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THE CITY RECORD.

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BOARD OF CITY RECORD.

GEORGE B. McCLELLAN, MAYOR.

FRANCIS K. PENDLETON, CORPORATION COUNSEL.

HERMAN A. METZ, COMPTROLLER.

PATRICK J. TRACY, SUPERVISOR.

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PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

No. 154 NASSAU STREET, NEW YORK CITY.

CALENDAR OF HEARINGS.

The following hearings will be held during the remainder of the week beginning Monday, July 6, 1908:

Tuesday, July 7—11:30 A. M.—Room 310.—Regular meeting of the Commission.

2 P. M.—Order No. 615.—CENTRAL PARK, NORTH AND EAST RIVER R. R. Co.—“Adequacy of Service on Belt Line and 59th Street.”—Whole Commission.

Wednesday, July 8—3:30 P. M.—Room 305.—Order No. 531.—STATEN ISLAND R. T. R. R. Co. AND STATEN ISLAND RAILWAY Co.—“Passenger Rates, etc.”—Commissioner McCarroll.

Thursday, July 9—2:30 P. M.—Room 305.—Order No. 588.—NEW YORK CITY INTERBOROUGH RAILWAY Co.—“Failure to build Railroads in The Bronx.”—Commissioner Eustis.

2:30 P. M.—Room 310.—Order No. 555.—BROOKLYN UNION ELEVATED R. R. Co. AND LONG ISLAND R. R. Co.—Application of Board of Estimate.—“Whether Avenue P shall pass over, under or at grade, the tracks of the Companies.”—Commissioner McCarroll.

Friday, July 10—2:30 P. M.—Room 305.—Order No. 286.—BROOKLYN HEIGHTS R. R. Co.—“Ten Cent Fare to North Beach.”—Commissioner Bassett.

2:30 P. M.—Room 310.—Order No. 614.—BROOKLYN UNION ELEVATED R. R. Co.—“Increased number of station stops on Brighton Beach line.”—Commissioner McCarroll.

PROCEEDINGS OF THE PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

MONDAY, JUNE 29, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, John E. Eustis.

(1) BROOKLYN LOOP LINES—SEWERS.

The Secretary presented a communication, dated June 27, 1908, from the Counsel to the Commission, relative to a letter from George S. Rice, Acting Chief Engineer, dated June 8, 1908, recommending that certain sewers along the line of the Brooklyn Loop subway be turned over to the municipal authorities for maintenance, and advising the Commission that communications in the forms suggested be sent to John F. Ahearn, Borough President of Manhattan, and to the contracting firm. On motion, it was directed that such letters be sent, which were as follows:

June , 1908.
Hon. JOHN F. AHEARN, President, Borough of Manhattan, City Hall, New York City:

SIR—The Commission is advised by its Acting Chief Engineer that the reconstruction of certain off-line sewers in connection with the building of the Brooklyn Loop Line Subway, through Centre and other streets in the Borough of Manhattan, has been completed. The sewers referred to are as follows: One on Broome street, from Norfolk to Essex Street, and on Essex Street from Broome Street to Delancey Street; and the other on Park Street from Mulberry Street to Mott Street, on Mott Street from Park Street to Canal Street, on Canal Street from Mott Street to Baxter Street, on Baxter Street from Canal Street to Grand Street, and on Grand Street from Baxter Street to Centre Street.

The Commission is further advised that these sewers will not be further affected by Rapid Transit construction and it seems advisable that the proper city department should now reassume control over them, in order that any interference with the general management of the sewers of the Borough should be minimized as much as possible. It is to be understood, however, that the action of the Commission in returning these sewers to your care does not in any way relieve the Rapid Transit contractor from his obligation to repair any defective work, but that such obligation remains in full force and effect, as if the sewers still remained under his care. The Commission therefore requests that the municipal authority in charge of sewers now reassume control over the sewers referred to.

Respectfully yours,
PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
By (Signed) WM. R. WILLCOX, Chairman.

June , 1908.

DEAR SIR—The Commission, on the recommendation of its Acting Chief Engineer, is about to request the Borough President to reassume control over certain sewers along the line of your work. It is understood that this course is desired by you, but this action of the Commission is not to be deemed as releasing you in any way from your contract obligation in respect of such sewers.

Yours very truly,
By (Signed) WM. R. WILLCOX, Chairman.

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FOURTH AVENUE SUBWAY—RETURN OF CHECKS.

The Secretary presented a communication dated June 27, 1908, from the Counsel to the Commission, relative to the request of Ball and Ludlow, attorneys for the Millard Construction Company, who had requested the return of certain checks deposited by their client. On motion, the Secretary was directed and authorized to return the checks of the third bidder on each contract, and that as to the first and second bidders, they be allowed to withdraw their checks upon deposit of a surety bond meeting the approval of the Counsel to the Commission.

(2) BROOKLYN LOOP LINES—GRADING OF STREETS.

The Secretary presented the following communications from the Acting Chief Engineer and the Counsel to the Commission:

June 19, 1908.

TRAVIS H. WHITNEY, Esq., Secretary:

DEAR SIR—In accordance with the approval of the Public Service Commission, orders have been issued to the contractors for grading the Fourth Avenue car tracks on Centre Street in the vicinity of Pearl Street, this being necessary to allow the construction of the southerly portion of Section No. 9-0-2.

The necessity for regulating and regrading Pearl Street, the plan of which I am informed was approved by the Board of Estimate and Apportionment on June 5, 1908, requires that many of the buildings on Park Street and Pearl Street within the limits of the change in grade have areas and steps leading to basements, which structures in the street should be removed or rebuilt.

On Pearl Street and Park Street, it will be necessary that the surface of these streets should be raised from the building lines outward toward the centre of the street, rather than grading the centre of the street, in order to prevent flooding during the time of making the changes at the time of heavy rainfall.

I respectfully call the attention of the Commission to this matter, in order that proper notices may be served on the property owners by the Commission, and it seems to me the proper procedure for the Public Service Commission is to revoke the licenses for such vaults, areas, stairways, etc., as extend on the building line.

For that reason, I enclose a form of draft of notice which I suggest should be used to notify the owners of the revocation of these licenses. I infer that this form will be referred to the Counsel of the Commission, as I assume the Public Service Commission should notify the owners of the revocation rather than any City Department.

Yours very truly,
(Signed) GEORGE S. RICE, Acting Chief Engineer.

June 26, 1908.

Public Service Commission for the First District:

SIRS—I have the Secretary's letter of the 20th inst., transmitting copy of a communication from the Acting Chief Engineer of the 10th inst. The Chief Engineer, after calling attention to the necessity for regrading portions of Centre Street and certain cross streets along the line of the Brooklyn Loop Lines, suggests that notice be given to abutting property owners, revoking their privileges to maintain vaults, areas, stairways, etc., which extend over the building line, and submits a form of the proposed notice. After consultation, it seems clear to me that the work of regrading is necessarily incident to subway construction and properly within the jurisdiction of the Commission. It therefore follows that any notices to be given should be served by and in the name of the Commission. This has been the uniform course for the last eight years in revoking vault privileges along the line of the work. I have examined the printed form of notice used by the Engineering Department for revoking vault privileges and have made certain changes on it in red ink which will adapt it for use in revoking stairway and area privileges.

Respectfully yours,
(Signed) GEO. S. COLEMAN, Counsel to the Commission.

On motion the above-mentioned form of notice was approved as corrected, and the Chief Engineer authorized to send such notices in accordance with the opinion of Counsel.

(4) ORDER (No. 613).

On motion made and duly seconded, an Order (No. 613) was adopted prescribing the form of annual report to be filed with the Commission by every street railroad corporation within its jurisdiction for the year ending June 30, 1908.

(5) HEARING ORDER (No. 614).

On motion made and duly seconded, a Hearing Order (No. 614) was adopted, directing a hearing on July 10, 1908, at 2:30 o'clock P. M. to inquire whether the Brooklyn Union Elevated Railroad Company should increase the number of station stops made by express trains upon its Brighton Beach Line, and run more local trains upon said line.

The Chair designated Commissioner McCarroll to conduct the hearing.

(6) INTERBOROUGH CO.—ALLEGED SMOKE NUISANCE—DISMISSAL ORDER (No. 616).

Commissioner Eustis presented the following report in the matter of the complaint of Henry D. Hotchkiss against the Interborough Rapid Transit Company in regard to the alleged smoke nuisance at the power house at the foot of West 59th Street, recommending a dismissal of the complaint:

This matter was brought on for hearing after complaint made by Mr. Henry D. Hotchkiss. The complainant appeared on the hearing and gave testimony tending to show that the defendant company burned soft coal at its power house at the foot of West 59th Street and that in consequence thereof a large amount of smoke was emitted from the smoke stacks. Mr. Hotchkiss was of the opinion that the smoke could be prevented by the use of hard coal.

The company admitted the use of soft coal but offered testimony to the effect that hard coal did not possess a sufficient amount of volatile matter to permit of its use for the company's purpose, namely, the running of trains in the subway. It was shown that owing to the fluctuating load caused by the varying demands of the traffic in the subway a fuel containing a large amount of volatile matter was required and that hard coal contained very little volatile matter, whereas soft coal contained a large amount of volatile matter. Mr. Stott, Superintendent of Motive Power of the company, testified that at first the company attempted to use hard coal at this power house but that it was found to contain an insufficient amount of volatile matter and for this reason the company at great expense made such changes in the boilers as were necessary for the purpose of enabling it to use soft coal instead of hard coal and that the company has since used soft coal. He further testified that without the use of soft coal it would be impossible for the company to operate its road.

It further appeared upon the hearing that the company is taking every precaution to prevent the emission of smoke and using the best devices known for the elimination of smoke, and that it is constantly experimenting with new devices for that purpose.

In view of the facts mentioned and in view of the further fact that the complainant admits that there are other sources of smoke in the vicinity mentioned, I am of the opinion that the complaint should be dismissed.

Thereupon, on motion of Commissioner Eustis, duly seconded, a Dismissal Order (No. 616) was adopted dismissing the complaint.

(7)

EXTENSION ORDER (No. 617).

On motion by Commissioner Eustis, duly seconded, an Extension Order (No. 617) was adopted, extending to July 9, 1908, the time within which the operation of Orders 266 and 337 were suspended by Order No. 569, with respect to the service of the Interborough Rapid Transit Company upon its Sixth Avenue Elevated Line and upon its Third Avenue Elevated Line.

(8)

The Chairman stated that he had had conferences with Bion J. Arnold relative to the matter of the valuation of the property of the street railroads in Manhattan and Bronx, and in accordance with authority given by the Commission, it was thereupon, on motion, duly seconded,

ORDER (No. 618).

Resolved, That each street railroad in Manhattan and Bronx be required to furnish on or before July 15, 1908, an inventory of all property owned by each as of June 30, 1908.

