

1870 Act

Act of  
Creation

No. 84.]

AN ACT

To establish a Public Park for the city of New Orleans, and to provide means therefor.

Limits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That* so much of that piece (of) [or] parcel of land situated on the Metairie road in the city of New Orleans, and laid out by the city of New Orleans as a public park, and all such lands as may hereafter be acquired for that purpose by virtue of this act, shall hereafter be known and entitled as "The New Orleans Park."

Board of Commissioners.

SEC. 2. *Be it further enacted, etc., That* the said park shall be under the exclusive control and management of a board of commissioners to consist of five persons, who shall be named and styled "The Commissioners of the New Orleans Park." No action of the board shall be deemed final or binding unless it shall have received the approval of four members of the board, whose names shall be recorded in the minutes.

Appointment, term of office, etc.

SEC. 3. *Be it further enacted, etc., That* the Governor will appoint the Board of Commissioners. They shall hold their offices for five years, and shall receive no compensation for their services; each commissioner shall, nevertheless, be entitled to be reimbursed the amount of his personal expenses in visiting and superintending the said park, not exceeding the sum of three hundred dollars per annum. In case of vacancy, the same shall be filled by the remaining members of the board for the residue of the term then vacant, and all vacancies caused by expiration of term of office or neglect or incapacity of qualification shall be filled by the Governor.

Power of board.

SEC. 4. *Be it further enacted, etc., That* the said board shall have the full and exclusive power to govern, manage and direct the said park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks, and other officers, except the police force, as may be necessary; to prescribe and define their respective duties and authority; the amount of their compensation; and generally, all things in regard to said park; they shall possess all the power and authority now by law conferred or possessed by the Council of the city in respect of the public squares and places in said city.

Commissioners not to be interested in contracts.

SEC. 5. *Be it further enacted, etc., That* it shall be a misdemeanor for any commissioner, directly or indirectly, to be in any way interested in any contract or work of any kind whatever, connected with said park; and it shall be the duty of any commissioner, or other person, who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Governor, who shall hear said commissioner in regard thereto; and if, after such hearing, he shall be satisfied of the truth thereof, the Governor shall immediately remove the commissioner thus offending. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the State, which oath, when subscribed, shall be filed in the office of the Secretary of State.

Reports.

SEC. 6. *Be it further enacted, etc., That* the said board shall, annually, and in the month of January in each year, make and publish a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

SEC. 7. *Be it* the duty of the tax on the assetry that is now purpose, of one by said city at same manner; collected, shall commissioners cent. shall be immediately after it shall be imp for the year 18 taxes for that for the year 18 in addition ther by this act shall

SEC. 8. *Be it* commissioners ceived, in som credit of the c from except up commissioners; the same shall meeting duly c

SEC. 9. *Be it* city of New O one grand rese

SEC. 10. *Be* board of compu pass such ordi rule and gover nances and re ordinances sha five days in one said commissio

SEC. 11. *Be* against such, and be punishi magistrate, by payment, by in collected shall

SEC. 12. *Be* commissioners mitted to the v all male person the district cou cy. And it sh maintain a br and the lake, using said can

SEC. 13. *Be* are hereby aut between the necessary and

SEC. 7. *Be it further enacted, etc.*, That it shall be and it is made the duty of the city of New Orleans, to impose and levy an annual tax on the assessed value of all the real, personal, and mixed property that is now, or may hereafter be taxed by the city for any other purpose, of one-eighth of one per centum, which shall be collected by said city at the same time that it collects its taxes, and in the same manner; and the said tax of one-eighth of one per centum, as collected, shall be paid weekly by the Treasurer of said city to the commissioners of said park. The said tax of one-eighth of one per cent. shall be imposed and levied by the city of New Orleans, immediately after the passage of this act, for ten years thereafter; and it shall be imposed and levied on the assessment rolls of said city for the year 1869, and shall be collected when the city collects its taxes for that year. And no tax imposed and levied by said city for the year 1869, and for ten years hereafter shall be legal, unless, in addition thereto, the tax of one-eighth of one per cent. provided by this act shall be imposed and levied.

