue ; then on the lower boundary of said tract, or upper line of Burtheville, five thousand three hundred and sixty-four feet eleven inches from said middle of the public road to said middle of St. Charles avenue, with all the rights of batture, ways, privileges, servitudes and apurtenances, and other hereditaments to the said tract as above defined, belonging or in any wise appertaining.

The measurement above given, in conformity with a plan or diagram made and signed by J. A. D'Hemecourt, deputy surveyor of this city, dated the eighth of March, 1870, and annexed and made part of the inventory of the estate of Louis F. Foucher, Marquis de Circe, taken by Francis J. Laizer on the twelfth of March, 1870, a copy of which inventory is on file in the Second District Court for the parish of Orleans, in the matter of the succession of said late L. F. Foucher, Marquis de Circe, No. 33,781 of the docket of said court ; which said herein conveyed tract of land belongs to the present vendors in the proportion of five undivided sixths to said Southworth, and one undivided sixth to said Bloomer, by means of the purchase which they jointly made of a large tract of land from Mrs. Marie Marguerite Felicie Burthe, widow of the late L. F. Foucher, Marquis de Circe, and Mrs. Aline Delachaise, wife of Francois Dugue, by an act passed before Edward G. Gottschalk, a notary public in this city, on the sixth of May, 1871, registered in the office of Conveyances and recorded in the office of Mortgages in this city, to wit : In the former in book 99, folios 556 and 557, and in the latter in book 91, folio 548, and by an act executed on

the twelfth of August, 1871, before Mr. Marcel T. Ducros, a notary in this city, on the twelfth of August, 1871, registered in Conveyance office in book 100, folio 175, the said M. A. Southworth sold and conveyed five-eighths, or one-third of his said Southworth's interest in said property to said Girardey & Co.

And no alienation of their share in said land has heretofore been made by said Southworth, Bloomer, or Girardey & Co., as shown by the hereunto annexed certificate from said Conveyance office.

And the said Commissioners of the New Orleans Park hereby accept the sale of said above described property, and acknowledge delivery and possession thereof as purchasers for the said corporation and its legal successors and assigns, under and by virtue of a resolution of said Board of Commissioners, passed on the fifteenth day of August, 1871, a duly authenticated copy of which is hereto annexed for reference, in and by which resolution this contract is ordered to be executed, on the terms and conditions hereinafter set forth, and the mortgage ordered to be given as is stated in this act, upon the property presently purchased as well as upon that known as the City Park, more fully described hereinafter, and Messrs. Joseph Rodney West, Pinkney B. S. Pinchback, Henry Clay Dibble, Andrew W. Smyth were and are authorized to appear on behalf of said board for the purposes aforesaid.

This sale is made for and in consideration of the price and sum of eight hundred thousand dollars, paid and payable in the manner following, to wit :

The purchasers have paid in current money to the vendors, who acknowledge receipt thereof, and grant acquittance and discharge therefor, the sum of sixty-five thousand dollars.

They hereby assume and bind themselves, a corporate body as aforesaid, to take up and pay in the place and stead, and to the acquittance and discharge of the said Southworth and Bloomer, those twenty several promissory notes, made in solido by said M. A. Southworth and Robert Bloomer, to their own order and by them indorsed, all dated first of February, 1871, each for twenty-seven thousand dollars, made payable at the Citizens' Bank of Louisiana, in this city, respectively, two in one year, two in two years, two in three years, two in four years, two in five years, two in six years, two in seven years, two in eight years, two in nine years, and two in ten years after date, (divided into two series of ten notes each, respectively, marked by the letter A and the letter B), and stipulating to bear interest at the rate of seven per cent. per annum, from date until final payment; which said notes are the same, the payment of which is secured by the

mortgage and privilege resulting from the act of purchase of said Southworth and Bloomer aforesaid, and the purchasers assume said mortgage and privilege in full, together with the various clauses securing the payment of said notes and penalties in event of non-payment of said notes, or all of them, as set forth and recited in said act.

And in final liquidation and settlement of the balance of said price the purchasers have made, executed and delivered, one hundred and ninety-five bonds, dated first September, 1871, numbered respectively from one to one hundred and ninety-five, both inclusive, in the sum of one thousand dollars each, payable to the said C. E. Girardey, or bearer, ten years from the date thereof, and bearing interest at the rate of eight per cent. per annum, payable semi-annually on the first day of March and September of each year, at the Citizens' Bank of Louisiana; said interest evidenced by interest coupons attached to said bonds falling due and being payable according to the tenor thereof, which bonds are issued by the said New Orleans Park Commissioners according to the laws authorizing the same, and are signed by the President and Secretary of said Board of Commissioners.

It is further agreed, understood and stipulated by and between the parties to this act as conditions to this sale, that in addition to said price the said purchasers assume and bind themselves to pay the taxes due on the said property as described, set forth and assumed by said Southworth and Bloomer in their act of purchase, being city, State and drainage taxes, now unpaid, to the entire acquittance and discharge of the present vendors.

That to secure the payment of the aforesaid bonds in principal and interests and all costs, and also to guarantee the faithful execution of all the conditions of this act, the property herein conveyed is hereby and shall remain specially mortgaged and affected with privilege in favor of the said vendors, and of any future holder or holders of the bonds aforesaid, their successors or assigns, not to alienate, deteriorate or encumber the said property or any part thereof to the prejudice of this act.

And the said commissioners, for the purpose of securing the faithful payment of the said one hundred and ninety-five bonds, given in part payment of the price aforesaid and interest coupons attached, as they shall fall due, do, by virtue of the act of the Legislature of Louisiana, approved March 16, 1870, mortgage and hypothecate in favor of the present or any future holder or holders of said bonds, all and singular, the following described real estate, with the improvements thereon, and the rights, ways and servitudes thereto belonging:

All that certain portion of ground, situated in the city of New Orleans, between Lake Pontchartrain and the Mississippi river, known as the City

Park, which said portion of ground has four thousand three hundred and thirty-five feet six inches front on the old and new Metairie roads, and a depth of seventeen hundred feet, and contains one hundred and seventy-three and seventy-three one-hundredths acres, more or less, being the same property which the city of New Orleans acquired from the succession of John McDonogh, by an act passed before _____, a notary in this city, on the — day of —, 18—, (C. O. B. fo. —), and constituted a city park by said city of New Orleans.

