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A

GENERAL DIGEST

OF THE

ORDINANCES AND RESOLUTIONS

OF THE

Corporation of New-Orleans.

MADE BY ORDER OF THE CITY COUNCIL,

BY THEIR SECRETARY,

D. AUGUSTIN, ESQ. COUNSELLOR AT LAW.

PRINTED BY JEROME BAYON,

CORNER OF CHARTRES AND ST. LOUIS STREETS.

1831.

...the Mayor shall
...shall be liable to render any account of the manner in which said appropria-
...shall have been expended.
Approved, May 1st, 1824.

RURAL POLICE.

An ordinance concerning cattle, fences of plantations and other objects of rural police, within the city of New-Orleans.

THE CITY COUNCIL ORDAINS AS FOLLOWS :

ART. 1. Every proprietor of land cultivated or susceptible of cultivation, within the city of New-Orleans, shall enclose his said property ; but so as not to impair the right of passage on another person's land, secured by law to those whose land is so situate as to have no other issue to the public road.

ART. 2. Every piece of ground shall be considered as enclosed, which is fenced round with a growing hedge or with a palissade or fence, four feet high, made of boards, or stakes solidly secured, according to the usual manner of making such enclosures.

ART. 3. The fences of the common enclosure between two pieces of ground belonging to different proprietors, under full cultivation, or improved in any manner whatever, shall be made, and kept in repair, at the common expense of both of the said proprietors. Provided always, that if one of them cultivates or improves a piece of ground of less extent than that of his neighbour, he shall contribute to the expense of the enclosure, only for one half of the extent of his ground in depth.

ART. 4. Whoever shall neglect to make or keep in repair the front or middle enclosures of any plantation or lot of ground, situate within the city of New-Orleans, and of which he shall be the owner, overseer, or lessee, may be condemned by any competent tribunal, to the payment of a fine of from five to fifteen dollars ; and moreover the offender shall pay a fine of from three to five dollars per day, until the said enclosures shall be made in the manner prescribed in the present ordinance, without being admitted to claim debentures in case he should experience damages, either by some other person's cattle, or in any other manner, during the time that he shall have neglected to make or keep in repair in a suitable manner, the enclosures of his plantation or other tracts of ground.

ART. 5. No person shall suffer any of his cattle to roam, nor shall any person lead, or cause to be led, any cattle to graze on any road, levee, or batture, except proprietors of right on the levee and batture in front of their respective estates, under the obligation of their having their said cattle watched, so as to prevent their going beyond the ground in front of their respective property.

As to the high road of the Bayou St. John, it is expressly prohibited to suffer, at any time, or on any pretext, cattle of any kind to roam or graze thereon; and every proprietor shall pay a fine of fifty cents, for every head of cattle by him suffered to roam or graze, in contravention to this article.

ART. 6. All trespasses committed by any kind of cattle on another person's land, shall be paid for by the owner of said cattle: the person suffering the damage shall have a right to seize the cattle committing trespass, under the obligation of his driving them, within twenty-four hours, to the pound which shall be designated by the syndic of the ward, and of proving the trespass without delay, to the satisfaction of the said syndic and two proprietors of the vicinity; and if it be ascertained that the trespass was committed through the fault or neglect of the owner of the cattle seized, the latter shall pay the expense of keeping and feeding said cattle in the pound, the amount of damages to the party injured, and the fine specified in the preceding article.

ART. 7. The expense of keeping and feeding said cattle in the pound, which the pound-keeper is entitled to claim from the owner, is fixed at twelve cents and a half per day, for every head of said cattle.

ART. 8. Any person may seize and drive to the house of the syndic of the ward, in order to their being put in the pound, all cattle found without a keeper or driver, on any road, levee or batture, as also all cattle doing damage to any road, levee or fence of enclosed ground; and the person seizing such cattle, is entitled to claim twenty-five cents for every head of cattle thus seized, which may be advanced to him by the syndic, who shall be reimbursed the sum advanced by the owner of said cattle.

ART. 9. If the owner of the cattle thus seized be not known, the syndic shall let them remain provisionally in pound, and it shall be his duty to advertise their being there, in English and French, in one of the newspapers printed in New-Orleans, specifying the brand and other distinctive marks by which they may be recognized: said advertisement shall appear three times during ten days; and if at the expiration of five days subsequent to the last publication, the said cattle are not claimed by the owner, or if the owner, after having claimed them, neglects or refuses to pay the damage by them committed, with the other expenses, lawfully due, in either case, the syndic shall cause the said cattle to be sold by auction, and after deducting from the price they fetch, the expenses of seizing, keeping and advertising, as also the amount of damages if any, due to the party injured, and finally the above mentioned fine, he shall deposit the overplus, if any, in the hands of the City Treasurer, until claimed by the owner of the cattle thus sold.

ART. 10. When one or more head of cattle seized and put in pound, and claimed before the day appointed for their sale, the syndic shall deliver them to the claimant, only on his proving that he is really the owner of them, and on his paying the expense of seizing, keeping and advertising.

ART. 11. When any hogs, goats or kids are found doing damage, the land-holder, farmer or overseer of the premises on which the damage is committed, may kill the said animals; but only on the premises, and while they are in the act of doing damage; and the animals so killed shall be left during twenty-four hours at the disposal of the owner thereof, or of the syndic.

In no other case shall it be lawful for any person designedly to kill or wound any animal belonging to another person, unless they have become wild or mad, and it be impossible to catch them; and every person herein offending shall be fined from twenty-five to fifty dollars, besides his being liable to indemnify the owner for the loss by him sustained.