SEC. 8. *Be it further enacted, etc.*, That all moneys received by the commissioners shall be deposited as fast as the same shall be received, in some bank to be selected by the commissioners, to the credit of the commissioners, and no moneys shall be drawn therefrom except upon a warrant [signed] by at least a majority of the commissioners; nor shall such moneys be drawn therefrom unless the same shall have been specially authorized by said board, at a meeting duly convened and entered at length upon their minutes.

SEC. 9. *Be it further enacted, etc.*, That it shall be rightful for the city of New Orleans to establish and maintain within said park, one grand reservoir for the City Waterworks.

SEC. 10. *Be it further enacted, etc.*, That it shall be lawful for said board of commissioners, at any meeting thereof, duly convened, to pass such ordinances as they may deem necessary for the regulation, rule and government of said park, not inconsistent with the ordinances and regulations of the corporation of New Orleans; such ordinances shall, immediately upon their passage, be published for five days in one newspaper published in said city, to be selected by said commissioners.

SEC. 11. *Be it further enacted, etc.*, That all persons offending against such ordinances shall be deemed guilty of misdemeanor, and be punished, on conviction before the Mayor, Recorder, or any magistrate, by a fine not exceeding fifty dollars, and, in default of payment, by imprisonment not exceeding thirty days, and the fines collected shall be paid to the commissioners to be used for the park.

SEC. 12. *Be it further enacted, etc.*, That it shall be lawful for the commissioners to put to work on said park all male persons committed to the workhouse by any recorder or justice of the peace, and all male persons sentenced to imprisonment in the parish prison by the district court for burglary, larceny, perjury, robbery and vagrancy. And it shall be lawful for the commissioners to establish and maintain a bridge across the New Canal, between the Metairie road and the lake, provided that it be so built as to let pass all vessels using said canal.

SEC. 13. *Be it further enacted, etc.*, That the said commissioners are hereby authorized to purchase, receive and hold such real estate between the Metairie road and the Lake Pontchartrain as may be necessary and convenient in accomplishing the objects for which

Tax.

Deposit, etc., of moneys.

Waterworks.

Ordinances.

Offenders.

Prisoners to work on park.

Real estate.

said commissioners are appointed. They may, by their agents, surveyors, engineers and servants, enter upon all lands and tenements between the Metairie road and Lake Pontchartrain upon which they may conclude to establish said park, and survey and lay out, and construct the same, and may agree and contract for the land with the owner of the land which they may think necessary for the park. If said land belong to the estate of any deceased person, then with the executor or administrator of such, or in case of the same belonging to a minor or a person *non compos mentis*, then with his or her guardian or tutor, or in case said lands be held by trustees of school sections or other representatives of estates, then with such representatives. And said executors, administrators, tutors, guardians and representatives are hereby declared competent for such estate, person or minor, to contract with said commissioners to use, occupy and possess the lands of such estates, persons and minors, so far as may be useful or necessary for the purposes of the park; and the act or deed of such executors, administrators, tutors, guardians or representatives in relation thereto, shall pass a title in such lands in the same manner as if the said deed or act was made or done by a legal owner of full age and sound mind; and such executor, administrator, tutor, guardian or representative shall account to those interested in their respective bonds for the amount paid him in pursuance of such agreement and composition; and if said commissioners and the parties representing lands prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award or that of their umpire, (in case of disagreement), shall vest title according to its terms.

How explained.

SEC. 14. *Be it further enacted, etc.*, That if said commissioners are unable to agree for the purchase of any real estate required for the use and purposes of said commissioners, as provided in the preceding section, or are unable to obtain the title thereon, they shall have the right to obtain title of the same in the following manner: The said commissioners may apply to any of the district courts for the parish of Orleans for the appointment of appraisers. The application shall substantially set forth and state—

*First*—It must be entitled so as to describe the court wherein or the judge to whom the application is made, and the character of the application.

*Second*—The real estate which the commissioners seek to acquire must be described by metes and bounds; and several parcels of land, owned by different persons, may be included in one application.

*Third*—That the commissioners have not been able to acquire the land; and the reason of such inability.

*Fourth*—The names of all owners or parties interested in said real estate, so far as the same are known to the applicant, must be set forth, and if not known, the fact must be stated. A copy of such application, and notice of the time and place the same will be presented, must be served on all persons named in said application, as owners or interested in said real estate, at least ten days prior to the presentation of the same; *Provided*, Such owners so named (and) are residents, and can be found within the State of Louisiana, and are not infants, idiots or persons of unsound mind; in that case, upon their tutors, curators or guardians.