(9)

On motion duly seconded, it was

Resolved, That this Commission hereby makes the following appointment, accepts the following resignation and approves of the following transfers:

	Salary.	To Take Effect.
<i>Provisional Appointment.</i>		
Edward E. Seelye, Junior Draughtsman.....	\$75.00 per month.	July 1, 1908
<i>Resignation.</i>		
P. H. Steers, Junior Draughtsman.....		June 23, 1908
<i>Transfers.</i>		
John J. McDermott, Inspector of Masonry, to the Board of Water Supply.		
Henry C. Duncan, Inspector of Masonry, to the Board of Water Supply.		

Ayes—Commissioners Willcox, Bassett, Eustis.
Nays—None.
Carried.

(10)

On motion, duly seconded, it was

Resolved, That Bryan L. Kennelly be appointed to take charge of the sale at public auction of buildings now standing on certain parcels of property owned by the City of New York, known as 154 and 156 Elizabeth Street, as advertised to be held by this Commission on July 16, 1908, at eleven o'clock a. m.

Ayes—Commissioners Willcox, Bassett, Eustis.
Nays—None.
Carried.

TRAVIS H. WHITNEY, SECRETARY.

DEPARTMENT OF CORRECTION.

REPORT OF TRANSACTIONS, JUNE 8 TO 14, 1908.

Communications Received.

From the Board of Estimate and Apportionment—Transmitting copies of resolutions adopted June 5, 1908:

Authorizing an issue of \$693.35 Special Revenue Bonds to provide means to pay, without interest, the claim of the Griscom-Spencer Company for work performed in connection with a contract for making necessary repairs to the steamer "Minnehanock," of the Department of Correction, etc., and shall only be paid upon the execution of a full release in favor of the City in such form as shall be approved by the Corporation Counsel.

Amending resolution adopted May 24, 1907, authorizing an issue of \$350,000 Corporate Stock to provide means for certain work in connection with Raymond Street jail, under the jurisdiction of the President of the Borough of Brooklyn, by striking therefrom the words: "Jurisdiction of the President of the Borough of Brooklyn," and inserting in place thereof the words "Jurisdiction of the Commissioner of Correction," and directing the Commissioner of Correction to employ the firm of D'Oench & Yost, architects; to use the plans prepared by such firm and to enter into a new contract to take the place of the contract known as No. 19538, entered into by the President, Borough of Brooklyn and the said firm of D'Oench & Yost for the preparation of complete plans and specifications for improvements, etc., to the Kings County (Raymond street) jail.

Authorizing an issue of \$1,528.66 Special Revenue Bonds to provide means to pay the Enginemen employed by the Department of Correction at the rate of \$4.50 per diem (the prevailing rate of wages), from June 1, 1908, to December 31, 1908.

Recommending the establishment of the additional grade of the position of Stationary Fireman in the Department of Correction, with compensation at the rate of \$3 per diem.

Receipt acknowledged. Ask that "Stoker" be substituted for "Stationary Fireman" in last resolution, as there is no position of Stationary Fireman in this Department.

From Department of Street Cleaning—Asking the co-operation of the Department of Correction in preparing for extension of filling-in at Rikers Island by having prisoners aid in the work.

Commissioner also asks that men be detailed to disinfect dumps, as heretofore.

Requests granted.

From Department of Public Charities—Asking for a detail of prisoners to unload cargo of flour at bakery dock on June 8, 1908. Request granted.

From Heads of Institutions—Reporting that milk, meats, fish, bread, etc., for week ending June 6, 1908, agreed with specifications of the contracts. On file.

From Heads of Institutions—Reports, census, labor, hospital cases, punishments, etc., for week ending June 6, 1908. On file.

From City Prison—Report of fines received during week ending June 8, 1908:

From Court of Special Sessions..... \$25 00
From City Magistrates' Court..... 68 00

Total..... \$93 00

On file.

From District Prisons—Report of fines received during week ending June 6, 1908:

From City Magistrates' Courts..... \$455 00

On file.

From District Prisons—Report for month of May, 1908. On file.

From Penitentiary, Blackwells Island—List of prisoners received, week ending June 6, 1908: Men, 40; women, 5. On file.

From Penitentiary, Blackwells Island—Warden transmits a report of twenty-six prisoners now at the Penitentiary, Blackwells Island, for use of the Governor in commuting their sentences in accordance with the law. List forwarded to the Governor, as requested.

From Penitentiary, Blackwells Island—Death, on June 12, 1908, of Nellie Dolan, aged 42 years. Friends and Coroner notified.

From Workhouse, Blackwells Island—Fines paid at Workhouse, Blackwells Island, during week ending June 6, 1908, amounted to \$70. On file.

From Workhouse, Blackwells Island—Deaths at Workhouse: On June 9, 1908, Mary Sweeney, aged 45 years; friends unknown. On June 11, 1908, James Daly, aged 49 years. Friends unknown.

On file.

From City Cemetery, Harts Island—List of interments during week ending June 6, 1908. On file.

From City Prison, Borough of Brooklyn—Report of fines received during week ending June 6, 1908:

From Court of Special Sessions..... \$245 00
From City Magistrates' Courts..... 43 00

Total..... \$288 00

On file.

From City Prison, Borough of Brooklyn—Proposed changes and modifications in plans for plumbing work at City Prison, Brooklyn, under contract with William C. Ormond.

These changes are required on account of unexpected structural conditions found in the prison, the height of the Willoughby street sewer, etc.

Plans showing modifications and changes, as submitted, have been approved, with the understanding that there shall be no extras whatever, and that any other additions or alterations necessary, to have work approved by the Department of Buildings, Brooklyn, etc., shall be done by the contractor without further expense to the Department of Correction.

Communications Transmitted.

To Civil Service Commission—Asking for eligible list from which to appoint one Keeper at \$800 per annum in this Department.

To Police Department—Commissioner of Police Department notified that it will be impossible to grant his request for photographs, finger prints, etc., of prisoners, as there is only one Bertillon operator employed in the Department of Correction. If, however, Commissioner Bingham will assign a man to assist the Bertillon operator, the desired data will be gladly furnished.

Proposals Accepted.

Of the Powers Regulator Company, No. 111 Fifth avenue, of June 12, 1908, to thoroughly overhaul automatic temperature controlling apparatus at City Prison, Manhattan, same to be put in first class order and to be guaranteed for two years, all in accordance with terms of letter of June 8, 1908, for \$400.

Of William Dauphin, of No. 131 West Thirty-third street, to furnish and erect at new bakery, Penitentiary, Blackwells Island, grille door, window guards and skylight, all as called for in specifications submitted to bidders, for \$620, the same being the lowest bid received.

Appointed.

Terence J. Mills, Keeper, at \$800 per annum, at District Prisons, to date from June 9, 1908.

Michael J. Meehan, Keeper, at \$800 per annum, at District Prisons, to date from June 9, 1908.

John T. Coffey, Keeper, at \$800 per annum, at Penitentiary, Blackwells Island, to date from June 16, 1908.

Henry Bartels, Keeper, at \$800, at Branch Workhouse, Harts Island, to date from June 9, 1908.

Bennett H. Clarke, Keeper, at \$400 per annum, to date June 9, 1908, at City Prison, Borough of Brooklyn.

All the above named were certified on Civil Service eligible list of June 3, 1908.

Thomas Garrity, Stoker, at \$912 per annum, at District Prisons, to date from June 11, 1908. Departmental examination.

Wages of Engineers Increased.

Richard Chapelle, City Prison, Manhattan.

William J. Shannon, City Prison, Manhattan.

Leander J. Dailey, City Prison, Manhattan.

Joseph Austin, Penitentiary, Blackwells Island.

James E. Burke, Penitentiary, Blackwells Island.

William Denton, Penitentiary, Blackwells Island.

James McGrath, Penitentiary, Blackwells Island.

John C. King, Workhouse, Blackwells Island.

Charles M. Reber, Workhouse, Blackwells Island.

John Barrett, Workhouse, Blackwells Island.

John M. Balmore, Branch Workhouse, Harts Island.

Jacob C. Olsen, Branch Workhouse, Harts Island.

Ernest W. Lowe, Branch Workhouse, Harts Island.

All the above from \$4 to \$4.50 per diem, except John Barrett, from \$3.50 to \$4.50 per diem; Ernest W. Lowe, from \$3.50 to \$4.50 per diem.

On and after July 1, 1908, no maintenance (board or lodging) will be allowed to Engineers in the Department of Correction.

Resigned.

Cornelius J. Sheehan, Stoker, at \$912, at City Prison, Manhattan, to take effect June 8, 1908.

Frank Bowler, Stoker, at \$912, at Branch Workhouse, Harts Island, to take effect June 12, 1908.

JOHN V. COGGEY, Commissioner.

BOARD OF ESTIMATE AND APPORTIONMENT.

(FINANCIAL AND FRANCHISE MATTERS.)

MINUTES OF MEETING OF BOARD OF ESTIMATE AND APPORTIONMENT, CITY OF NEW YORK,
HELD IN ROOM 16, CITY HALL, FRIDAY, JUNE 12, 1908.

The Board met in pursuance of an adjournment.

Present—George B. McClellan, Mayor; Herman A. Metz, Comptroller; Patrick F. McGowan, President of the Board of Aldermen; John F. Ahearn, President of the Borough of Manhattan; Bird S. Coler, President of the Borough of Brooklyn; Louis F. Haffen, President of the Borough of The Bronx; Lawrence Gresser, President of the Borough of Queens; George Cromwell, President of the Borough of Richmond.

The Mayor, Hon. George B. McClellan, presided.

The Chair submitted the following injunction served upon him and the other members of the Board restraining the Board from certifying or approving a contract in regard to the construction of the Fourth avenue subway in the Borough of Brooklyn:

Which was ordered printed in the minutes and placed on file.

SUPREME COURT—NEW YORK COUNTY.

Jefferson M. Levy, Plaintiff,
againstGeorge B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of
Estimate and Apportionment of The
City of New York.

Defendants.

It appearing to my satisfaction from the summons and complaint and the accompanying affidavits of the plaintiff herein and of Herman A. Metz, Comptroller of The City of New York, and of Frank Smith, all verified on the eleventh day of June, one thousand nine hundred and eight, that the plaintiff herein is entitled to a judgment against the defendants as members of and constituting the Board of Estimate and Apportionment of The City of New York, restraining the acts hereinafter enjoined, upon the ground that any action by the Board of Estimate and Apportionment in approving and certifying contracts mentioned in the complaint and authorizing the issue of Corporate Stock would be an illegal official act, and that the commission of said acts during the pendency of this action would produce injury to the property, funds and estate of The City of New York, and the plaintiff as a taxpayer therein, and that the injury complained of exists in the Board of Estimate and Apportionment of The City of New York authorizing an indebtedness beyond that prescribed by the Constitution of the State of New York for The City of New York and for cities similarly situated, and the plaintiff having duly executed the statutory bond in a penalty which has been duly approved by a Judge of this Court.