The preceding provision applies to every person designedly and maliciously killing or wounding on another person's property.

ART. 12. No person shall work any beast belonging to another person, without the consent of the owner; and every person so offending shall be condemned by the syndic or any other justice of peace, to pay to whom it may concern, the hire of the beast, as shall be fixed by arbitrators, for the whole time he has unlawfully worked or kept said beast from the owner; and he shall moreover be fined from five to fifty dollars. And if any such beast perishes or suffers any other accident, the said offender, besides the said price of hire and the said fine, shall pay the value of the said beast, that may be agreed upon, or awarded by arbitrators.

ART. 13. Every syndic is authorised to go and inspect all droves of horses, mules, horned cattle or other animals passing through his respective ward; and if in those droves there be found any animal bearing the brand of any inhabitant of his ward, he shall secure it and immediately inform the owner thereof; and every syndic shall make such inspection as often as thereto required by any inhabitant of his ward.

ART. 14. All land-holders and all others keeping and feeding cattle on hire, particularly cattle destined to supply the meat market, shall keep them in enclosures on their land, of a convenient extent, made of strong fences carefully kept in repair; and in case the keeper lets one or more of them escape, so as to be found roaming on any public road, levee or batture, or on another person's land, the offender shall pay a fine of two dollars for every head of cattle thus suffered to escape from the place destined for them to graze so, besides the damage incurred.

ART. 15. When one or more droves of cattle from the country beyond the bayou St. John, or beyond the lake Pontchartrain is brought to the said bayou St. John, the said cattle shall be landed facing Cousin's plantation, and

és en face de l'habitation Cousin et nulle autre
le syndic de l'arrondissement ou tout autre juge
ant à une amende depuis dix jusqu'à vingt-cinq
ra des coups de fusil ou autres armes à feu à la
lieux habités; quiconque tirera sur des pigeons,
domestiques, en chassant sur la propriété d'au-
ci-dessus, condamné à une amende depuis
piastres, sans préjudice du paiement des dom-
le droit, et même de toutes poursuites judi-
ein prémédité enlèvera l'écorce ou coupera,
les arbres sur pied qui ne lui appartiendront
de de cinq à dix piastres, nonobstant le dé-
et si le délinquant est un esclave il recevra
ups de fouet.
seront commis, en contravention à la pré-
des apprentis ou des esclaves, seront res-
t mères, tuteurs, maîtres ou maîtresses.
5.

nnance concernant les bestiaux, clôtures
lice rurale, dans la cité de la Nouvelle-

ARRETE CE QUI SUIVIT:

habitations, mentionnées dans l'ordon-
nent, seront faites en forme de barrières,
mi de hauteur, mesure Américaine; et
res ou traverse en pieux, sur la hauteur

ice et les syndics de la banlieue, toutes
auront lieu de soupçonner que des ani-
ve ou autre maladie contagieuse sont
mins, ou autres voies publiques de la
eront tenus, sans égard pour les limi-
transporter de suite sur les lieux,
s de foi, afin de constater le fait; et
officiers auront le droit de faire tuer
nécessaire pour empêcher la com-
aux ou bestiaux, et en outre ils se-
x. Et tout propriétaire de bestiaux
contagieuse, qui les aura laissé va-
ou autres voies publiques, paiera
travention et par chacun des dits

now elsewhere, on penalty of a fine of from ten to twenty-five dollars to be le-
ried on the offender, by the syndic of the ward, or any other justice of
the peace.

ART. 16. Whoever shall fire a gun or other kind of fire-arms near any
house or other inhabited place; whoever shall fire at pigeons, or shall kill or
wound any domestic animal, while hunting or fowling on another person's
land, shall, in every such case, be fined from twenty-five to fifty dollars, be-
sides his being liable for damages to the party concerned, and even to
prosecution, if cause be found.

ART. 17. Whoever shall designedly destroy, cut, or tear the bark off, any
standing tree not belonging to him, shall be fined from five to ten dollars, be-
sides his being liable to indemnify the owner; and if the offender be a slave,
he shall receive from fifteen to twenty-five stripes.

ART. 18. All damages done in contravention of this ordinance, by any
minor, apprentice or slave, shall be respectively paid for by their parents,
guardian, master or mistress.

Approved, July 31, 1828.

An Ordinance in addition to the Ordinance concerning Cattle, the enclosures
of plantations, and other objects of rural police, within the City of New-
Orleans.

THE CITY COUNCIL DECREES AS FOLLOWS:

ART. 1. When the enclosures of plantations mentioned in the ordinance
to which this is a supplement, are made in the form of fences, they must be
four feet and a half, (American measure) in height; and they shall not have
fewer than four bars lying transversely in the aforesaid height.

ART. 2. It shall be the duty of the commissaries of police and the syndics
of the liberties, whenever they receive information, or have cause to suspect,
that any animal afflicted with the glanders or other contagious distemper, is
wandering in a street, on a levee, road or other public way of the city, su-
burbs or liberties, to repair immediately to the spot, without confining them-
selves to the limits of their respective districts, attended by two credible per-
sons, for the purpose of ascertaining the fact; and after having taken the ad-
vice of the two persons aforesaid, the said officers shall have power to cause
the said animals to be killed, should its destruction be deemed necessary to
prevent the communication of the distemper to other animals or cattle; and
it shall farther be their duty to cause every animal so killed, to be buried.
And every owner of an animal afflicted with the glanders or other contagious
distemper, who shall have suffered the same to roam in the street, or road,
levee or other public way, shall pay a fine of ten dollars for every such of-
fence, and for every animal so suffered to roam, the offender being further
liable for costs and expenses.