

IN THE HONORABLE THE
Supreme Court of the United States.
December Term, 1872.

THE BUTCHERS' BENEVOLENT ASSOCIA-
TION OF NEW ORLEANS, PLAINTIFFS IN
ERROR,

vs.

THE CRESCENT CITY LIVE-STOCK LAND-
ING AND SLAUGHTER-HOUSE COM-
PANY.

PAUL ESTEBEN ET AL., PLAINTIFFS IN ERROR,

vs.

THE STATE OF LOUISIANA, EX REL. S.
BELDEN, ATTORNEY-GENERAL.

THE BUTCHERS' BENEVOLENT ASSOCIA-
TION OF NEW ORLEANS, PLAINTIFFS IN
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PANY.

*Supplemental Brief of Counsel of State of Louisiana,
and of Crescent City Live-Stock Landing and Slaughter-
House Company, Defendants in error.*

It is believed that the following pages may be found use-
ful, by way of addition to the brief already filed, in illus-
trating certain features of these cases on the merits.

The following report is taken from the official journal of
the House of Representatives of the State of Louisiana, of
Wednesday, February 28, 1872:

The special committee appointed to investigate the affairs of the Crescent City Live-Stock Landing and Slaughter-house Company submitted the following report :

Your committee to whom was referred the Crescent City Live-Stock Landing and Slaughter-house Company, after having rigidly scrutinized the premises of that institution at both points, and heard the statements of apparently disinterested persons engaged in the butchering business, beg leave respectfully to report that the officers of the company, in enlarging and further developing the capacity of their establishment in the parish of Orleans, on the line of St. Bernard, near the United States barracks, have not only exhibited unusual business capacity, but, in the opinion of your committee, have consulted the true interests of the community.

Your committee find, upon investigation, that the eddy of the Mississippi river, which for years has rendered the construction of levees on the right bank barely a possibility to skilled engineers, has proved an equally annoying obstruction to the company, and that, notwithstanding their lavish expenditures of money and the use of the most substantial materials, they have not succeeded in constructing a wharf which could justly be pronounced permanently safe. Many losses, to be attributed to this natural cause alone, have long ago convinced the most casual observer that any further essay in that direction would be in defiance to sound judgment. What has proved so fruitful a source of loss to the company seems to have been equally disastrous to the owners and masters of steamboats compelled to land at their wharf. Your committee is credibly informed that the loss of time, fuel, and the thousand expenses incident to the running of steamboats, which can be traced to the difficulties experienced in making a landing, are simply incalculable. Heretofore your committee has referred to the chief participants of the traffic, who, in conducting a large business, involving the expenditure of thousands of dollars, might (other things being equal) sustain this loss from their necessarily large profits, but the persons far more seriously inconvenienced than either, though least able to suffer it, are the small dealers, and these, long ago, not to speak with too much asperity, pro-

nounced the location an intolerable nuisance. Many of the most industrious and energetic of our citizens, with barely sufficient capital to conduct the business of daily supplying their customers, suffer from annoyances it would be wearying to enumerate. A majority, either for convenience or from motives of economy, have secured residences in the immediate vicinity of the markets in which they hold stalls. Your committee, on investigation, have discovered that in numbers of cases the work of landing carcasses in the markets, cutting them up, and preparing for the morning business, commences at one o'clock A. M.; the largest purchasers secure their meat for the day an hour later, but the dealer has not finally disposed of his stock and performed the necessary sanitary duties required by law until midday. He has barely time to secure the modicum of sleep necessary for existence when his presence is required miles away, over a broad river with uncertain ferries, to superintend the slaughtering for another day. At some seasons of the year the terrific storms which prevail upon the river render a passage even by the large steamer owned by the company quite impracticable, while almost during the entire winter a dense fog, ascending early in the evening and enveloping the stream in an impenetrable shroud until long after sunrise, is penetrated with untold perils by even the most skilled navigators. Were those engaged in the butchering business to utterly disregard the hazard of life and limb, the decimation of their meagre earnings by the daily charges for ferriage, and the hours consumed in securing places for themselves and vehicles on the unusually commodious boat of the company, must, in the end, prove ruinous. Having ascertained the chief objections set forth by those engaged in the business to the establishment on the right bank, your committee next visited the immense buildings of the company, in the parish of Orleans, near the line of St. Bernard. The premises are approached by an excellent road extending down the river front, which, notwithstanding the recent rains, your committee found to be in perfect good order. By a judicious arrangement of lamps which illuminate the thoroughfare from beyond the city limits, it can be traversed in perfect safety at all hours of the day or night. The wharf is not only constructed of the most substantial material,