Now, on motion of Robert F. Wagner, attorney for plaintiff, it is

Ordered, That those individuals, as members of and constituting the Board of Estimate and Apportionment of The City of New York be and they hereby are enjoined and restrained from certifying or approving the contracts set forth at length in plaintiff's complaint for the construction of the proposed Fourth avenue subway, and from issuing Corporate Stock to pay therefor, and let the defendants, as members of and constituting the Board of Estimate and Apportionment of The City of New York show cause at Special Term, Part I., of this Court, to be held at the County Court House in The City of New York, Borough of Manhattan, on the 18th day of June, 1908, at the opening of Court of that day, or as soon thereafter as counsel can be heard why this injunction should not be made permanent, of which motion service of this order on or before the 15th day of June, 1908, shall be sufficient. The ordinary notice of motion being dispensed with for good and sufficient grounds appearing in said affidavits.

Dated, New York, June 11, 1908.

(Signed) MITCHELL L. ERLANGER,
Justice of the Supreme Court of the State of New York.

SUPREME COURT—NEW YORK COUNTY.

Jefferson M. Levy, Plaintiff,
againstGeorge B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of
Estimate and Apportionment of The
City of New York.

Defendants.

To the Above-Named Defendants and Each of Them:

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, New York, June 11, 1908.

ROBERT F. WAGNER, Attorney for Plaintiff,
Office and Post Office Address:
No. 229 Broadway, Manhattan, New York City.

SUPREME COURT—NEW YORK COUNTY.

Trial to be had in New York County.
Jefferson M. Levy,Plaintiff,
againstGeorge B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of
Estimate and Apportionment of The
City of New York.

Defendants.

The plaintiff, complaining of the above-named defendants, respectfully shows and alleges:

I. That the plaintiff is a taxpayer of The City of New York and is the owner of real property situated in the Boroughs of Brooklyn and Manhattan in said City of New York, and is assessed for the purpose of taxation thereon in an amount exceeding the sum of one thousand dollars on all said real property, and is liable to pay taxes and has paid taxes on such assessment amounting to more than one thousand dollars within one year prior to the commencement of this action.

II. The defendants, George B. McClellan, Herman A. Metz, Patrick F. McGowan, John F. Ahearn, Bird S. Coler, Louis F. Haffen, George Cromwell, Lawrence Gresser, are members of and constitute the Board of Estimate and Apportionment of The City of New York, the creation of which Board and the duties thereof being provided for in section 226 of the Greater New York Charter.

III. That there has been submitted to the Board of Estimate and Apportionment of The City of New York by the Public Service Commission of the First District forms of the contract for the construction of the proposed Fourth avenue subway, of Brooklyn, showing bidders to whom contracts have been awarded requesting the consent thereto of the Board of Estimate and Apportionment, pursuant to section 37 of the Rapid Transit Act, as amended, and further requesting the Board to prescribe a limit to the amount of bonds available for the said purposes and to authorize the issue of Corporate Stock as follows:

Contract.	Contract Awarded.		Corporate Stock Requested.	
	For Railroad Construction.	For Pipe Gallery Construction.	For Railroad Construction.	For Pipe Gallery Construction.
No. 1—Manhattan Bridge Connection No. 1—Flatbush avenue extension, from Nassau street to Willoughby street; J. P. Graham, contractor.....	\$1,020,476.55	\$101,374.55	\$200,000.00	\$20,000.00
No. 2—Section 9-C-1—Under Flatbush avenue extension and Fulton street, from Willoughby street to Ashland place; William Bradley, contractor.....	3,436,019.00	58,695.00	500,000.00	10,000.00
No. 3—Sections 11-E-1 and 11-A-1—Under Ashland place and Fourth avenue, from Fulton street to Sackett street; William Bradley, contractor.....	3,392,091.50	208,135.00	500,000.00	30,000.00
No. 4—Section 11-A-2—Under Fourth avenue, from Sackett street to Tenth street; E. E. Smith Contracting Company, contractor.....	2,283,553.30	206,672.00	500,000.00	30,000.00
No. 5—Section 11-A-3—Under Fourth avenue, from Tenth street to Twenty-seventh street; Tide-water Building Company and Thomas B. Bryson, contractors.....	1,945,640.50	251,076.00	500,000.00	30,000.00
No. 6—Section 11-A-4—Under Fourth avenue, from Twenty-seventh street to Forty-third street; E. E. Smith Contracting Company, contractor.....	2,808,982.80	173,665.00	500,000.00	30,000.00

Summary.

Total contracts for railroad construction.....	\$14,886,763.65
Total contracts for pipe gallery construction.....	999,617.55
	\$15,886,381.20

IV. The above contracts and requests of the Public Service Commission, First District, were, on June 5, 1908, submitted to the Comptroller of The City of New York, with directions that the latter confer with the Corporation Counsel upon the entire proposition.

V. That the approval and certification by the Board of Estimate and Apportionment of The City of New York of the above-named contracts and the authorization of the issue of Corporate Stock to pay the same will result in additional contract liabilities to The City of New York and in a consequent increase of the bonded debt of The City of New York in the sum as above stated of \$15,886,381.20.

VI. That he is informed and believes that the intention of the Board of Estimate and Apportionment of The City of New York at the meeting of said Board to be held at City Hall, Borough of Manhattan, on Friday, June 12, 1908, at 10:30 o'clock, is to adopt a resolution approving the above contracts and authorizing the issue of Corporate Stock to pay for the same.

VII. That in section 12 of the Constitution of the State of New York it is provided as follows:

"No county or city shall be allowed to become indebted for any purpose or any manner to an amount which, including existing indebtedness shall exceed ten per centum of the assessed valuation of the real estate of such county or city, subject to taxation as it appeared by the assessment rolls of said county or city on the last assessment of state and county taxes, prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be allowed to become indebted to any further amount until such indebtedness shall be reduced within such limit."

VIII. That I am informed by Herman A. Metz, the Comptroller of The City of New York, that on June 1, 1908, there was a margin between ten per cent. (10%) of the real estate valuation of The City of New York and the net funded debt of The City of New York of approximately one million four hundred thousand dollars (\$1,400,000), since which time it has been further reduced by the certification of additional contract obligations.

IX. That the proposed action by the Board of Estimate and Apportionment of The City of New York, referred to in section VI, of this complaint is therefore directly contrary to the provisions of section 12 of the State Constitution, fixing the indebtedness of The City of New York. Such actions of the Board of Estimate and Apportionment of The City of New York approving the aforesaid contracts and issuing Corporate Stock to pay therefor would be illegal official acts, wholly without power and absolutely void, and would result in great waste and injury to The City of New York, its funds and estate.

X. That by reason of the premises the said City of New York and this plaintiff, as a taxpayer, and all of the taxpayers of said City, have been and are being seriously injured and threatened with injury and waste of the money and funds of the said City, for which there is no redress at all, and plaintiff has no remedy therefore at law or in equity unless the relief herein prayed for is granted, and unless an injunction is issued herein to prevent the threatened and intended actions of the Board of Estimate and Apportionment of The City of New York, as alleged aforesaid in this complaint, and to prohibit and enjoin the said Board of Estimate and Apportionment from approving and certifying said contracts and authorizing the issue of Corporate Stock therefor, there is great danger that the said Board of Estimate and Apportionment may and will approve and certify said contracts and authorize the issue of Corporate Stock to pay therefor greatly to the damage of the City and to the unlawful waste and injury of its estate.

Wherefore, plaintiff demands judgment against the defendants as members of and constituting the Board of Estimate and Apportionment of The City of New York as follows:

That the said Board of Estimate and Apportionment be enjoined and restrained from approving and certifying any of the contracts specified in paragraph III, of this complaint, and from authorizing the issue of any Corporate Stock to pay therefor, and that the plaintiff have a temporary injunction restraining the performance of any of such acts which he seeks to enjoin permanently, as aforesaid, and that he may have such other and further relief as in the premises may be just and proper, together with his costs and disbursements herein.

ROBERT F. WAGNER, Attorney for Plaintiff,
Office and Post Office Address:
No. 229 Broadway, Manhattan, New York City.

State of New York, County of New York, ss.:

Jefferson M. Levy, being duly sworn, deposes and says: That he is the plaintiff in this action, that he has read the foregoing complaint and knows the contents thereof and that the same is true of his own knowledge, except as to the matters therein stated

to be alleged on information and belief, and as to those matters he believes it to be true.

JEFFERSON M. LEVY.

Sworn to before me this 11th day of June, 1908.
PAUL LOESER, Commissioner of Deeds, New York City.

SUPREME COURT—NEW YORK COUNTY.

Jefferson M. Levy, Plaintiff,
against

George B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of Estimate
and Apportionment of The City
of New York,
Defendants.

Frank W. Smith, being duly sworn, deposes and says that he is the Chief Accountant and Bookkeeper of the Department of Finance of The City of New York, directly in charge of the accounting and bookkeeping system of said Department, and, as such, is familiar with its financial conditions; that according to the Constitution of the State of New York, the indebtedness of The City of New York is limited to an amount not exceeding 10 per cent. of the assessed valuation of the taxable real estate of the said City; that to the best of his knowledge and belief, on June 1, 1908, there was a margin, between 10 per cent. of the real estate valuation of The City of New York and the net funded debt of the City, of approximately \$1,400,000, since which time it has been further reduced by the certification of additional contract obligations.

FRANK W. SMITH.

Sworn to before me this 11th day of June, 1908.
PAUL LOESER, Commissioner of Deeds, New York City.

SUPREME COURT—NEW YORK COUNTY.

Jefferson M. Levy, Plaintiff,
against

George B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of Estimate
and Apportionment of The City
of New York,
Defendants.

City and County of New York, ss.:

Herman A. Metz, being duly sworn, deposes and says that he is the Comptroller of The City of New York, and, as such, is familiar with its financial conditions; that according to the Constitution of the State of New York, the indebtedness of The City of New York is limited to an amount not exceeding 10 per cent. of the assessed valuation of the taxable real estate of the said City; that to the best of his knowledge and belief, on June 1, 1908, there was a margin, between 10 per cent. of the real estate valuation of The City of New York and the net funded debt of the City, of approximately \$1,400,000, since which time it has been further reduced by the certification of additional contract obligations.

HERMAN A. METZ.

Sworn to before me this 11th day of June, 1908.
PAUL LOESER, Commissioner of Deeds, New York City.

SUPREME COURT—NEW YORK COUNTY.

Jefferson M. Levy, Plaintiff,
against

George B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of Estimate
and Apportionment of The City
of New York,
Defendants.

State of New York, County of New York, ss.:

Jefferson M. Levy, being duly sworn, deposes and says: I am the plaintiff in the above entitled action. The complaint herein and to which this affidavit is attached is true of my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe the same to be true.