And by reference to the hereto annexed certificates, from the office of Mortgages for this parish, it will appear that said property is encumbered by the mortgage granted by said Bloomer and Southworth by their said act of purchase herein assumed by said present purchasers as aforesaid, and the assumption of a portion of said mortgage taken by Girardey, Macon and Hoey, in their act of purchase, and included in the general assumption of the whole mortgage by the present purchasers; by the mortgage granted by Southworth and Bloomer in favor of J. R. West et als, by act before P. C. Cuvellier, notary, dated sixth of May, 1871, to secure sixty-five thousand dollars, which has been paid out of the cash of this sale, and said mortgage will be immediately canceled.

United States internal revenue stamps of the value of eight hundred dollars are hereon affixed and canceled.

Thus done and passed at New Orleans aforesaid, on the day, month and year hereinbefore written, in the presence of Benjamin Ory and George Martin, competent witnesses of lawful age, who hereunto sign their names with the appearers and me, notary, after reading thereof.

(Original signed)

J. R. WEST,
A. W. SMYTH,
P. B. S. PINCHBACK,
GEORGE MARTIN,
CAMILLE E. GIRARDEY,
BENJAMIN ORY,
M. A. SOUTHWORTH.

_____, Notary Public.

A true copy.

NEW ORLEANS, September 17, 1871.

The following was the vote on the adoption of the resolution: Yeas—
Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That there be and is hereby authorized by the Commissioners of the New Orleans Park an issue of two hundred bonds, of the sum of one thousand dollars each, dated first day of September, 1871, payable September 1, 1881, with interest at eight per cent. per annum, payable semi-annually, and that the president and secretary of this commission be and they are hereby authorized to sign and seal the same.

The following members voted yes on the adoption of the resolution :
Dibble, Pinchback, Smyth and West.

On motion, duly seconded, the following resolution was passed :

Resolved, That one hundred and ninety-five bonds of one thousand dollars each of the issue this day authorized be and the same are hereby appropriated, to be given in part payment of the property purchased from Messrs. Robert Bloomer and M. A. Southworth, and that a mortgage act to secure the payment of said bonds be executed by the commissioners in favor of Camille E. Girardey, mortgaging the lands now belonging to the city of New Orleans, known as the City Park, and property purchased from Messrs. Robert Bloomer and M. A. Southworth.

The following was the vote: Yeas—Dibble, Pinchback, Smyth and West. No—None.

On motion, duly seconded, it was

Resolved, That the annual sum of sixteen thousand dollars, or so much thereof as may be necessary, for each and every year for ten years, be and and is hereby set apart from the moneys that shall be paid over by the city of New Orleans to the Commissioners of the New Orleans Park, and is hereby appropriated to the payment of the interest on two hundred bonds of one thousand dollars each, according to the issue of said bonds, this day duly authorized by this commission.

The following members voted yes: Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That the annual sum of twenty thousand dollars, or so much thereof as may be necessary, for each and every year for ten years, be and is hereby set apart from the moneys which shall be paid over by the city of New Orleans to the Commissioners of the New Orleans Park, and is hereby appropriated to the liquidation and final payment of two hundred bonds of one thousand dollars each, according to the issue of said bonds, this day duly authorized by this commission.

The following members voted yes: Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That the sum of three thousand six hundred and thirty-two dollars and seventy-two cents be paid as interest to December 10, 1871, upon the amount of sixty-five thousand dollars, advanced by the Louisiana Savings Bank for and on account of the city of New Orleans, said interest to be charged to and to be reimbursed by the city.

The following members voted yes: Dibble, Pinchback, Smyth and West.

On motion, duly seconded, it was

Resolved, That the sum of three thousand dollars be and is hereby placed to the credit of the secretary as an additional contingent fund.

The following was the vote: Dibble, Pinchback, Smyth and West.

The secretary reported that he had renewed the lease of the office of the commissioners for one year, at the rate of seventy-five dollars per month, which was unanimously approved.

The secretary reported that during his absence he had empowered the assistant secretary to act in that capacity in his stead.

No further business coming before the board it was adjourned, subject to the call of the president.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 13, 1871.

Pursuant to the call of the president the commissioners met this day. Present—Hon. J. R. West, president, and Messrs. Dibble, Pinchback and Smyth.

The minutes of the last meeting were read and approved.

The secretary reported the receipt of credentials from Mr. Joseph H. Wilson, claiming a seat in this commission, and submitted the same for consideration.

The president stated that papers had also been handed to him on which Dr. M. A. Southworth claimed the same seat in virtue of an appointment anterior to that of Mr. Wilson.

It was moved by Mr. Pinchback, and seconded by Mr. Dibble, that the credentials be referred to the consideration of a special committee of two members to be appointed by the chair. The following was the vote: Yeas—Dibble, Pinchback, Smyth, West.

The president appointed Messrs. A. W. Smyth and P. B. S. Pinchback the special committee.

The secretary reported the probable institution of suit against the City Council and Park Commissioners to enjoin the city from turning over certain funds to the commissioners.

On motion, duly seconded, it was

Resolved, That the president be authorized to employ additional counsel, if necessary, to defend said suit. The following members voted yes: Dibble, Pinchback, Smyth, West.

The president reported personal conference with the city government, and that they express their willingness to turn over all funds due to the commission.

On motion, duly seconded, it was

Resolved, That the president be directed to require the payment in the bank, by the City Council, of the amount collected to date, on account of the tax for the improvement of the City Park. The following was the vote: Ayes—Dibble, Pinchback, Smyth and West.

The president reported the appointment of Jas. H. Perkins as keeper of the City Park, on Metairie Ridge, which action was unanimously approved.

Jordan B. Noble was appointed keeper of the City Park in the Sixth District, at fifty dollars per month from date.

On motion, duly seconded, the commission adjourned to Wednesday, November 15, at 12 o'clock noon.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 15, 1871.

No quorum appearing, Messrs. Dibble, Smyth and Pinchback, who were present, adjourning to meet November 17, at 1 o'clock P. M.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 17, 1871.

Pursuant to adjournment, the commissioners met this day. Present—J. R. West, president; H. C. Dibble, P. B. S. Pinchback and A. W. Smyth.

The minutes of the last meeting were read and approved. The president informed the commissioners that, on the sixteenth inst. he had tendered his resignation to the Governor, and now further notified the Board of Commissioners of his desire to withdraw from membership in the commission.