and entirely firm, but it seems especially designed for landing in safety live cargoes from both steamboats and steamships. A series of strong railed departments, remarkable for cleanliness, placed on each side of the plank road leading to the main buildings, enables the consignee to at once divide his shipment into lots, and although just prior to the visit of your committee several cargoes of cattle had been landed the accommodations seemed ample for all. A number of sales stables, admirably ventilated, and also perfectly clean, occupy a place in this vicinity, and your committee observed that all the passages, which are strongly enclosed, are so arranged that animals can be driven to the apartments assigned for them without being either overheated or unnecessarily excited.

Before reaching the slaughter-house, all animals, from the very construction of the building, must necessarily pass through the inspector's office, where each is carefully examined and weighed. A short distance from the scales is an immense hall, set apart for the slaughtering of the beeves. Here every modern improvement which ingenuity could suggest, in the opinion of your committee, has been provided, and a constantly flowing stream of water sweeping over the spacious floor removes all blood or other refuse as fast as they accumulate. Notwithstanding the fact that numbers of carcasses were in the apartment at the moment of your committee's visit, none of the revolting spectacles nor the frightful stench which in other localities have made the word slaughter-house a synonym for horror were to be observed.

Directly in the rear of this apartment, and extending throughout its entire breadth, is the slaughtering room for sheep and hogs. At one end is placed an immense tank, heated by a steam train, which is used for scalding, and the room is filled with tables and blocks. In addition, in the shape of hooks, pullies, and instruments, it contains apparently every possible appliance required for the butchering of smaller animals. A well-paved street, running the entire length of the building, divides a row of private departments from the stables. The former, which are fourteen feet square, and lighted with gas, are used by butchers in dressing and dividing their meat prior to sending it to market.

The stables are each supplied with a cemented vat, used for salting hides. In rear of the buildings, extending several acres back and below, is the pasture, designed for the use of all cattle that have become exhausted by long journeys, and for those which the owners contemplate fattening.

The immense steam-pumps of the company furnish an abundant supply of water both for the animals and for sanitary purposes, and the entire establishment is lighted with gas.

Though possibly a work of supererogation, your committee, after its somewhat severe scrutiny, cannot refrain from applauding the sagacity which projected so admirable a sanitary measure. The loathsome carcasses which, a few years ago, festered in the burning sun immediately in front of the city, filling with horror even the casual visitor to our river steamers, and spreading disease among the large majority forced to consume river water, have vanished, and the frightful suspicions which the rumored sale of unwholesome meat fastened upon even the most respectable butchers have been dissipated by the certainty that neither unintentionally nor by design is so reprehensible a transaction possible.

In closing their somewhat extended communication, your committee would state that some months ago the grand jury of the parish of Orleans visited and inspected the slaughter-house on the left bank. Deeming the observations of the grand inquest on this subject not inappropriate, your committee procured a copy of their report, and with the foregoing it is respectfully submitted.

D. L. McFARLAND, *Chairman*,
L. C. LA SALLINIÈRE,
C. W. RINGGOLD,
THOMAS ONG,
W. D. FLOYD,

Committee.

REPORT OF THE GRAND JURY.

Among the public institutions claiming our attention, we visited the Crescent City Live-Stock Landing and Slaughter-House Company, located on this side of the river, a short distance below the Barracks. As so much has been said of this institution, and from the fact of its having been kept so prominently before the public in a multitude of suits, we

imagine some description of their improvements and their system in working would not prove uninteresting.

Viewed first as a sanitary measure, there is scarcely a resident of our city but who now willingly gives in his adhesion to its benefits, its present site, in addition to its easy access, being, probably, the most favorable and advantageous, both to the community and the company, that the nature and formation of the city admit. Prior to the organization, or, rather, the commencement of this company's operation, there were just grounds of complaint against the old location of the former slaughter-houses in Jefferson city.