The official calendar of the Board of Estimate and Apportionment of The City of New York for the meeting held Friday, June 5, 1908, shows that a request was made by the Public Service Commission, First District, requesting the consent of the Board of Estimate and Apportionment, pursuant to section 37 of the Rapid Transit Act, as amended, to certain contracts mentioned in my complaint for the construction of the proposed Fourth Avenue Subway. The Public Service Commission also requests that authority be given for the issue of Corporate Stock to pay for said contracts, the total amount aggregating the sum of \$15,886,381.20. As appears from the affidavit of Herman A. Metz, the Comptroller of The City of New York, hereto attached, the margin between the ten per centum of the real estate valuation of The City of New York and the net funded debt of The City of New York approximated one million four hundred thousand dollars (\$1,400,000) on June 1, 1908, since which time it has been further reduced by the certification of additional contract obligations.

This action by the Board of Estimate and Apportionment of The City of New York consenting to the contracts above referred to and authorizing the issue of Corporate Stock would cause The City of New York to exceed the debt limit of said City, as specified by the Constitution of the State of New York, and would therefore be an illegal official act.

The Board of Estimate and Apportionment of The City of New York will hold a meeting at 10:30 o'clock on Friday, June 12, 1908, and I am seeking to restrain the aforesaid illegal action by that Board at said meeting.

No previous application has been made for any injunction herein or for any injunctive relief such as is prayed for in the complaint.

An order to show cause is respectfully asked for containing a preliminary injunction because the said Board of Estimate and Apportionment intends and threatens at the meeting to be held on June 12, 1908, to perform the acts which this suit is brought to restrain; and unless said Board is at once enjoined and restrained irreparable damage will be done to this taxpayer and to The City of New York.

JEFFERSON M. LEVY.

Sworn to before me this 11th day of June, 1908.
PAUL LOESER, Commissioner of Deeds, New York City.

SUPREME COURT—NEW YORK COUNTY.

Jefferson M. Levy, Plaintiff,
against

George B. McClellan, Herman A. Metz,
Patrick F. McGowan, John F. Ahearn,
Bird S. Coler, Louis F. Haffen, George
Cromwell, Lawrence Gresser, as members
of and constituting the Board of Estimate
and Apportionment of The City
of New York,
Defendants.

Know all men by these presents, that the undersigned, of No. 59 West Thirty-fourth street, New York City, is held and firmly bound to the Board of Estimate and Apportionment of The City of New York and The City of New York in the penal sum of five hundred dollars (\$500), to be paid to the said Board and to The City of New York, for which payment well and truly to be made I bind myself, my heirs and executors and administrators firmly by these presents.

[SEAL.] Sealed with my seal this 11th day of June, 1908.

Whereas, The above bounden Jefferson M. Levy has applied to the Supreme Court for an injunction pending the determination of a taxpayers' suit instituted by him to restrain and enjoin the above named Board of Estimate and Apportionment from certifying and approving contracts for the proposed Fourth Avenue Subway in the Borough of Brooklyn, and from authorizing the issue of Corporate Stock to pay therefor;

Now, the condition of this obligation is such that if the above bounden Jefferson M. Levy shall pay all damages which the defendant in said suit may sustain in consequence of said proceeding and of said injunction being granted, should said injunction be thereafter dissolved and said suit decided adversely to plaintiff, and if plaintiff shall pay all costs accruing as the result of the determination of said suit, then this obligation to be void, otherwise to be of full force and effect.

JEFFERSON M. LEVY.

Signed, sealed and delivered in presence of Paul Loeser.

On this 11th day of June, 1908, before me personally came Jefferson M. Levy, to me known and known to me to be person described in and who executed the foregoing instrument and he therefore duly acknowledged to me that he had executed the same.

PAUL LOESER, Commissioner of Deeds, New York City.

Approved as to form and sufficiency, New York, June 11, 1908.

Mitchell F. Erlanger, J. S. C.

FRANCHISE MATTERS.

HUDSON AND LONG ISLAND TRACTION COMPANY.

A communication, dated May 8, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board May 1, 1908, fixing this day as the date for public hearing on the application of the Hudson and Long Island Traction Company for a franchise, and designating the "New York Times" and the "New York Tribune" as the newspapers in which notice of such hearing should be published.

Which was ordered filed.

The public hearing on the application of the Hudson and Long Island Traction Company, for a franchise to construct, maintain and operate a street surface railway in the Borough of Manhattan, from the intersection of West Forty-second street and Twelfth avenue to Eleventh avenue to Fifty-seventh street, to Second avenue to the entrance to the Blackwells Island Bridge, and to operate across the Blackwells Island Bridge and its approaches to Jackson avenue, in the Borough of Queens, was opened.

The hearing was fixed for this day by resolution duly adopted May 1, 1908.

Affidavits of publication from the "New York Times," the "New York Tribune" and the CITY RECORD were received prior to the hearing.

The following appeared in opposition to the proposed grant: William H. Page, Jr., representing the Fifth Avenue Coach Company.

John C. Coleman, representing certain property owners on Fifty-seventh street, who filed a memorandum, and also copy of map showing the assessed valuations on such street.

The following appeared in favor:

Arthur C. Hume, counsel for the Company.

George T. Diefenthaler, representing the Fifty-seventh Street Property Owners' Association.

No one else desiring to be heard, the Chair declared the hearing closed.

The Secretary presented the following:

REPORT NO. F-94.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The Hudson and Long Island Traction Company has applied to the Board of Estimate and Apportionment for a franchise to construct and operate a double-track surface railroad beginning at West Forty-second street and Twelfth avenue, in the Borough of Manhattan, and running thence through Twelfth avenue, Forty-third street, Eleventh avenue, Fifty-seventh street and Second avenue to the Blackwells Island Bridge and across the said bridge and its approaches to Jackson avenue, in the Borough of Queens. The Board, on May 1 last, determined to give a public hearing on this application on June 12.

An application has also been received from the South Shore Traction Company for a franchise to build a railroad running from the easterly boundary of the Borough of Queens through various streets and across the Blackwells Island Bridge. It is understood that these two companies are controlled by the same interests.

I submit herewith a report from the Engineer-in-Charge of the Division of Franchises upon this application, together with a proposed form of contract. The conditions for the use of the Blackwells Island Bridge are the same as those proposed for the South Shore Traction Company and the New York and Queens County Railway Company, and are such as have been recommended by the Commissioner of Bridges. The period recommended for the grant is twenty-five years, with a privilege of renewal for a similar period upon a revaluation. It is understood that the fare to be charged from the westerly terminus of the road at Twelfth avenue to and across the Blackwells Island Bridge is three cents. An initial payment of \$20,000 is recommended, and annual payments are suggested as follows:

Three per cent. of the gross receipts during the first five years.

Five per cent. of the gross receipts during the succeeding ten years, and

Six per cent. of the gross receipts during the last ten years, with minimum guaranteed payments ranging from \$4,800 during the first five years to \$14,000 during the fifth five years.

A protest has been received from counsel for the property owners on Fifty-seventh street, the objectors being the owners of exceedingly valuable property on this street on both sides of Fifth avenue.

It is recommended that the Board request the applicant company to advise it in writing before June 19 as to whether or not it will accept the grant upon the conditions named.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
June 6, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—Under date of April 9, 1908, the Hudson and Long Island Traction Company petitioned the Board of Estimate and Apportionment for the right, franchise or privilege to construct, maintain and operate a double-track street surface railway

upon the following route: Beginning in the Borough of Manhattan at the intersection of West Forty-second street and Twelfth avenue; thence upon Twelfth avenue to West Forty-third street; thence upon West Forty-third street to Eleventh avenue; thence upon Eleventh avenue to West Fifty-seventh street; thence upon West Fifty-seventh street and East Fifty-seventh street to Second avenue; thence upon Second avenue to the entrance to the Blackwells Island Bridge; thence upon and across the Blackwells Island Bridge and the approaches thereto to Jackson avenue, in the Borough of Queens.

The petition was presented to the Board at the meeting held April 24, 1908, and was referred to the Chief Engineer.

On May 1, 1908, the Board adopted resolutions fixing Friday, June 12, as the date for the preliminary public hearing on this application, and requesting the Mayor to designate two daily newspapers in which notice of the application and such hearing should be published pursuant to law. The "New York Times" and "New York Tribune" have been so designated.

The Hudson and Long Island Traction Company was incorporated by filing its certificate of incorporation in the office of the Secretary of State on March 31, 1908, for the purpose of constructing and operating a street surface railroad with termini at the junction of Twelfth avenue and Forty-second street, in the Borough of Manhattan, and the plaza of the Blackwells Island Bridge, in the Borough of Queens. The amount of capital stock named in the certificate is \$50,000. This Company has been organized, I am informed, by the same interests which control the South Shore Traction Company, which has an application now before the Board for the right to construct and operate a street surface railway upon a route beginning at the boundary line between the Borough of Queens and the County of Nassau; thence upon various streets and avenues, including Thomson avenue and Hoffman boulevard, and across the Blackwells Island Bridge to the Manhattan terminal of the same, thus extending from the Borough of Manhattan throughout the entire length of the Borough of Queens. A separate report by this Division upon the application of the South Shore Traction Company, together with a proposed form of contract, will be submitted to you simultaneously with this.

With the opening of the Blackwells Island Bridge there will be need for greatly increased transportation facilities in the vicinity of Fifty-ninth street, especially for a cross-town line which will make connections with the north and south lines of travel, and I do not believe that the railway now operating in Fifty-ninth street will be able to handle the increased traffic. There is no plaza at the Manhattan entrance to the Blackwells Island Bridge, and congestion is bound to occur at this point if all passengers coming on the street railways from the Borough of Queens are obliged to transfer at this point, and ultimately, unless there is some means of through transit provided, the congestion will approximate that which now exists at the Manhattan entrance of the Brooklyn Bridge.

A recent inspection of the route shows that Twelfth avenue, from West Forty-second street to West Forty-third street, is not open to the public, and has not as yet been paved. The terminal of the railway at this point is to be at the entrance to the ferry of the West Shore Railroad Company running to Weehawken. West Forty-third street is a sixty-foot street, having only a thirty-foot roadway. The abutting property is occupied by factories, there being few residences, if any, upon the street between Eleventh and Twelfth avenues.

On Eleventh avenue, between the limits affected by this application, to wit, Forty-third street to Fifty-seventh street, are the double tracks of the New York Central and Hudson River Railroad Company, used for a few passenger trains running between Spuyten Duyvil and Thirtieth street, and by all the freight trains of this Company going below Sixtieth street. These trains are operated by steam power. Fifty-seventh street is the only wide cross-town street between Forty-second street and One Hundred and Sixteenth street, which extends from river to river, and between Park avenue and Sixth avenue it has been built up as a strictly residential section of the highest class. At either end from Lexington avenue to Second avenue, and between Ninth and Eleventh avenues, there are a number of business houses. The roadway is 42 feet wide, except between Broadway and Eighth avenue, where it measures 52 feet, and between Eighth and Eleventh avenues it is 62 feet in width.