No quorum of the commissioners being present, the board adjourned to November 18, at 11.30 o'clock A. M.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 18, 1871.

Messrs. Pinchback, Smyth and Dibble met this day pursuant to adjournment, and adjourned to meet Tuesday, November 21, 1871.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 21, 1871.

Messrs. A. W. Smyth and P. B. S. Pinchback met this day and adjourned to meet Friday, November 24, 1871.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 24, 1871.

Pursuant to adjournment, Messrs. H. C. Dibble and A. W. Smyth met and adjourned to Saturday, November 25, at 2 o'clock P. M.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 25, 1871.

Pursuant to adjournment, the commissioners met this day.

Present—H. C. Dibble, P. B. S. Pinchback and A. W. Smyth.

On motion, duly seconded, Dr. W. Smyth was called to the chair.

On motion, duly seconded, the commissioners proceeded to elect a person to fill the vacancy in the board created by the resignation of J. R. West.

Dr. M. F. Bonzano was put in nomination, and the following was the vote on his election :

Yeas—Dibble, Pinchback and Smyth.

The assistant secretary was instructed to notify Dr. Bonzano of his election as a member of this commission.

The board on motion adjourned to meet on Monday, November 27, at three o'clock.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 27, 1871.

Pursuant to adjournment the commissioners met this day.

Present—A. W. Smyth, H. C. Dibble, M. F. Bonzano and P. B. S. Pinchback.

Dr. A. W. Smyth was called to the chair. The minutes of the last meeting were read and approved.

On motion, duly seconded, the board went into the election of a president.

Dr. M. F. Bonzano being nominated, was unanimously elected. The president then took his seat.

On motion, duly seconded, it was

Resolved, That the secretary be requested to notify the authorities of the city of New Orleans that the commissioners will, in accordance with section seventeen of act eighty-three of 1871, make all necessary provisions for draining the property now set apart for park purposes.

Yeas—Dibble, Pinchback, Smyth, Bonzano.

On motion, duly seconded, it was

Resolved, That the assistant secretary obtain from the vendors of the property purchased by the Park Commissioners, an order for the release of the person now in charge of the place. Further

Resolved, That the keeper of this park be required to reside on or near the property for the present.

Yeas—Dibble, Pinchback, Smyth and Bonzano.

The committee to whom was referred the credentials of Mr. Joseph Wilson, expressing their readiness to report, on the suggestion of the president the report was withheld until the next meeting of the commissioners.

On motion, duly seconded, it was

Resolved, That the secretary communicate with park engineers with a view of obtaining plans or suggestions for the embellishment and improvement of the City Park.

Yeas—Dibble, Pinchback, Smyth, Bonzano.

No further business appearing, the commissioners, on motion, duly seconded, adjourned subject to the call of the president.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, December 14, 1871.

In accordance with the call of the president, the board met this day. Present—Dr. M. F. Bonzano, president; H. C. Dibble, P. B. S. Pinchback and A. W. Smyth.

The minutes of the last meeting were read and approved.

The secretary reported that he had communicated with the city authorities, according to the resolution by this commission.

The assistant secretary reported that he had procured the release of the person in charge of the City Park property in the Sixth District, in accordance with the instructions of the board.

On motion, duly seconded, it was

Resolved, That the president and two members, to be appointed by him, be constituted a committee to receive from the city of New Orleans the unpaid amount due the commissioners for taxes for the years 1870 and 1871.

That the committee be authorized to receive the amount in certificates of appropriation, bearing seven-thirty per cent. interest, except the sum of twenty-five thousand dollars, to be paid in cash.

Resolved, That the committee shall only receipt for the amount actually received and without compromise to the right of the commission to claim from the city the amount which the city claims it shall retain as an assessment for drainage.

Resolved, That the committee be instructed to pay, with the twenty-five thousand dollars to be received in cash, the amount due the Louisiana Savings Bank.

Resolved, That the committee shall receive the certificates aforesaid and shall make a special deposit of the same with the financial agent of the commission, taking a receipt therefor, which shall contain numbers and descriptions of said certificates. The special deposit of certificates so to be made shall be considered as a deposit of money, and shall only be drawn as in case of deposit of money.

The following gentlemen voted: Yes—Dibble, Pinchback, Bonzano and Smyth. No—None.

The president appointed Dr. A. W. Smyth and H. C. Dibble the committee.

The special committee to whom was referred the credentials of Mr. Joseph H. Wilson reported as follows :

NEW ORLEANS, December 14, 1871.

To the President and Members of the New Orleans Park Commissioners:

Gentlemen—Your committee to whom was referred the credentials of Mr. Joseph H. Wilson have had the same under consideration, and beg respectfully to report adversely to the claim of Mr. Wilson to be recognized as a member of this commission.

Your committee have ascertained from his Excellency the Governor that M. A. Southworth was duly appointed a park commissioner on the twenty-seventh of April, 1871. A copy of the commission issued to him accompanies this report.

Your committee have also ascertained that M. A. Southworth never resigned, and we are informed by his Excellency the Governor that said Southworth accepted the appointment of park commissioner, but declined to participate in the actions of the board because of his interest in certain property which the commissioners were required by law to purchase.

(Signed)

A. W. SMYTH,
P. B. S. PINCHBACK.

On motion, duly seconded, the report was received and adopted by the following vote : Yes—Dibble, Pinchback, Smyth, Bonzano.

On motion, duly seconded, it was

Resolved, That the assistant secretary return Mr. Wilson his credentials and transmit him a copy of the report and resolution just read and adopted.

On motion, duly seconded, it was

Resolved, That Dr. W. A. Southworth be informed of his recognition as a member of this commission.

The following was the vote : Yes—Dibble, Pinchback, Smyth, and Bonzano.

On motion, duly, seconded, the commission adjourned subject to call.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, December 23, 1871.

In accordance with the call of the president, the commissioners met this day. Present—Dr. M. F. Bonzano, president; A. W. Smyth, P. B. S. Pinchback, H. C. Dibble, and M. A. Southworth.

The minutes of the last meeting were read and adopted.

Dr. Bonzano presented his resignation as president of the commission, which, on motion, duly seconded, was received.