On reaching their grounds, our attention was first directed to their wharves, which we found built strongly and substantially, and particularly devised for the reception of cattle, both from steamships and steamboats, with the requisite stages and railways around the entire enclosure. Leading from thence to the main building, an architecturally handsome construction of mammoth proportions, placed about a hundred yards back from the public levee road, are two inclosed plank-ways, with pens on each side, intended for the subdivision of such shipments as may arrive. On entering, we found to the right and left divisions of about equal size, strongly arranged and cleanly kept, each set apart for the various kinds of stock; to the rear and adjoining these sales stables are smaller pens or divisions designed for the use of the butchers, and under their individual control and management. From thence we passed by a thoroughfare to the inspectors' headquarters, through which all animals purchased are weighed and examined preparatory to their passing for slaughtering. A short distance on from the inspectors' office is the slaughter-room proper for beeves; this we found of large size, well ventilated, surrounded with numberless blocks, ropes, and pulleys, and kept in the midst of their operations noticeably cleanly, by having a continued stream of water flowing over the floor; immediately in the rear of the building, and occupying its entire breadth, are the slaughtering-rooms for hogs and sheep, having at one end a large iron tank of water, which, when needed, is heated by a steam train. Surrounding this department are numbers of tables, each supplied with such appliances as are found requisite. Leaving the building, we step out upon a

well-paved street, having on one side and running the entire length of the main building private compartments or rooms about fourteen feet square, each lighted with gas, and used by the butchers for preparing and giving the final touches to their meats for market. On the opposite side, and corresponding in location and size, are the private stables, in each of which is built a cemented vat for salting hides. To the rear of the building, and extending a considerable distance both back and below, lie the pasture grounds. The entire establishment is amply supplied with water, forced by steam from the river, and lighted throughout with gas. The Western Union Telegraph Company have opened an office in an apartment furnished them, in order to meet the requirements of the large business transacted thereat. In regard to the accommodations and facilities of the company, we were informed that 1,060 head of cattle have been slaughtered in the establishment in one day; and that if need were the number could readily have been increased to thirteen hundred. From a patient and attentive inspection on our part, and with an assurance that the health of the city is properly guarded by a careful and rigid inspection of the cattle slaughtered, so as to render the sale of diseased or unwholesome meat impossible, we cheerfully commend the establishment in all its particulars. There can be but little doubt that the introduction of the abattoir system is a great modern improvement to our city, and of estimable worth in guarding its health. Our thanks are due to their general superintendent, Mr. E. Girard, for his kind and gentlemanly attention paid us during our visit.

And here follows a statement of the leading adversary of the company, and the reply which the company made to the charges, taken from *The New Orleans Bee* of March 24, 1872:

[COMMUNICATED.]

To the Editors of the New Orleans Bee:

Your article headed "The Slaughter-House Business," in your issue of Thursday, the 21st ult., contains so many errors that we, in justice to ourselves, are compelled to notice them. The article appears in the nature of an apology

for the present management of the Crescent Live-Stock Landing and Slaughter-House Company, and the impression is conveyed that the strictures of Judge Cooley in his reasons for judgment in the Durbridge suit were erroneous, or if not in error, yet they should not apply to the present management, for the company was being conducted in a manner satisfactory to the butchers. That the slaughter-house bill was a measure conceived in iniquity and born in fraud no one can deny; and passed with a single purpose of injuring the butchers, destroying their interests, its provisions are being executed with a venomous determination that must ultimately result in complete destruction. The present directors are not butchers, (with the exception of one,) and we can safely assert have little sympathy or feeling for butchers. You say "the rates authorized to be charged by the incorporating act have, however, been modified, and the working of the present company under it is generally satisfactory to the butchers." If you had but known the facts, this statement would never have been made, for it is at variance with the existing condition of things—not a penny's worth authorized to be charged under the infamous bill that is not exacted, and not only exacted but three sets of attorneys instructed to collect by judicial process. Look at the records of the Eighth District court, and you will there find suits upon suits, for the recovery of all and everything that can be demanded. We pay one dollar to the Slaughter-House Company for each head of cattle slaughtered by ourselves, and ten cents per head for inspection. The company demands of us besides the heads, horns, and hoofs. They exact everything, and yield nothing. No modification of existing rates have been made, and we defy them to show the contrary. The working of the present company is not satisfactory to the butchers, nor has it ever been so. The butchers have no interest in the company, and can have none, for it has been used to annoy and harass them, and extort from them money not earned.