The portion of Second avenue upon which the route is laid out is already occupied by a double-track street surface railway, operated by the New York City Railway Company. The distance between Fifty-seventh street and the entrance to the Blackwells Island Bridge is less than 1,000 feet, and the Railroad Law requires that one railway shall give its consent to the use of its tracks by another company when the distance is under 1,000 feet, upon payment to the company owning the tracks of an amount to be agreed upon by the corporation for the use of such track. The tracks to be used for street surface railroad purposes upon the Blackwells Island Bridge and approaches thereto will, I am informed by the Commissioner of Bridges, be constructed by that Department. In consequence, no right should be given to the applicant company to construct tracks upon the bridge, but only to operate cars over the same. It will, therefore, be necessary to draw the contract so as to cover conditions governing the use of tracks owned by the City upon the bridge, and governing the construction and operation of the tracks upon the remainder of the route.

The entire length of the route is a little over four miles. The portion upon the bridge and the approaches is about one and one-half miles in length, making the length of the route in the streets and avenues two and one-half miles.

The Hudson and Long Island Traction Company proposes to operate the route in connection with the railway for which a right has been applied for by the South Shore Traction Company. That is, it is proposed to operate cars from Forty-second street and Twelfth avenue to the Queens approach of the Blackwells Island Bridge, and from that point to continue east through the Borough of Queens by the route proposed by the South Shore Traction Company, or to transfer passengers from the cars of the applicant Company to that of the South Shore Company at the Queens approach to the bridge. It is proposed by the South Shore Traction Company to carry passengers upon the route applied for by that company for a single fare of five cents, and to transfer these passengers to the line of the Hudson and Long Island Traction Company for an additional fare of three cents. Likewise, it is proposed to carry passengers upon the route of the Hudson and Long Island Traction Company for a fare of three cents, and transfer passengers to the cars of the South Shore Traction Company for an additional fare of five cents, making a total fare of eight cents from any point upon the route of one company to any other point upon the route of the other company.

The operation of the lines of these two companies, in my opinion, will in a great measure prevent congestion at the entrances to the bridge. The route of the applicant Company crosses all the north and south surface lines between Second avenue and Eleventh avenue at which places of intersection transfers to points in the Borough of Manhattan can be easily made. The route passes the Second avenue elevated station at Fifty-seventh street; it passes within two blocks of the Third avenue elevated station at Fifty-ninth street, within one block of the Sixth avenue elevated station at Fifty-eighth street, within two blocks of the subway station at Columbus Circle, and within two blocks of the Ninth avenue elevated station at Fifty-ninth street.

The Bridge Department has planned to provide underground loops at the Manhattan end of the Blackwells Island Bridge for the use of surface railways, but representatives of this Company have stated that the Company will not require any portion of this terminal since through cars are to be operated from points upon the proposed route in the Borough of Manhattan to the Queens approach to the bridge.

Under date of September 9, 1907, two applications were received by the Board, one from the Brooklyn Union Elevated Railroad Company for the right to use elevated railroad tracks, and the other from the Brooklyn City Railroad Company for the right to use two surface railroad tracks upon the Manhattan Bridge.

In view of the fact that contracts for the use of the existing bridges across the East River by railroad companies were made by the Bridge Commissioner, the opinion of the Corporation Counsel was asked as to whether the Board had jurisdiction on the Manhattan and the Blackwells Island Bridges.

Under date of September 18, the Corporation Counsel addressed a communication to the Board in regard to street surface railway applications, and stated:

"I therefore, advise you that the same procedure is to be followed as in the case of an application by a street surface railway company for a franchise in the streets of the City, and that the Board of Estimate and Apportionment is the body solely empowered to make such grant."

Objections Made by Property Owners.

As far as I am aware, no formal petition has been presented objecting to the construction of a railway upon any portion of the route, but Mr. John C. Coleman has stated to me that he represents a number of property owners upon Fifty-seventh street who object to the construction of such a railway.

Under date of May 26, 1908, he addressed a letter to the Board, stating that he has been retained to appear for a committee of property owners on Fifty-seventh street.

"Who are opposed to the construction and operation of a railroad through, over or under said Fifty-seventh street?"

He stated that this committee represents property owners upon the street, possessing property of an assessed valuation of over \$13,000,000. I have examined the last assessment rolls, and find that the assessed valuation of the improved property abutting on the route applied for is about \$48,000,000, and that portion on West and East Fifty-seventh street between Twelfth avenue and Second avenue is \$41,246,650.

Conditions for the Proposed Franchise.

Rights in Eleventh Avenue—Eleventh avenue throughout the entire length proposed for this route is occupied by a double track railroad operated and owned by the New York Central and Hudson River Railroad Company. By chapter 107 of the Laws of 1906, the Board of Rapid Transit Railroad Commissioners was directed to prepare a plan as speedily as possible for the removal of the tracks of railways operated by locomotive steam power on streets or avenues at grade in the Borough of Manhattan, and to terminate the operation thereof. By this act, the Rapid Transit Commission, now succeeded by the Public Service Commission for the First District, was empowered to enter into an agreement with the companies operating such railroads for the removal of the tracks at grade, and if no satisfactory agreement was reached within a year, they were further empowered to condemn the franchises, rights and privileges. No agreement was reached within the time limit, and pursuant to the act, the Public Service Commission is engaged in initiating condemnation proceedings for acquisition of the franchise and rights of the New York Central and Hudson River Railroad Company on Eleventh avenue.

From this it appears that the tracks on Eleventh avenue may be removed, in which case the surface of the avenue may properly be used for street railway purposes. I would not recommend, however, the grant of the right to construct a street surface railroad upon Eleventh avenue while the tracks of the New York Central and Hudson River Railroad Company remain on the surface, and thereby permit the operation of four tracks on the avenue instead of two, as at present, but rather that authority to construct that part of the route between the entrance to the Blackwells Island Bridge and the intersection of West Fifty-seventh street and Eleventh avenue be granted for immediate use, and the remaining portion of the route be granted only upon condition that the tracks of the New York Central Railroad shall be removed within five years, and if so removed, that portion of the route be constructed within one year thereafter.

No Exclusive Right—It is readily seen that if the present tracks are removed from the surface of Eleventh avenue that this will leave another avenue upon which a north and south street surface railway route may in time be desirable. In the event, however, of constructing a railroad upon a short portion of this avenue, as it is now proposed by the applicant Company, the entire avenue would not be available for a street surface railway unless the Board reserves the right in the franchise to grant a similar right to any other company. A condition similar to this has been recommended for nearly all street surface railway franchises which have been applied for recently, and it is suggested that the Board reserve this right should it grant a franchise to the applicant Company.

Conditions for the Use of the Bridge Tracks—All contracts now in force giving railroad companies the right to use tracks upon the existing bridges across the East River were made between the Commissioner of Bridges and the railroad companies, and the Commissioner of Bridges by the terms of those contracts is the City's representative. It appears that he is the proper official to govern the use of bridges by railroad companies, since those structures are under his care. The proposed contract attached hereto gives the Commissioner the right to assign the tracks to be used by the Company, to regulate the speed of cars and the kind of cars to be used upon the bridge and the use of platforms, etc. The contract is so drawn that the Commissioner has full authority over the Company while upon the bridge or approaches thereto.

Local Traffic—It is the intention to operate this railway in its entirety, that is, to run cars from the Queens plaza to West Forty-second street and the North River, or as far west as the tracks can be constructed, and no application has been made for the right to carry on purely local traffic from one bridge approach to the other. It would appear that one object, as far as the City is concerned, in allowing the operation of a railway such as is proposed is to distribute passengers at points in the Borough of Manhattan other than at the bridge approach, and thereby prevent congestion at that point. If, therefore, a franchise is granted to this Company it is believed that the franchise should be so drawn as to require the Company to operate the cars in the Borough of Manhattan, as well as upon the bridge. To that end it is suggested that a condition be inserted in the proposed form of contract preventing the Company from operating cars only upon the bridge until the Company has in operation one mile of continuous railway upon the proposed route, commencing at the entrance to the Blackwells Island Bridge, in the Borough of Manhattan. This one mile would extend to approximately Seventh avenue.

Underground Electric System—Since all surface railways in the Borough of Manhattan, with the exception of a few miles, are operated by the underground electric system, this Company should, of course, be required to adopt a similar method of operation. It seems unwise, however, to limit the Company to this system throughout the entire term of the contract, for the reason that some other power may be discovered which may be used equally as well, and it is suggested that the Company be allowed to use any other power, except overhead electric, steam or horse power, which may lawfully be used, approved by the Board and be consented to by the abutting property owners and by the Public Service Commission for the First District.

Term of Grant—The investment of the Company upon the portion of the route other than the bridge and approaches will be considerable, because of the underground construction required in the Borough of Manhattan, and it is suggested that the term of grant be fixed for that portion of the route at twenty-five years, with the privilege of renewal for a further period of twenty-five years upon a revaluation. The Company will have no money invested in the construction upon the bridge or approaches, and all existing contracts for use of tracks upon bridges across the East River are for short terms. This has been found desirable, and it is suggested that the term for this portion of the route be fixed at ten years, with a further term in no case greater than fifteen years, but such renewal to be terminable at any time during the pleasure of the Board.

Time to Begin and Complete Construction—It has already been suggested that no right be granted for immediate construction in Eleventh avenue, but that the right be given only upon the condition that the tracks of the New York Central Railroad Company be removed from the surface within five years and the construction be finished within one year after the removal of such tracks. For the remaining portion of the route, however, some date should be fixed for the completion of the construction. By the terms of the proposed contract submitted herewith the Company is required to obtain the consents of the property owners, as provided by law, within six months, or, in case of failure to secure such consents, to apply within one month thereafter to the Court for the appointment of Commissioners to determine whether such railroad ought to be constructed, and that the construction begin within six months after obtaining the consents of the property owners or the Court's decision, and that the completion of the same be accomplished within eighteen months from the date of such decision.

Compensation and Security Fund.

No railway company now operating in the Borough of Manhattan has applied to the Board for the right to operate cars across the Blackwells Island Bridge, and there is no indication at present that any such company will apply. If, then, the Hudson and Long Island Traction Company is the only company to operate across the Blackwells Island Bridge and into the Borough of Manhattan, it would seem that this railway will receive considerable patronage.

There is no data as to the earnings of existing railways upon which the compensation for this privilege can be based, for the reason that there is no railway in operation under similar circumstances within the City.

The earnings of the New York City Railway Company, operating throughout the entire Borough of Manhattan, with an extensive transfer system, was about \$65,000 per mile of single track for the year ending June 30, 1906. This amount, of course,

is the result of a 5-cent fare with transfer privileges, while the applicant Company proposes to charge only a 3-cent fare, with no free transfer privileges. The earnings per mile of this Company can hardly be expected to equal or exceed that of the New York City Railway Company, since the business of the Company will, for the most part, either originate or terminate in Long Island City, where the patronage cannot be as great as in the more populated sections of the Borough of Manhattan, at least for a number of years. However, there is no doubt that a great development will result by the opening of the Blackwells Island Bridge, and the business resulting therefrom of a railway such as is proposed will in time equal that of the lines operating in the Borough of Manhattan.