On motion of Mr. Pinchback, Dr. A. W. Smyth was elected president by the following vote: Yes—Dibble, Southworth, Pinchback; Dr. Smyth excused from voting.

The president took his seat.

On motion, duly seconded, the president was authorized to fill the vacancy on special committee, created by the election of Dr. Smyth to the presidency of this commission. The following gentlemen voted yes: Dibble, Pinchback, Southworth, Bonzano and Smyth.

The president then appointed Mr. Pinchback on the committee to wait on the City Council as per resolution of December 14, 1871.

On motion, the commission adjourned subject to call.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, January 31, 1872.

In accordance with the call of the president, the commissioners met this day.

Present—A. W. Smyth, president; H. C. Dibble, P. B. S. Pinchback and M. A. Southworth.

A quorum being in attendance the reading of the minutes of the last meeting was dispensed with.

On motion, duly seconded, it was

Resolved, That the Louisiana Savings Bank and Safe Deposit Company be and is hereby authorized to sell at the highest market price, one certificate of appropriation dated January, for the sum of twenty-five thousand dollars; and eight seven-thirty certificates, numbered 209 to 216 inclusive, and dated January 4, 1872, seven of which are for five thousand dollars each, and one for ten hundred and twenty-nine dollars and sixty-three cents; in all, thirty-six thousand and twenty-nine dollars and sixty-three cents in seven-thirty certificates belonging to the commission and now held by said bank, the proceeds to be put to the credit of the Commissioners of the New Orleans Park, on the books of said bank; provided, that a sufficient

amount of said proceeds, with a loan this day authorized by the city of New Orleans, shall be appropriated to immediate payment of the first mortgaged notes assumed by the commissioners, amounting to fifty-four thousand dollars, with interest thereon, and due on the first and fourth February next, and we hereby authorize and direct the said bank to pay said notes.

Resolved, That said bank is hereby allowed one per cent. commission for selling the above, and the same on the loan to be negotiated by them, to make good the deficit on said notes for fifty-four thousand dollars and interest.

The following was the vote on the adoption of the resolution :

Yeas—Dibble, Pinchback, Southworth, Smyth. Nays—None.

No further business coming up, the board on motion adjourned subject to call.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, March 12, 1872.

Pursuant to notice the commissioners met this day. Present—Dr. A. W. Smyth, president; H. C. Dibble, P. B. S. Pinchback, Dr. M. A. Southworth.

On motion, duly seconded, the reading of the minutes of the last meeting was dispensed with.

The letter containing the resignation of Dr. M. F. Bonzano was read, and on motion, duly seconded, was ordered to lie on the table. The following was the vote: Yes—Dibble, Pinchback, Southworth, Smyth, unanimous.

On motion, duly seconded, it was

Resolved, That in accordance with a resolution adopted August 15, 1871, the president be authorized to raise the amount of seven thousand eight hundred dollars to pay the first coupons on bonds issued by the commission, which amount is hereby appropriated for said purpose. Yes—Dibble, Pinchback, Southworth, Smyth.

On motion, duly seconded, the board adjourned subject to call.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, June 13, 1872.

Pursuant to call of the president the commissioners met this day.

Present—A. W. Smyth, president; H. C. Dibble, P. B. S. Pinchback

and M. A. Southworth, a quorum. The minutes of the previous meeting were read and approved.

The president stated that in accordance with a resolution of this board he had induced Mr. Bogart, a competent park engineer, to visit New Orleans and examine the park lands with a view of recommending suitable plans for the improvement of the Park.

Mr. Bogart being present was requested to express some of his views of the properties, which he did, assuring the commissioners that with the adoption of a good plan at the outset, the park lands might be so improved as to make them in a short time the pride of the people.

No action was taken by the board.

Some conversation ensued between the commissioners with reference to the pastorage of herds of cattle in the City Park, resulting in the offering and adopting of the following resolution :

Resolved, That the secretary of board be instructed to notify the keepers of the parks to immediately cause all cattle to be removed from the park properties, and that they be directed to have the properties cleaned at no additional expense to the commission.

Yeas—Dibble, Pinchback, Smyth, Southworth. Nays—None.

The secretary submitted a bill from P. C. Cuvellier, notary, for services rendered, which on motion was ordered to be referred to attorney of the commission for his opinion.

Bill from the attorney of the commission, Mr. William Grant, was presented and ordered to lie over.

The board, on motion, adjourned to meet Saturday, June 15, 1872.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, June 15, 1872.

Pursuant to adjournment, the commissioners met this day. Present—Dr. A. M. Smyth, the president; Hon. H. C. Dibble, Lieutenant Governor P. B. S. Pinchback and Dr. M. A. Southworth.

The reading of the minutes of the last meeting was dispensed with.

The president submitted a communication from Messrs. Lacey & Butler, the subject of which was laid over for consideration at the next meeting of the board.

On motion, duly seconded, it was

Resolved, That the president of the board be and he is hereby authorized to contract with Messrs. Bogart & Culyer, of New York, civil engineers,

and engage their services for one year from June 1, 1872, at a salary of five thousand dollars per annum, and as additional compensation for their services the rate of five per cent. on the amount expended in the improvement of the New Orleans Park during said period. Yeas—Dibble, Pinchback, Smyth and Southworth.

On motion the commission adjourned subject to call.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, June 27, 1872.

The commissioners met this day in accordance with the call of the president. Present—Dr. A. W. Smyth, president; H. C. Dibble, P. B. S. Pinchback, M. A. Southworth. No quorum present.

On motion the commission adjourned, to meet June 28, at 3.25 P. M.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, June 28, 1872.

Pursuant to adjournment, the commissioners met this day. Present—Dr. A. W. Smyth, H. C. Dibble, P. B. S. Pinchback, M. A. Southworth.

The reading of the minutes of the previous meeting was dispensed with.

Mr. Bogart, civil engineer being present, was requested to give some of his views relative to the improvement of the park properties, which he did.

On motion of Mr. Southworth, seconded by Mr. Dibble, the question of right of way from Magazine street, through the Sixth District Park property to the public, or to any railroad company be referred to the attorney of the board, requesting to report thereon immediately.

Adopted by the following vote:

Ayes—Dibble, Pinchback, Southworth, Smyth. Nays—None.

On motion, duly seconded, it was

Resolved, That the President is hereby authorized to apply to the city authorities to transfer their permission to remove the iron building at the head of Canal street from the Second District Park to the Sixth District Park.