On behalf of two thousand butchers whom I represent, I protest against the injustice contained in your article, and ask that you make the necessary correction. That the public may understand the extortions to which the butchers are

subjected, I would beg leave to refer to the following statement :

The Slaughter-house Company exact one dollar per head for each head of cattle slaughtered by us; ten cents per head inspected. They demand the heads, horns, hoofs, gore, entrails, and blood of each head of cattle butchered. We pay five hundred dollars license for the privilege of butchering in this Slaughter-house Company. We pay ten 45-100 dollars city license as butchers. We pay five 10-100 dollars State license for butchering. We pay twenty-five cents a day for use of the stalls in market. We pay the city ninety cents for each hoof sold in the markets—and when the calculation is made, the public will find that whilst this company are getting rich, we are barely making a decent profit on the meat we sell.

And yet we are told that the working of the present company under it is generally satisfactory to the butchers. We look upon this company as a crushing monopoly that deserves no favor; the butchers had nothing to do with the passing of the slaughter-house bill; were not consulted upon it, nor was their opinion cared for. We are opposing it in every way we possibly can; we intend to fight its iniquities as long as we possibly can, in hopes that we will yet rout it, horse, foot and dragoon. Its stock is selling for nothing; its present management we ask no favor of, and we will grant none; the issue is simply life and liberty on the one hand, and, on the other, ruination to our business, destruction to our interests, and death to every sentiment of honesty and a proper regard to the rights of others.

SILVAIN VERGES,
President Butchers' Benevolent Association.

CRESCENT CITY LIVE-STOCK LANDING AND SLAUGHTER-HOUSE
COMPANY.

Messrs. Editors of The Bee:

GENTLEMEN: The communication of Mr. Silvain Verges, published in your issue of Sunday last, and which is nothing but a violent and envenomed attack against the present board of directors of the Slaughter-House Company, contains almost as many errors as words. Having been denounced without cause, it is our duty to state the facts so

strangely misrepresented by Mr. Verges, and to show the inanity of the false charges he makes against us.

Every one knows that the present board of directors of the Slaughter-House Company have had nothing whatever to do with the adoption of the law conferring an exclusive privilege upon the company.

After exhausting every legal device against it, and after the supreme court of the State had decided against them, the butchers made with their late adversaries the following compromise :

It is agreed as part of the compromise effected with all the parties who have sued the Crescent City Live-Stock Landing and Slaughter-House Company that in consideration of all suits in the State and Federal courts and all writs of error and appeal against said company being dismissed, the said Crescent City Live-Stock Landing and Slaughter-House Company will dismiss its suits of any kind in the State and Federal courts pending against the Butchers' Benevolent Association and the Live-Stock Dealers and Butchers' Association, Wilson, Fagan & Co., Imbau, Ayeock & Co., and all other parties individuals of said association arising out of the contest heretofore carried on, and this shall be sufficient warrant for any attorney to appear and dismiss said suits.

New Orleans, March 14, 1871.

F. J. PRATT, *President.*

The original, of which this is a true copy, was signed and delivered in our presence on the day of its date.

THOS. J. SEMMES,
JOSEPH P. HORNOR.

We hereby agree to discontinue, as part of the compromise effected with the Crescent City Live-Stock Landing and Slaughter-House Company, all suits of every kind now pending in the State and Federal courts against said company and its officers, incorporators, and employees, and to dismiss all the writs of error concerning said company now pending in the Supreme Court of the United States, and this agreement shall be sufficient authority for any at-

torney to appear and move for the dismissal of all said suits and writs of error.

New Orleans, March 14, 1871.

PAUL ESTEBEN,
*President of the Butchers' Benevolent Association, and as
President of the Live-Stock Dealers & Butchers' Ass'n.*

WILSON, FAGAN & CO.
IMBAU, AYCOCK & CO.

The original, of which this is a true copy, was signed and delivered in our presence, on the day of its date.

THOMAS J. SEMMES,
JOSEPH P. HORNOR.

[Extract from *The N. O. Times* of March 18, 1871.]

CRESCENT CITY LIVE-STOCK LANDING AND SLAUGHTER-HOUSE COMPANY, MARCH 17, 1871.—The Board of Directors of the company is now composed as follows: C. Cavaroc, president; Paul Esteben, J. T. Aycock, J. P. Rouede, B. Beaubay, Wm. Fagan, Louis Ruch, Wm. Maylie, J. Gitzinger, D. E. Scruggs, secretary.