In view of the provision herein recommended, that is: That the right be given only to construct the line as far as the intersection of Eleventh avenue and West Fifty-seventh street until the tracks of the New York Central and Hudson River Railroad Company are removed from Eleventh avenue, it is recommended that the minimum sums be fixed upon the assumption that only that portion of the road will be constructed. It is suggested that the initial sum be fixed at \$10,000, to be paid in cash within thirty (30) days after the signing of the contract; that the percentages of gross receipts required be three (3) per cent. during the first five years of this contract, and five (5) per cent. during the succeeding ten years and six (6) per cent. during the remaining term of the contract, these percentages during the first fifteen years being minimum required by the Railroad Law. These percentages should apply to receipts from the entire line, including the bridge. It is suggested that the minimum sums be fixed as follows:

Annually during the first five years of the contract.....	\$4,800 00
Annually during the second five years of the contract.....	10,000 00
Annually during the third five years of the contract.....	11,500 00
Annually during the fourth five years of the contract.....	12,700 00
Annually during the remaining five years of the contract.....	14,000 00

For the use of the tracks to be constructed by the City across the Blackwells Island Bridge, it is suggested that the Company be required to pay five cents per car for each round trip upon the bridge or if the cars are operated across the bridge and continue further upon the tracks of some other company, then the Company should pay two and one-half cents per car for each car crossing the bridge. This is the amount which the companies operating across the New York and Brooklyn Bridge and the Williamsburg Bridge pay for a similar right. The sum paid the City as the result of the agreements between the Bridge Commissioner and the railroad companies upon the Williamsburg Bridge was about \$63,600 during the year 1907, and the sum paid for the same use of the New York and Brooklyn Bridge was about \$71,630.

Of course, it cannot be expected that the amounts which will be received for the use of the Blackwells Island Bridge tracks will be as large as that received for the use of the bridges mentioned, for the reason that fewer cars will cross the bridge. This method of compensation, however, will bring to the City a sum in proportion to the use made of the bridge by the Company.

The Commissioner of Bridges should be designated as the officer to keep an account of the number of cars which cross the bridge, and to report the same to the Comptroller for his information in collecting the amounts due the City under the contract.

For the use of loop terminals or any other terminal facilities that this Company may require upon the bridge property, the Company should pay to the City 4 per cent. per annum on the cost of such facilities. The exact amount of the cost of terminal facilities which may be used by that particular Company cannot at this time be ascertained with accuracy, and it seems that the contract should be drawn broad enough to allow for the increase of these facilities as may be required by the amount of traffic. I have, therefore, drawn the proposed form of contract so as to require the Company to pay this percentage on the cost of construction and to pay the cost of maintenance. If any of this property is used in conjunction with other companies, the Company should be required to pay only its proportionate share.

It is recommended that the usual deposit for the faithful performance of the terms and conditions of the contract be fixed at twenty thousand dollars (\$20,000) in cash or securities.

Under date of April 25, 1908, a letter was addressed to the Commissioner of Water Supply, Gas and Electricity for suggestions as to terms and conditions for the proposed franchise to protect the structures under his care.

In reply thereto, under date of May 5, 1908, the Commissioner sets forth a number of conditions which he desires imposed. These conditions refer entirely to the method of construction of the railway structure to protect the water mains and other structures in the streets. It is believed that conditions of this kind should not be specifically stated in the franchise; but should be imposed by the Department having charge of the structures affected.

The proposed form of contract attached hereto requires the Company to obtain from both the Borough President and the Commissioner of Water Supply, Gas and Electricity permits before the construction begins. This condition is also required by the City Charter. At the time these permits are obtained, those officials may impose such conditions as seem fit in order to protect the structures under their care, and it is believed that this fully protects the City.

The proposed form of contract has been submitted to the Commissioner of Bridges, and the same meets with his approval in so far as the conditions affecting the use of the bridge are concerned.

The Secretary of the Company, Mr. Arthur C. Hume, has stated that the Company has the financial support of the same syndicate which is in control of the South Shore Traction Company, and the names of those interested in the South Shore Traction Company are given in the report upon the application of that Company.

As suggested in the reports upon the other applications submitted to you this day, it is recommended that a copy of the proposed form of contract be transmitted to the applicant Company with the direction to advise the Board on or before June 19, of its willingness to accept the terms and conditions herein proposed, or should it refuse to accept such terms and conditions, to state its objections thereto. A resolution in accordance therewith is submitted for adoption. The other terms and conditions of the proposed contract are similar to those heretofore imposed by the Board.

Respectfully,
HARRY P. NICHOLS, Engineer in Charge.

Proposed Resolution.

Whereas, The Chief Engineer of this Board has this day presented a report and proposed form of contract proposing certain terms and conditions to govern the grant of a franchise to the Hudson and Long Island Traction Company to construct, maintain and operate a street surface railway in the Borough of Manhattan, from the intersection of West Forty-second street and Twelfth avenue to the entrance to the Blackwells Island Bridge, and to operate across the Blackwells Island Bridge and its approaches to Jackson avenue, in the Borough of Queens; now therefore be it

Resolved, That the Secretary of this Board be and he hereby is directed to forward a copy of the aforesaid report and form of contract to the said Hudson and Long Island Traction Company, with instructions to direct said company to advise this Board, on or before June 19, 1908, in writing, over the signature of its President or Secretary, as to its willingness to accept the franchise on the terms and conditions proposed and in accordance with said contract, and should it fail to accept the contract in its entirety, the said railway company be and it is hereby directed, in lieu of the aforementioned written statement, to prepare and deliver, as aforesaid, a statement in writing, specifying in detail what sections and clauses of the proposed form of contract the company is ready and willing to accept, and as to the other sections and clauses, furnish full and detailed information as to the reasons for the action taken.

Synopsis of Provisions of Contract.

Section 1. Grant.

First—On streets in the Borough of Manhattan.

Second—On Blackwells Island Bridge.

Sec. 2. Conditions applying to streets in Borough of Manhattan.

First—Property owners' consents to be obtained within six months, or application must be made to the Court within one month thereafter; otherwise rights to cease and determine.

Second—Term of grant, twenty-five years, with privilege of renewal of twenty-five years upon revaluation.

Third—When rights cease, property to become City's.

Fourth—Right not exclusive.

Fifth—Motive power.

Sixth—Permission to construct to be obtained from administrative officers.

Seventh—Commencement and completion of construction for the portion between the Bridge entrance and Eleventh avenue.

Eighth—Commencement and completion of construction for the portion between the intersection of Eleventh avenue and Fifty-seventh street and the intersection of Twelfth avenue and Forty-second street.

Ninth—Expense of alteration to sewerage or drainage system to be borne by Company.

Tenth—Company to change railway if grades of streets are changed.

Eleventh—Company to keep in repair the pavement, and must pave between tracks and two feet outside.

Twelfth—All wires to be placed in conduits. Company to provide two conduits for City.

Thirteenth—Streets to be watered.

Fourteenth—Snow and ice to be removed.

Fifteenth—Construction or operation not to interfere with any public works.

Sec. 3. Conditions applying to Blackwells Island Bridge.

First—Term of grant, ten years, and may continue for a further term not exceeding fifteen years, which further term is revocable by the Board.

Second—Tracks on bridge to be assigned by Bridge Commissioner, such assignment subject to change and not exclusive. Company to maintain tracks and electrical equipment under supervision of Commissioner of Bridges. Company to furnish power for operation, current for lighting tracks, and to install signal system if required. Changes in layout of tracks to be done at the expense of the company. Cost of the above to be divided if more than one company uses tracks.

Third—Type of car, etc., to be approved by Commissioner of Bridges. Commissioner of Bridges to adopt rules which shall be complied with by the Company.

Fourth—Cars not to be operated on bridge until one mile of railway is in operation in the Borough of Manhattan.

Fifth—Grant not to affect control of Commissioner of Bridges.

Sec. 4. Conditions applying to both streets and bridge.

First—Compensation to the City. Such compensation not to be considered a tax.

Second—Annual charges to be maintained throughout the term of contract.

Third—Rights not to be assigned.

Fourth—Railway to be constructed and operated in the latest improved manner.

Fifth—Rate of fare not to exceed three cents.

Sixth—No freight cars to be operated.

Seventh—Cars to be well lighted.

Eighth—Headway of cars.

Ninth—Fenders and wheel guards to be provided.

Tenth—Cars to be heated.

Eleventh—Construction and operation to be under the control of City authorities.

Twelfth—Annual reports to Board.

Thirteenth—Company to keep accurate books of account. Reports to Comptroller.

Fourteenth—City may sue for forfeiture.

Fifteenth—Fine of \$250 for inefficient service.

Sixteenth—Company to assume all liability of damages.

Seventeenth—Security deposit \$20,000.

Eighteenth—Definition of words "notice" and "direction."

Nineteenth—If authority of Board or other officer is transferred, then such other Board or officer shall act for City.

Sec. 5. Provisions of Railroad Law to be complied with.

Sec. 6. Company agrees to abide by all terms and conditions.

Proposed Form of Contract.

This contract, made the _____ day of _____, 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the Hudson and Long Island Traction Company (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the following rights and privileges:

First—To construct, maintain and operate a double track street surface railway with the necessary wires and equipment for the purpose of conveying passengers in the Borough of Manhattan, in The City of New York, upon the following route:

Beginning at the intersection of West Forty-second street and Twelfth avenue; thence in and upon Twelfth avenue to West Forty-third street; thence in and upon West Forty-third street to Eleventh avenue; thence in and upon Eleventh avenue to West Fifty-seventh street; thence in and upon West Fifty-seventh street to Fifth avenue; thence in, upon and across Fifth avenue to East Fifty-seventh street; thence in and upon East Fifty-seventh street to Second avenue; thence in and upon Second avenue to a point opposite the plaza leading to the Blackwells Island Bridge, and curving easterly in Second avenue to the easterly line of Second avenue; the right to construct said railroad upon Eleventh avenue, West Forty-third street and Twelfth avenue shall not be utilized while the tracks operated in Eleventh avenue by the New York Central and Hudson River Railroad Company remain in said avenue.

The said route, with turnouts, switches and crossovers hereby authorized, are shown upon a map entitled:

"Map showing proposed railway of the Hudson and Long Island Traction Company, in the Borough of Manhattan, New York City, to accompany petition to the Board of Estimate and Apportionment."

—dated April 9, 1908, and signed by Arthur C. Hume, Secretary, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed. Provided that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description and the other provisions of this contract may be permitted by resolution of the Board.