Resolved further, That in the event of the City Council authorizing this removal to the Sixth District Park, the president of this commission is hereby authorized to advertise for contracts for removing the same. Adopted by the following vote: Ayes—Dibble, Pinchback, Southworth, Smyth.

On motion, duly seconded, it was

Resolved, That the sum of twenty-five hundred dollars be and is hereby appropriated as an advance to Messrs. Bogart & Culyer, civil engineers, on the annual salary allowed them by this board. Yeas—Dibble, Pinchback, Southworth, Smyth.

On motion the commission adjourned subject to call of the president.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, October 16, 1872.

Pursuant to the call of the president, the commissioners met this day. Present—Dr. A. W. Smyth, H. C. Dibble, M. A. Southworth and P. B. S. Pinchback.

The reading of the minutes of the previous meeting was dispensed with.

On motion, duly seconded, it was

Resolved, That the president be authorized to pledge to the Louisiana Savings Bank forty-five thousand dollars of city certificates to secure the payment of the note of thirty-six thousand dollars held by said bank; provided, that the ten per cent. bonds of the city held by the bank be delivered to the president for return to the city.

The following was the vote on the adoption of the resolution: Ayes—Dibble, Pinchback, Smyth and Southworth. Nays—None.

On motion, duly seconded, it was

Resolved, that the president of the board be authorized to return to the city of New Orleans the forty-five thousand dollars in bonds held by the fiscal agent, and loaned to the commission by the city; provided, that the city authorities pay over to the fiscal agent of the board all taxes collected to date, and not accounted for, and now due the commissioners.

The following members voted aye: Dibble, Pinchback, Smyth and Southworth.

On motion, duly seconded, it was

Resolved, That the president of the board be requested to inform Messrs. C. E. Girardey & Co. that the commission can not meet the payment of nineteen thousand five hundred dollars of bonds, now due under resolution

of the board, without a sacrifice of city certificates of indebtedness, received in payment of tax collected by city authorities, and to ask Messrs. C. E. Girardey & Co. on what terms they will accept city certificates in payment of said bonds.

The following was the vote: Ayes—Dibble, Pinchback, Smyth and Southworth. Nays—None.

The secretary presented the bill of the American Bank Note Company for one hundred and seventy-five dollars for engraving bonds.

The bill was approved and ordered to be paid out of the contingent fund.

On motion, the commission adjourned subject to call of the president.

WM. G. BROWN, Assistant Secretary.

NEW ORLEANS, November 18, 1872.

The board met upon the call of the president of the board. Messrs. Smyth, Pinchback, Southworth and Dibble were present.

The minutes of the several meetings held were read and approved.

The following resolution was offered by Mr. Dibble:

Resolved, That the fiscal agent be and is hereby authorized to pay the coupons on one hundred and ninety-five bonds, due September 1, 1872, say seven thousand eight hundred dollars.

Adopted, the following commissioners voting aye: Smyth, Pinchback, Dibble and Southworth. Nays—None.

The following preamble and resolution were offered by Mr. Dibble:

Whereas, the board authorized the printing of two hundred thousand dollars in eight per cent. bonds; and

Whereas, the amount authorized to be issued, and issued, realized only one hundred and ninety-five thousand dollars;

Resolved, That the five blank bonds now in the hands of the secretary be destroyed by the fiscal agent.

Adopted, the following commissioners voting aye: Smyth, Dibble, Southworth and Pinchback. Nays—None.

The president informed the board that he had addressed a communication to Messrs. C. E. Girardey & Co., as directed by the board at the last meeting, and had received the following reply, which was received by the commissioners, read and ordered to be spread upon the minutes:

NEW ORLEANS, November 23, 1872.

Gentlemen—Your communication of the sixteenth instant was received and contents duly noted.

The property to which you refer is, on any fair appraisal, worth one million dollars; and being better adapted for the purposes, can be beautified as a park more easily and cheaply than any other location in this city. Our desire that the property should be improved and secured forever to the city of New Orleans, for park purposes, is so strong that we are willing to make great sacrifices to accomplish this object.

As to payments on the said property, there are due on the first of February, 1873, two notes amounting to fifty-four thousand dollars, with two years' interest thereon, at the rate of seven per cent. per annum, and two notes amounting to forty-four thousand dollars, with three years' interest thereon, due first of February, 1874.

We propose, therefore, to enter into the following engagement and contract:

First—That the Commissioners of the New Orleans Park shall make, in the Citizens' Bank of New Orleans, an irrevocable deposit of eighty thousand dollars of the certificates now held by them for the purpose of securing the payment of and to pay at maturity the aforesaid notes and interest thereon, on the following conditions:

First—That the said securities shall be sold by the Citizens' Bank at any time on the written order of the said commissioners, and not to be sold without their consent until the first of January of each year, when, if the said commissioners of the New Orleans Park should not have deposited in the said Citizens' Bank sufficient current funds to meet the payment of said notes and interest thereon in the succeeding February, then the said Citizens' Bank shall and is by this agreement empowered and directed to sell at either private or public sale enough of the said certificates for the payment of the notes and interest thereon, and which notes are secured by mortgage and vendor's lien on the property of the Park, and which by public act have been made payable at said Citizens' Bank.

Second—An irrevocable order on the city of New Orleans, the Mayor and Administrators of Finance and Public Accounts and the fiscal agent of said city, or each or either of them jointly or separately, in our favor, to pay to us from the current collections of the park tax the sum of eighty thousand dollars, which as collected by us shall be deposited in the said Citizens' Bank, and applied in a similar manner if payment is made by said city in appropriation certificates as those specified in article first; but if the payment be made under this order in current funds, then these funds

to be applied by the said Citizens' Bank and enough of the certificates as will together pay the notes with interest thereon and cancel them, your order to subrogate us to your right and title in and to the said park tax, and declaring the same to be vested in virtue of this contract in us, and with authority and power to institute legal proceedings if necessary to compel payment to us of same to the extent of this order.

Third—Should there remain any surplus after paying the said notes either in the certificates or the proceeds of the sale thereof, all such surplus, whether in certificates or in current funds, shall, by the Citizens' Bank, be held subject to the order of the Commissioners of the New Orleans Park or Parks.