The present tariff remains unchanged.

D. E. SCRUGGS, *Secretary*.

Immediately after perfecting the above compromise the old board of the Crescent City Live-Stock Landing and Slaughter-House Company resigned, and Messrs. C. Cavaroc, Paul Esteben, J. T. Aycock, Wm. Fagan, Wm. Maylie, J. P. Rouede, Jos. Gitzinger, Ls. Ruch, and B. Beaubay were elected in their stead, all the above gentlemen (with the exception of Mr. Cavaroc) being then also directors of the Butchers' Benevolent Association and of the Live-Stock Dealers and Butchers' Association.

As it is shown in the above extract from *The Times* newspaper, one of the first acts of the new board was to adopt the present tariff, and although this decision was published in all the city papers, not a single objection was made to it by any one.

Since March last, the present board of directors have expended more than \$78,000 at the slaughter-house in the interest of the butchers, the new buildings they have erected on the property purchased from the Butchers and Dealers'

Association being intended to afford to the butchers every desirable accommodation for carrying on their business.

Three of the members of the present board, Messrs. Louis Ruch, Pascal Sarthou, and Joseph Donaldson, are butchers or dealers in live stock. Mr. Ruch is one of the heaviest dealers in beef, and is besides the treasurer of the Butchers' Benevolent Association. Mr. Sarthou is a large seller of mutton, and the house of G. Mehle & Co., to which Mr. Donaldson belongs, does the greatest amount of live stock business in this market. These facts show conclusively that Mr. Verges was entirely wrong in asserting "that the present directors, one only excepted, are not butchers."

Instead of launching wild anathemas against the tariff adopted by Messrs. Paul Esteben, J. T. Aycocck, William Fagan, William Maylie, J. P. Rouede, J. Gitzinger, L. Ruch, and B. Beaubay, *all butchers or live-stock dealers*, and accepted without opposition by all the interested parties, Mr. Silvain Verges should have specified that the charge for slaughtering is not one dollar per head, but one dollar for beeves only, fifty cents for calves and hogs, and thirty cents for sheep, goats, lambs, &c., in return for which payments the butchers receive from the company: 1st, pens to keep their stock, sometimes during several days; 2d, place for slaughtering, with ropes, pulleys, an abundant supply of water, &c., besides the use of stables for their horses, and of a cemented reservoir for salting hides.

It is also untrue that "the company requires the head, horns, feet, blood, and entrails of each slaughtered animal," as this applies to the head, horns, and feet of beeves only. As regards the blood, entrails, &c., left in our slaughter-house by the butcher, so far from deriving any profit therefrom, we are obliged to have them removed at our own expense, and after carting them to the river, to employ a man with a skiff to haul them into the current. The cleaning of the slaughter-house is also done by the company.

A still more unfounded assertion is that "the butchers have to pay five hundred dollars for the privilege of slaughtering cattle on the company's premises." We dare Mr. Silvain Verges to name a single one of the company's employees who has collected such a charge, which is wholly unauthorized by us.

Having once entered upon this fantastic course, Mr. Verges becomes absolutely reckless, and gravely takes the company to task on account of the various city and State licenses, market dues, and inspection fees he is called upon to pay to State and city officials and collectors of market dues. Whilst Mr. Verges was at it, he might with equal reason have held the company responsible for all the other taxes, State, municipal, or Federal, which the butchers, like other citizens, are called upon to pay. It would have capped the climax of his absurd charges against the present Board of Directors of the Crescent City Live-Stock Landing and Slaughter-House Company.

After signing the above-mentioned compromise, many butchers who had taken stock in the company subsequently sold their interest, Mr. Verges himself being one of them. If he and his friends think the company is making such large dividends out of the butchers, why did they get rid of their stock? And after doing so without any apparent reason, why do they now complain because they no longer control the majority of the board?

To sum up, we beg all those who desire to know with certainty what the present board have done for the benefit of the butchers, to go and visit their establishment near the barracks, and inspect the numerous buildings and improvements they have made since they have had the control of the company's business. This will be the best refutation of all the wild statements and malicious vituperation of which Mr. Silvain Verges has made himself the too-willing mouth-piece.

By order of the Board of Directors.

J. N. AUGUSTIN,
Secretary.

NEW ORLEANS, *March 27, 1872.*