Second—To operate the cars of the Company upon two tracks, when constructed, upon the Blackwells Island Bridge and approaches thereto, to be assigned to the Company by the Commissioner of Bridges, beginning at the easterly side line of Second avenue; thence upon and along the approach to the Blackwells Island Bridge, in the Borough of Manhattan, upon and along the Blackwells Island Bridge and upon and along the Blackwells Island Bridge approach and across intersecting streets and avenues and across the Blackwells Island Bridge plaza, in the Borough of Queens, to the westerly side line of Jackson avenue. The said route is more particularly shown upon the map heretofore referred to, and is to be operated by the Company as a continuous route in conjunction with the route hereinbefore described.

Sec. 2. The grant of the right or privilege to construct, maintain and operate the said railway from the intersection of West Forty-second street and Twelfth avenue to the Manhattan entrance to the Blackwells Island Bridge, upon the route hereinbefore described, is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues of that portion of the route between the entrance to the Blackwells Island Bridge and the intersection of Eleventh avenue and West Fifty-seventh street, to the construction and operation of the said railway, shall be obtained by the Company within six months of the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners, in the manner provided by the Railroad Law, to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of twenty-five (25) years from the

date upon which this contract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty-five (25) years, upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year of this original contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty-five years shall be reasonable, and either the City (by the Board) or the Company shall be bound, upon request of the other, to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If, in any case, the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third—Upon the termination of this original contract, or if the same is renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract, within the streets, avenues and highways, shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual. If, however, at the termination of this grant as above, the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of the tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fourth—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions over the same streets, avenues or highways.

The use of said railway which shall be constructed by the Company under this contract, including the tracks, wires and other equipment used in connection therewith, shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway, and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway, which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Fifth—Said railway shall be operated by underground electric power substantially similar to the system of underground electric power now used by the street surface railways in the Borough of Manhattan, provided that any other power may be used, except locomotive steam power or horse power, which may lawfully be used, approved by the Board and consented to by the abutting property owners, in accordance with the provisions of law and by the Public Service Commission for the First District of the State of New York.

Sixth—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of Manhattan and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Seventh—The Company shall commence the construction of that portion of such railway between the entrance to the Blackwells Island Bridge and the intersection of Eleventh avenue and West Fifty-seventh street, within six (6) months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within eighteen (18) months from the date of obtaining such consents or such decision; otherwise the right to construct that portion of the railway shall cease and determine. Provided that such periods may be extended by the Board for a period or periods not exceeding, in the aggregate, one year each. Provided further that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within the control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and provided further that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall in writing consent that the Board either in its own name as a party, or in the name of The City of New York as a party, may intervene in any such proceeding.

Eighth—The portion of the railway authorized upon Eleventh avenue, West Forty-third street and Twelfth avenue shall be constructed and put into operation within one year after the tracks now operated in Eleventh avenue by the New York Central and Hudson River Railroad Company are removed, and if such tracks are not removed within five years from the date upon which this contract is signed by the Mayor, the right to construct that portion of the railway upon Eleventh avenue, West Forty-third street and Twelfth avenue shall cease and determine. Provided that such periods may be extended by the Board for a period or periods not exceeding, in the aggregate, one year each.

Ninth—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets required on account of the construction or operation of the railway, shall be made at the sole cost of the Company and in such manner as the proper City officials may prescribe.

Tenth—Should the grades or lines of the streets, avenues or highways in which the franchise is hereby granted be changed at any time during the term of this contract,

the Company shall change its tracks to conform with such new grades and lines, and during the construction of any public improvement upon said streets, avenues or highways the Company shall take care of and protect the track and appurtenances at its own expense; all to be done subject to the direction of the President of the Borough of Manhattan.

Eleventh—As long as the said railway, or any portion thereof, remains in any street, avenue or highway the Company shall have and keep in permanent repair that portion of the surface of the street, avenue or highway in which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue or highway, and in that event the Company shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewed or altered pavement.

Twelfth—No wires for the transmission of power shall be permitted unless they be placed in conduits underneath or along the side of the railway. When such conduits are constructed the Company shall provide two conduits not less than 3 inches in diameter each, for the exclusive use of the City. The Company hereby agrees that such conduits shall be used only by the Company and the City, as above.

Thirteenth—The Company, so long as it shall continue to use any of the tracks upon the streets or avenues in or upon which the said railway shall be constructed, shall cause to be watered at least three times every twenty-four hours, when the temperature is above 35 degrees Fahrenheit, the entire width of the streets and avenues, except when the width of such streets or avenues shall exceed 60 feet between curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets and avenues in a satisfactory manner.

Fourteenth—The Company shall at all times keep the streets, avenues or highways upon which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two feet beyond the rails, on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the Commissioner of Street Cleaning, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Fifteenth—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public works in the streets, whether the same is done by the City directly or by a contractor for the City, the Company shall at its own expense protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of Manhattan.

Sec. 3. The grant of the right or privilege to operate cars upon two tracks of the Blackwells Island Bridge and the approaches thereto, upon the route hereinbefore described, and to use other equipment owned by the City upon said bridge, is subject to the following conditions which shall be complied with by the Company:

First—The said right and privilege shall be held and enjoyed by the Company for a term of ten (10) years from the date upon which this contract is signed by the Mayor, and may continue for a further term not exceeding in any case fifteen (15) years, which further term shall be terminable at the option of the Board at any time during the said fifteen (15) years upon six months' notice by the Board to the Company.

Second—The Company shall use only such tracks as shall be assigned to the Company by the Commissioner of Bridges, and nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, or to affect the right of the Commissioner of Bridges to assign the same or other tracks to such individual or other corporation.

Such tracks and all electrical equipment necessary for the operation of cars thereon shall be installed at the expense of the City, and shall remain the property of the City, but the Company shall keep and maintain such tracks and electrical equipment in good order and repair, and in such manner as shall be approved and directed by the Commissioner of Bridges, and shall furnish all motive power required for the operation of its cars and all electrical current which may be required by the Commissioner of Bridges for the lighting of the tracks and terminals used by the Company. If deemed necessary by the Commissioner of Bridges, the Company shall install and operate a system of signals to insure the safe and efficient operation of cars; such system to be approved by the Commissioner of Bridges. In the event of any necessity for changing the layout of tracks, curves, switches, sidings or platforms on the bridge in order to facilitate operation of cars by the Company, said Company must do all the work and furnish all the labor and tools necessary for effecting such changes, which shall all be made under the control and direction of the Commissioner of Bridges, and no such changes or construction connected therewith, or relating thereto, shall be made unless the plan, or plans, for the same have been first submitted to the Commissioner of Bridges and approved by him.

If, however, such tracks, electrical equipment or signal system are used by any other company or companies, and should any change in the layout of such tracks, curves, switches, sidings or equipment be made necessary while used by such other company or companies, then, and in that event, the Company shall bear only that proportion of the cost of such signal system, electrical current for the lighting of said tracks and terminals, and the cost of making such changes in the layout of the tracks, curves, switches, sidings or platforms as the use of such track, electrical equipment and signal system by the Company shall bear to the entire use of such appliances.

Third—Before beginning the operation of the cars, the Company shall file with the Commissioner of Bridges a statement for his approval and assent as to the type of car which it proposes to operate and a sketch showing clearance dimensions, weight on axles and wheel spacing or such other information as may be required by said Commissioner. All cars operated over the bridge by the Company, and all equipment and appliances relating to such operation shall be subject at all times to the inspection of the Commissioner of Bridges or his authorized representatives, who shall have power to forbid the entrance to the bridge of cars which may for any reason be unsatisfactory, and who shall have power to direct the removal of any old or inadequate appliance and the substitution therefor of appliances of approved character.

Said Commissioner may adopt rules and regulations in regard to the number of cars to be operated over the bridge, the rate of speed of said cars, the movement and headway thereof, the type and weight of cars to be used and the condition thereof, the switching of cars and the use of platforms and the control of the electrical current used by the Company, and the said Commissioner may alter and amend any such rules and regulations so as to secure the safety and comfort of persons using the bridge and preserve the purposes for which the bridge was constructed, and upon serving notice upon the Company that such rules and regulations have been made, amended or altered the Company shall comply with all the requirements thereof.

Fourth—The Company shall not operate cars upon the Blackwells Island Bridge or approaches thereto until the Company shall have in operation a railway at least one mile in length in the Borough of Manhattan upon the route herein authorized, said one mile of railway to connect with and be a continuous railway from the Manhattan entrance of the said bridge, but upon the completion of the said one mile of railway the Company shall operate the cars from such railway across said bridge and said approaches during the term herein authorized.

Fifth—Nothing in this contract shall be deemed to affect in any way the right of the Commissioner of Bridges to make any alterations or changes in the construction, operation or management of the bridge or to affect in any way the control of such Commissioner over such bridge, as provided by the Charter of the City.

Sec. 4. The grant of the said rights or privileges to construct, maintain and operate a street surface railway from the intersection of West Forty-second street and Twelfth avenue to the Manhattan entrance of the Blackwells Island Bridge upon the route hereinbefore described, and to operate cars upon the Blackwells Island Bridge and the approaches thereto, are both subject to the following conditions, which shall be complied with by the Company:

First—The Company shall pay to the City for these privileges the following sums of money:

(a) The sum of twenty thousand dollars (\$20,000) in cash within thirty days after the date on which this contract is signed by the Mayor.

(b) During the first term of five years an annual sum which shall in no case be less than four thousand eight hundred dollars (\$4,800), and which shall be equal to three (3) per cent. of its gross annual receipts, if such percentage shall exceed the sum of four thousand eight hundred dollars (\$4,800).

During the second term of five years an annual sum which shall in no case be less than ten thousand dollars (\$10,000), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of ten thousand dollars (\$10,000).

During the third term of five years an annual sum which shall in no case be less than eleven thousand five hundred dollars (\$11,500), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of eleven thousand five hundred dollars (\$11,500).

During the fourth term of five years an annual sum which shall in no case be less than twelve thousand seven hundred dollars (\$12,700), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of twelve thousand seven hundred dollars (\$12,700).

During the remaining term of five years an annual sum which shall in no case be less than fourteen thousand dollars (\$14,000), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of fourteen thousand dollars (\$14,000).

The gross receipts mentioned above shall be the gross earnings of the Company from all sources.

The payment of such minimum sums shall begin from the day on which this contract is signed by the Mayor.

(c) For the use of the tracks owned by the City upon the Blackwells Island Bridge and the approaches thereto, the sum of five cents for each round trip, or the sum of two and one-half cents for each single trip of each and every car operated upon the bridge.

The number of such cars shall be certified by the Commissioner of Bridges to the Comptroller once each month in such form as shall be designated by the Comptroller.