Fourth—And in consideration of the foregoing we hereby agree to sell to the Commissioners of the New Orleans Park or Parks, for cancellation and destruction, one hundred of the one thousand dollars eight per cent. interest bearing park bonds held by us for city certificates at par.

These securities or certificates are now worth less than seventy cents. You will perceive that by such an agreement the Board of Commissioners will save to the city \$37,500, as well as interest on bonds canceled, and secure also to the city, as contemplated by law, and beyond any reasonable contingency, the most beautiful site for a public park in this city or the South.

The undersigned trust that this proposition will appear to the Park Commissioners as it does to them—too favorable to the interest they represent to be rejected.

Very respectfully,

(Signed)

C. E. GIRARDEY & CO.

Mr. Pinchback then offered the following preamble and resolution, which were adopted upon the vote of commissioners Smyth, Pinchback, Dibble and Southworth. Noes—none.

Whereas, this commission have been unable to obtain any settlement with the city of New Orleans, except in appropriation certificates, for the taxes collected by said city, under authority of the park law; and

Whereas, this commission having contracted a large debt by reason of the purchase of the necessary land, etc., under obligations which, by any failure on their part to promptly meet at maturity, might incur heavy damages, and perhaps forfeit the large payments already made, and jeopardize the tenure of the property; and

Whereas, in the present state of the city's credit and difficulty to realize on said appropriation certificates to liquidate the bonded debt which bears

a heavier rate of interest than the certificates of appropriation, to sell which would now entail a heavy loss; and

Whereas, a proposition has been made to this board by Messrs. C. E. Girardey & Co., on the twenty-third of October, 1872, a copy of which is on the records of this commission, affording relief from the difficulties; be it resolved,

First—That the same be and is hereby accepted, ratified and approved, and this board enter into contract with said parties.

Second—That an appropriation be made of eighty thousand dollars to carry out all the objects stated in the said proposition.

Third—That an order for eighty thousand dollars of the city certificates of appropriation be executed in favor of the Citizens' Bank of this city, on the fiscal agent, W. Van Norden, president of the Louisiana Savings Bank of this city, which certificates shall be held by said Citizens' Bank, as an irrevocable deposit, pledged by this commission for the securement of and to pay, at their maturity, the note amounting to fifty-four thousand dollars, with seven per cent. interest thereon, due on the first of February, 1873, and those amounting to fifty thousand, with seven per cent. per annum interest, due on the first of February, 1874, both or all dated on the first of February, 1871, and secured by vendor's lien on the property of the park, and said deposit to be made at said Citizens' Bank, to be all in conformity with the conditions set forth in the contract.

Fourth—That an irrevocable order is hereby made in favor of Messrs. C. E. Girardey & Co., on the city of New Orleans and on the Administrators of Finance and Public Accounts, and the Fiscal Agent of said city, or each or either of them, jointly or separately, for the sum of eighty thousand dollars, payable out of any balances yet due, or resulting from the current collection of all taxes, moneys or funds already collected, or collectable by the city of New Orleans, under authority of law, during the years 1872 and 1873, for park purposes, and account to the said C. E. Girardey & Co. for the same, including the amount retained for drainage, and until the sum so accounted for and to be paid to the said C. E. Girardey & Co. shall amount to eighty thousand dollars, and to the extent of the taxes, moneys and funds hereinabove referred to, full right, and title are hereby subrogated and declared irrevocably to be fixed and vested in the said C. E. Girardey & Co., so as to authorize and empower them to exercise complete and absolute control and ownership over the same, and as by them collected from the city of New Orleans, the same to be deposited in the Citizens' Bank of this city, to be there held as a pledge for the payment of certain notes as they mature, secured by mortgage on the property purchased by this commission under provision of the law.

Fifth—That an order in favor of the president of this board on the fiscal agent for one hundred thousand dollars of the said city certificates be made, the same to be applied by him to the redemption of a like number of the eight per cent. one thousand dollar bonds, which bonds, when so redeemed, shall immediately thereafter be stamped as canceled and paid, which cancellation shall be certified to by the Recorder of Mortgages.

Whereupon Commissioner Southworth proposed the following order should be made and signed by the commissioners, adopted on the vote of Messrs. Smyth, Pinchback and Southworth :

OFFICE OF THE COMMISSIONERS OF THE NEW ORLEANS PARK,
New Orleans, November 18, 1872.

In view of the contract entered into with C. E. Girardey & Co., dated twenty-third October, 1872, providing for the payment of certain notes secured by mortgage and vendor's lien on the property purchased for the Park and contracted by this commission, etc., you will please take notice that an order to cancel and provide payment for carrying out in good faith all provisions of said contract, that this Board of Commissioners of the New Orleans Park or Parks have passed the following resolution, to wit :

That an irrevocable order is hereby made in favor of C. E. Girardey & Co., on the city of New Orleans, and the Administrators of Finance and Public Accounts, and the Fiscal Agent of said city of New Orleans, and each or either of them jointly or separately, for the sum of eighty thousand dollars, payable out of any balances yet due or resulting from the current collection of all taxes, moneys or funds already collected or collectable by the city of New Orleans, under authority of law, during the years 1872 and 1873, for park purposes, and account to the said C. E. Girardey & Co. for the same, including the amount retained for drainage, and until the sum so accounted for and to be paid to the said C. E. Girardey & Co., shall amount to the sum of eighty thousand dollars, and to the extent of the taxes, moneys and funds hereinabove referred to, full right and title are hereby subrogated and declared irrevocably to be fixed and vested in the said C. E. Girardey & Co., so as to authorize and empower them to exercise complete and absolute control and ownership over the same, and as by them collected from the city of New Orleans, the same to be deposited in the Citizens' Bank of this city, to be there held as a pledge for the payment of certain notes as they mature, secured by mortgage on the property purchased by this commission under provision of the law.

(Signed)

HENRY C. DIBBLE,
P. B. S. PINCHBACK,
M. A. SOUTHWORTH,
A. W. SMYTH,

The following order was then proposed by Mr. Southworth, and ordered to be entered and signed—the following commissioners voting aye: Smyth, Dibble, Pinchback and Southworth.

\$80,000.

OFFICE OF THE COMMISSIONERS OF THE NEW ORLEANS PARK,

New Orleans, November 18, 1872.