SEC. 15. *Be it further enacted, etc.*, That on presentation of the application to the court or judge therein named, and no person

appearing to oppositorily appear from that service of notice said application upon land has been made appointing three reside in the city appraise the value those interested in sioners for their writing to the court shall be confirmed the proceedings of a description of the value of said real estate shall be deposited said owners. And ation of said report against such confirmation, an or other appraisers t and the report of firming by said court appraisal as aforesaid interested; provide

SEC. 16. *Be it further enacted, etc.*, That on firming an appraisal copy of the same siveyances for the park remain a record; a in said commission as may therein be deposit of the amount as provided in said thereof, with proof will be considered commissioners to t

SEC. 17. *Be it further enacted, etc.*, That if drain into the New in case they should lands shall not be l

SEC. 18. *Be it further enacted, etc.*, That authorized and emy the purpose of confidence of said corporate bonds or exceed eight per cent bonds and notes m well as the land no as the City Park; a negotiate said bond rates and for such State, as in their ju such bonds or note all respects valid as had been sold at p



**Suits by and against.** SEC. 19. *Be it further enacted, etc.,* That said Commissioners of the New Orleans Park can sue and be sued, and service of process can be made only by service of the same on the president, or at their office on the secretary, or one of the commissioners, at the office of the commissioners.

**How construed.** SEC. 20. *Be it further enacted, etc.,* That this act shall be favorably construed, so as to favor all the purposes and objects of the same, and the operations of the provisions thereof, and shall take effect from and after its passage.

(Signed) MORTIMER CARR,  
Speaker of the House of Representatives.  
(Signed) OSCAR J. DUNN,  
Lieutenant Governor and President of the Senate.

Approved March 16, 1870.  
(Signed) H. C. WARMOTH,  
Governor of the State of Louisiana.

A true copy:  
GEO. E. BOVEE,  
Secretary of State.

No. 85.] AN ACT

Authorizing the assessment and collection of a special tax of twenty-five thousand dollars to rebuild a Courthouse in the parish of Rapides.

**Tax to be levied, and its purpose.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That there be a special tax of twenty-five thousand dollars, not to exceed one per cent. of all the property, real and personal, of the parish of Rapides, levied upon all the property, real and personal, of said parish, for the purpose of erecting a courthouse and enclosing it within an iron fence: said courthouse to be erected within the town of Alexandria, parish and State aforesaid. The cost of said courthouse shall not exceed the sum of twenty-five thousand dollars, and the assessor of said parish is hereby authorized and empowered to assess upon all the property, real and personal, in said parish, at a rate not to exceed one per cent., sufficient to raise the tax of twenty-five thousand dollars, for the purposes above specified, and no more.

**Deposit of tax.** SEC. 2. *Be it further enacted, etc.,* That the said sum of twenty-five thousand dollars, when so assessed and collected, shall be paid into the treasury of the State for the purposes set forth in section one of this act, to be drawn therefrom as hereinafter provided, and the Treasurer of the State shall not appropriate the amount so deposited for any other purpose.

**Commissioners of construction.** SEC. 3. *Be it further enacted, etc.,* That the district judge of the Ninth Judicial District, for the parish of Rapides, shall appoint five Commissioners of Construction, a majority of whom shall constitute a quorum for the transaction of business. Said commissioners shall cause to be drafted plans and specifications of said courthouse, and designate the kind and quality of material to be used in the construction thereof, and have all powers and privileges necessary for carrying out the provisions of this act.

SEC. 4. *Be it* shall contract with house in accordance the said commis to time, draw from so deposited, equ giving voucher in Treasurer of the

SEC. 5. *Be it* for the parish of sum of twenty-five and to complete year one thousand and collector shall his duties, to be

SEC. 6. *Be it* governed by the and shall have all ment and collect law for the asses shall be regulate

SEC. 7. *Be it* conflicting with repealed, and the (Signed)

(Signed)

Approved Mar (Signed)

A true copy: GEO.

No. 86.]

Creating a Joint Company to manage the affairs of the Western Railroad.

*Be it resolved of Louisiana, in tee of five, two f sentatives, be n Speaker of the l and examine int Western Railro and the validity stockholders the nor of the State the interest of tl*