At sight you will pay to the order of John G. Gaines, Esq., president of the Citizens' Bank of this city, eighty thousand dollars in warrants for new consolidated bonds, and being the same certificates received by your bank, as the fiscal agent of this board, from the city of New Orleans, and now standing to the credit of the undersigned Commissioners of the New Orleans Park or Parks.

(Signed)

A. W. SMYTH,
H. C. DIBBLE.
P. B. S. PINCHBACK.
M. A. SOUTHWORTH.

To W. Van Norden, Esq., President of the Louisiana Savings Bank and Safe Deposit Company.

Commissioner Southworth further proposed that the following order should be made, signed and entered. Adopted on the vote of Messrs. Smyth, Dibble, Pinchback and Southworth.

\$60,000.

OFFICE OF THE COMMISSIONERS OF THE NEW ORLEANS PARK OR PARKS,

New Orleans, November—, 1872.

At sight you will pay to the order of Dr. A. W. Smyth, president of the Board of Commissioners of the New Orleans Park or Parks, sixty thousand dollars in warrants for the new consolidated gold bonds, and being the same certificates received by your bank, as the fiscal agent of this board, from the city of New Orleans, and now standing to the credit of the undersigned, or Commissioners of the Park or Parks.

(Signed)

H. C. DIBBLE,
P. B. S. PINCHBACK,
M. A. SOUTHWORTH,
A. W. SMYTH.

To W. Van Norden, President Louisiana Savings Bank and Safe Deposit Company.

And finally the following order was proposed by the same commission-

ers, and was adopted by the votes of Messrs. Smyth, Dibble, Pinchback and Southworth. Nays—None.

\$40,000.

OFFICE OF THE COMMISSIONERS OF THE NEW ORLEANS PARK OR PARKS.

New Orleans, November 18, 1872.

After first paying the order of the undersigned of this date for eighty thousand and one of sixty thousand dollars, making an aggregate of one hundred and forty thousand dollars, you will pay to the order of Dr. A. W. Smyth, President of the Board of Commissioners of the New Orleans Park or Parks, the sum of forty thousand dollars in city certificates, or in such other funds as you may or shall receive from the city of New Orleans, resulting from the collection of the Park tax, and due the undersigned Park Commissioners.

(Signed)

HENRY C. DIBBLE,
P. B. S. PINCHBACK,
M. A. SOUTHWOTTH,
A. W. SMYTH.

To W. Van Norden, President of the Louisiana Savings Bank and Safe Deposit Company.

The board then adjourned subject to the call of the president.

HENRY C. DIBBLE, Secretary.

NEW ORLEANS, November 20, 1872.

The park commissioners met this day upon the call of the president of the Board. Messrs. Smyth, Pinchback, Southworth and Dibble were present

The reading of the minutes of the last meeting was omitted.

In accordance with the resolution adopted at the last meeting the secretary produced to the board five blank bonds, numbered respectively 196, 197, 198, 199 and 200. The bonds were thereupon defaced and canceled in the presence of the commissioners, and the following resolution was adopted on the vote of Messrs. Smyth, Dibble, Pinchback and Southworth. Nays—None.

Resolved, That the secretary be directed to deposit said five canceled bonds with the fiscal agent, and that he and the president of the board be

authorized to cause a notarial act to be made declaring said cancellation and the destruction of said bonds in the presence of the notary.

Mr. C. E. Girardey, of the firm of C. E. Girardey & Co., now appeared before the commissioners at their request.

In conformity to the contract entered into and the orders made and given by the commissioners at their meeting, eighteenth of November, the said C. E. Girardey, representing the vendors of the Foucher estate, produced to the commissioners sixty bonds, issued in part payment of the park property, and received therefor a like sum of city warrants for gold bonds, as provided for in said contract of November eighteenth instant.

The following preamble and resolution were offered by Mr. Dibble:

Whereas, Messrs. C. E. Girardey & Co. have surrendered to the commissioners sixty certain park bonds, according to the tenor of a contract made between the commissioners and said C. E. Girardey & Co., November 18, 1872;

Resolved, That the sixty bonds, numbered respectively 4, 7, 8, 9, 10, 11, 12, 13, 26, 27, 29, 19, 31, 32, 36, 40, 42, 35, 46, 49, 169, 39, 135, 70, 38, 45, 47, 72, 78, 90, 115, 177, 178, 93, 94, 96, 77, 74, 41, 39, 165, 111, 176, 121, 172, 75, 80, 180, 30, 167, 179, 161, 174, 171, 62, 162, 138, 140, 141, 142, be now canceled and defaced.

Resolved, That the bonds so canceled and defaced be delivered to the fiscal agent by the secretary.

Resolved, That the president be authorized in conjunction with the fiscal agent, to destroy the said canceled and defaced bonds in the presence of a notary public, and cause a proces verbal to be made part of said act.

Adopted. Messrs. Smyth, Dibble, Pinchback and Southworth voting aye. Noes—None.

Whereupon the said sixty bonds were canceled and defaced in the presence of the commissioners and in the presence of C. E. Girardey, and the canceled and defaced bonds were delivered into the custody of the secretary of the board.

The board adjourned subject to the call of the President.

HENRY C. DIBBLE, Secretary.

NEW ORLEANS, December 22, 1872.

The commissioners met upon the call of the president of the board. Messrs. Smyth, Pinchback, Dibble and Southworth, commissioners, were present.

The reading of the minutes of the last meeting was omitted.

The secretary informed the board that he had delivered the sixty-five canceled bonds to the fiscal agent as directed, and produced the receipt of the bank, which, upon the vote of Messrs. Smyth, Dibble, Southworth and Pinchback, was ordered to be spread upon the minutes.

LOUISIANA SAVINGS BANK AND SAFE DEPOSIT COMPANY,

No. 51 Camp street,

NEW ORLEANS, November 21, 1872.

Received from H. C. Dibble, Secretary Board Park Commissioners, sixty-five canceled bonds of the Commissioners of the Park, to be held for destruction in conformity to a resolution of the Park Board, adopted November 20.

(Signed)

W. VAN NORDEN.

The president of the board informed the commissioners that the Citizens' Bank has declined to become the custodian of the funds which were ordered to be deposited with said bank by the action of the board at the meeting of the eighteenth instant.

The following preamble and resolution were proposed by Mr. Southworth and adopted upon the vote of Messrs. Smyth, Pinchback, Dibble and Southworth. Nays—None.

Whereas, John G. Gaines, president of the Citizens' Bank, has declined to become a party to the contract entered into between the Board of Commissioners of the New Orleans Park and C. E. Girardey & Co.; therefore,

Resolved, That C. E. Girardey & Co. are hereby empowered and authorized to carry out the said contract in place of the said John G. Gaines, on their giving to the president of the board satisfactory security for the faithful performance of said contract.

Mr. C. E. Girardey, of the firm of C. E. Girardey & Co., and for and on their behalf, now appeared before the commissioners and proposed to accept said trust, and tendered the name of Mr. Patrick Irwin of this city as security. Mr. Girardey handed the commissioners the following communication:

OFFICE OF C. E. GIRARDEY & Co., 17 and 19 Exchange Place,

NEW ORLEANS, November 22, 1872.

To the honorable Board of Commissioners of the New Orleans Park or Parks:

Gentlemen—We will consent to accept the eighty thousand dollars in warrants of the city of New Orleans for gold bonds from you, under the contract

entered into with you on the eighteenth instant, and hereby agree and bind ourselves to hold the said securities for the purpose of securing the payment and to pay at maturity the notes due on the park property as follows, to wit :

Two notes, amounting to fifty-four thousand dollars, with two years interest thereon, at the rate of seven per cent. per annum, due first of February, 1873; and two notes, amounting to fifty-four thousand dollars, with three years interest thereon, due one the first of February, 1874, on the following conditions :

First—That the said securities shall be sold by us at any time on the written order of the Board of Park Commissioners, and not be sold without their consent until the first of January of each year, when, if the Board of Park Commissioners should not have deposited with us current funds sufficient to meet the payment of the said notes and interest thereon, due in the succeeding February, then we shall, and by this agreement are empowered and directed to sell at either private or public sale, enough of said certificates to pay at maturity the notes and interest thereon, maturing in the succeeding February, and apply the proceeds of the sale of said certificates to the payment of the notes and interest thereon, which said notes are secured by mortgage and vendor's lien on the property of the Park, and which by public act have been made payable at the Citizens' Bank of Louisiana.

Second—Should there remain any surplus after paying the said notes, either in certificates or the proceeds of the sale thereof, all such surplus, whether in certificates or current funds, shall be held subject to the order of the Commissioners of the New Orleans Park or Parks, and it being well understood that our obligation to pay said mortgage notes does not extend beyond the application by us to said payment of the proceeds of the securities held by us.

(Signed)

C. E. GIRARDEY & CO.

I the undersigned do hereby guarantee the faithful performance by Messrs. C. E. Girardey & Co. of the foregoing contract.

PATRICK IRWIN.

The communication was received and spread upon the minutes, and the propositions were accepted and the surety approved, on the vote of Messrs. Smyth, Dibble, Pinchback, and Southworth; was ordered to be spread upon the minutes, signed and delivered.

OFFICE COMMISSIONERS NEW ORLEANS PARK,

New Orleans, November 22, 1872.

In order to facilitate the carrying out of the contract entered into with Messrs. C. E. Girardey & Co. by the Board of Park Commissioners, you will pay the order drawn on you, in accordance with the said contract, and dated the eighteenth instant, and accepted by your bank twentieth instant, for eighty thousand dollars in warrants of the city of New Orleans, for gold bonds, and made payable to John G. Gaines, etc., to the order of C. E. Girardey & Co., on their surrendering to you the aforesaid order, drawn in favor of said John G. Gaines, president, etc.

(Signed)

HENRY C. DIBBLE,
A. W. SMYTH,
P. B. S. PINCHBACK,
M. A. SOUTHWORTH.

To W. Van Norden, Esq., President Louisiana Savings Bank and Safe Deposit Company.

The board of commissioners then adjourned to meet at the call of the president.

HENRY C. DIBBLE, Secretary.

NEW ORLEANS, January 16, 1873.

The board met this day subject to the call of the president. Present—A. W. Smyth, P. B. S. Pinchback, M. A. Southworth and Henry C. Dibble.

The minutes of the meeting of November 18, 20 and 22, were read and approved, Messrs. Smyth, Pinchback, Dibble and Southworth voting aye. Nays—None.

The following resolution, proposed by Mr. Pinchback, was adopted by the vote of Messrs. Smyth, Dibble, Southworth and Pinchback. Nays—None.

Whereas, the Board of Administrators of the city of New Orleans have failed to comply with the law requiring them to deposit weekly with the Fiscal Agent of the Park Commission the Park tax as the same is collected by them; and

Whereas, the protection of the interest of the city of New Orleans requires that the Board of Administrators should immediately comply with

the laws and pay into the fiscal agent the funds now held by them for account of the Park Commission, that the said commission may be enabled to comply with its contracts ; therefore,

Resolved, That the Secretary is hereby directed to respectfully demand of the Board of Administrators an immediate settlement, and in case said settlement is not immediately made the president of this commission is hereby instructed to direct legal proceedings to be taken in the name of the board to enforce said settlement by writ of mandamus or other process.

On motion of Mr. Dibble, the resignation of M. F. Bonzano, which was received at the meeting held May 12, 1872, and laid upon the table, was accepted—Messrs. Smyth, Dibble, Pinchback and Southworth voting aye.

On motion of Mr. Pinchback, duly seconded, Hubert Bonzano was elected to fill the vacancy created by the resignation of M. F. Bonzano -- Messrs. Dibble, Southworth, Smyth and Pinchback voting aye. Noes—None.

The following resolution, offered by Mr. Smyth, was adopted—Messrs. Smyth, Dibble, Pinchback and Southworth voting aye. Noes—None.

Resolved, That the President of this board is hereby directed to authorize and direct the Recorder of Mortgages to cancel the mortgages against the City Park property, fo far as concerns sixty thousand dollars in bonds that have been paid and canceled by this board.

The board then adjourned to meet to-morrow at seven o'clock P. M.

HENRY C. DIBBLE, Secretary.

NEW ORLEANS, January 17, 1873.

The board met pursuant to adjournment. No quorum present.

Adjourned subject to call of the president.

HENRY C. DIBBLE, Secretary.

At the request of Benedict & Hornor, the following documents in writing were registered verbatim :

NEW ORLEANS, February 1, 1871.

Robert Bloomer, Esq. :

Dear Sir—Your proposition of this date in words, viz :