(d) Should the Company require any terminal loops or other terminal facilities which are the property of the City it shall pay to the City four (4) per cent. per annum upon the cost of such facilities, and shall pay the cost of maintaining the same; provided, however, that if such terminal facilities are used by any other company or companies, then the Company shall only pay such portion of four (4) per cent. per annum upon the cost thereof and of the cost of maintenance of the same as shall be proportionate to the use of such facilities.

The Commissioner of Bridges shall determine such amounts and certify the same to the Comptroller.

All such sums as above shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City, by the Company, shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City, or by any law of the State of New York.

Second—The annual charges or payments shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Third—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations, or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Fourth—Such railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the direction of the Board within a reasonable time, the rights hereby granted shall cease and determine.

Fifth—The rate of fare for any passenger upon such railway shall not exceed three (3) cents, and the Company shall not charge any passenger more than three (3) cents for one continuous ride from any point upon such railway at which cars shall be allowed to stop for loading or unloading of passengers to any other such point upon such railway.

The Company shall carry free upon the railway hereby authorized during the term of this contract, all members of the Police and Fire Departments of the City when such employees are in full uniform.

Sixth—No cars shall be operated upon the railway hereby authorized other than passenger cars and cars necessary for the repair or maintenance of the railway, and no freight or express cars shall be operated upon the tracks of said railway.

Seventh—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Eighth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Ninth—The Company shall attach to each car run over the said railway proper fenders and wheel guards in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Tenth—All cars which are operated on said railway shall be heated during the cold weather in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Eleventh—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided in the Charter of the City.

Twelfth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.
2. The amount paid in as by last report.
3. The total amount of capital stock paid in.
4. The funded debt by last report.
5. The total amount of funded debt.

6. The floating debt as by last report.
7. The total amount of floating debt.
8. The total amount of funded and floating debt.
9. The average rate per annum of interest on funded debt.
10. Statement of dividends paid during the year.
11. The total amount expended for same.
12. The names of the directors elected at the last meeting of the corporation held for such purpose.
13. Location, value and amount paid for real estate owned by the Company as by last report.
14. Location, value and amount paid for real estate now owned by the Company.
15. Number of passengers carried during the year.
16. Total receipts of Company for each class of business.
17. Amounts paid by the Company for damage to persons or property on account of construction and operation.
18. Total expenses for operation, including salaries.

—and such other information in regard to the business of the Company as may be required by the Board.

Thirteenth—The Company shall at all times keep accurate books of account of the gross earnings from all sources, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Fourteenth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit, brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railroad constructed and in use by virtue of this contract, shall thereupon become the property of the City without proceedings at law or in equity.

Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Fifteenth—If the Company shall fail to give efficient public service at the rates herein fixed, or shall fail to maintain its structures and equipment, as herein provided, in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall for each day thereafter during which the default or defect remains, pay to the City the sum of two hundred and fifty dollars (\$250) as fixed or liquidated damages, or the Board, in case such structures or equipment which may affect the surface of the streets or bridge shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided for.

Sixteenth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same; and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Seventeenth—This grant is upon the express condition that the Company within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of the City the sum of twenty thousand dollars (\$20,000), either in money or securities to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway; and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same with interest from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel-guards, watering of street pavements, and the rules and regulations made by the Commissioner of Bridges, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel-guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of twenty thousand dollars (\$20,000), and in default thereof this contract shall be canceled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Eighteenth—The words "notice" or "direction" wherever used in this contract shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction and shall be deemed to have been given at the time of delivery or mailing.

Nineteenth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other Board, authority, officer or officers, then and in such case such other Board, authority, officer or officers shall have all the powers, rights and duties herein reserved to or prescribed for the Board or other authorities, officer or officers.

Sec. 5. This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 6. The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto

duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,
By Mayor.

[CORPORATE SEAL.]

Attest:
City Clerk.

HUDSON AND LONG ISLAND TRACTION COMPANY,
By President.

[CORPORATE SEAL.]
Attest:
Secretary.
(Here add acknowledgments.)

The President of the Borough of Manhattan moved that the question as to whether or not the franchise should be granted be referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan and Queens.

Which motion was adopted.

SOUTH SHORE TRACTION COMPANY.

A communication, dated May 8, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board May 1, 1908, fixing this day as the date for public hearing on the application of the South Shore Traction Company for a franchise, and designating the "Long Island City Daily Star" and the "Flushing Evening Journal" as the newspapers in which notice of such hearing should be published.

Which was ordered filed.

The public hearing on the application of the South Shore Traction Company for a franchise to construct, maintain and operate a street surface railway in the Borough of Queens, from Jackson avenue, opposite the Blackwells Island Bridge plaza, along Thomson avenue and Hoffman boulevard, and various other streets and private property, to the City line, and to operate across the Blackwells Island Bridge to the Borough of Manhattan, was opened.

The hearing was fixed for this day by resolution duly adopted May 1, 1908.

Affidavits of publication were received from the "Long Island City Daily Star," the "Flushing Evening Journal" and the CITY RECORD prior to the hearing.

Van Vechten Veeder, counsel for the New York and Queens County Railway Company, appeared in opposition to the proposed grant.

Arthur C. Hume, counsel for the Company, appeared in favor.

Louis John Carruthers, of counsel for the Long Island Railroad Company, appeared on behalf of said company, and requested that the line of the route be changed so as to exclude South street, near Rockaway Junction.

No one else desiring to be heard, the Chair declared the hearing closed.

The Secretary presented the following:

REPORT NO. F-95.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The South Shore Traction Company has applied for a franchise to build and operate a double-track surface railroad, beginning at a point on Jackson avenue opposite the entrance to the Blackwells Island Bridge and extending along the viaduct over the Sunnyside Yard to Thomson avenue; along Thomson avenue and Hoffman boulevard and over a number of other streets and private property to the dividing line between the counties of Queens and Nassau, at Central avenue.

This is a new company which has up to the present time acquired no rights within The City of New York. The company has also simultaneously applied for the right to operate across the Blackwells Island Bridge, and the length of the route, exclusive of the bridge and its approaches, is about thirteen miles. Application has also been made by the New York and Queens County Railway Company for a franchise along Thomson avenue and Hoffman boulevard, and in a report upon that application, which is submitted at this time, it is pointed out that it would probably be unwise to grant any exclusive franchise for this important thoroughfare, but that whatever company secured such franchise the City should retain the right to grant similar rights to another company for the use of their tracks upon an equitable basis. It was also pointed out in the report upon the application of the New York and Queens County Railway Company that, owing to the uncertainty as to the arrangement of this street, the company should be obliged to relocate its tracks, placing them upon such portion of the street as might subsequently be assigned to them, without expense to The City of New York. Such provision is especially important in the case of the South Shore Traction Company, as some of the streets which it occupies are so narrow that double-track surface railways cannot be constructed and operated upon them without serious interference with vehicular traffic, and it will doubtless be necessary to widen some of these streets. The initial payment suggested is \$20,000, which certainly does not seem unreasonable for a railroad thirteen miles in length, while the annual cash payments recommended are

Three per cent. of the gross receipts for the first five years.

Five per cent. of the gross receipts for the succeeding ten years, and

Six per cent. of the gross receipts for the remaining ten years, with guaranteed minimum sums ranging from \$6,600 for the first five-year period to \$16,200 for the fifth five-year period.

In addition to this it is recommended that the company be required to pay for the use of the viaduct across the Sunnyside Yard the same annual sums as are recommended in the case of the New York and Queens County Railway Company, these varying from \$4,000 for the first five years to \$6,000 for the fifth five years. The other provisions are those which have been usually inserted in franchise grants, and it is recommended that the company be requested to advise the Board before June 19 as to whether or not it will accept a franchise on these terms.

Respectfully,
NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
June 6, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—The South Shore Traction Company under date of September 12, 1907, petitioned the Board of Estimate and Apportionment for the right to construct, maintain and operate a double track street surface railway, beginning at a point on Jackson avenue where the entrance to the Blackwells Island Bridge intersects said avenue; thence across the railroad yard now being constructed by the Pennsylvania Tunnel and Terminal Railroad Company; thence upon Foster avenue, Gosman avenue, Thomson avenue and Hoffman boulevard to Hillside avenue; thence upon Hillside avenue to Husson and Flushing avenues; thence on Flushing avenue and Husson avenue, Old

Country road, Farmers avenue and Central avenue to the boundary line between the counties of Queens and Nassau.

An alternate route was proposed for a portion of the line by using Thomson avenue instead of Foster avenue, between Gosman avenue and the railroad yard, now in process of construction.

The petition was presented at the meeting of the Board held September 20, 1907, and referred to the Chief Engineer.

From an inspection of the route and the description as set forth in the petition, it was found that the westerly terminal was indefinitely described, and, further, that chapter 385 of the Laws of 1902, and subsequent acts amendatory thereto, seem to prohibit the construction and operation of a street surface railroad upon Hillside avenue. These matters were called to the attention of the engineer and counsel for the company, at which time it was stated by them that an amended application would be made by the company eliminating these portions. In consequence, the company, under date of January 14, 1908, presented an amended petition, the route applied for being from the Bridge plaza of the Blackwells Island Bridge, thence across Jackson avenue, along the bridge approach to Thomson avenue; thence upon Thomson avenue and Hoffman boulevard to Fulton street; thence through private property, Shelton avenue, Union avenue, Union Hall street, private property, Linden street, private property, Pantine street, South street, Farmers road and Central avenue to the boundary line between the counties of Queens and Nassau. The amended petition was presented to the Board at the meeting held January 24, 1908, at which time it was referred to the Chief Engineer.

Up to this time the question as to whether the Public Service Commission for the First District or the Board of Estimate and Apportionment had jurisdiction to grant franchises for the Blackwells Island Bridge had not been determined, and it was not until March 18, that an opinion of the Corporation Counsel was received to the effect that the authority lay in the Board of Estimate and Apportionment. As it was the intention of the Company to apply for rights across the Blackwells Island Bridge as soon as it was informed which body had jurisdiction, it addressed a communication to the Board of Estimate and Apportionment under date of April 16, 1908, withdrawing the previous petitions, and substituted a new petition, dated April 13, 1908, praying for the right to construct a railroad on the same route as that described in the amended petition, and, in addition, the right to operate cars across the Blackwells Island Bridge and the approaches thereto.

At the meeting of the Board held May 1, 1908, the date for the preliminary public hearing was fixed as June 12, 1908, and the Mayor requested to designate two daily newspapers in which notice of the application and such hearing shall be published, pursuant to law. The "Long Island Daily Star" and the "Flushing Evening Journal" have been so designated.

The length of the route is approximately thirteen miles, exclusive of the bridge and its approaches, which are about one and one-half miles in length, making a total of about fourteen and one-half miles. The company has submitted a large scale map to accompany the application showing the proposed route, with tracks, switches and crossovers in red, a copy of which is attached hereto.

History of the Company.

The South Shore Traction Company filed its certificate of incorporation in the office of the Secretary of State on March 2, 1903, and in the County Clerk's office of Queens on March 3, 1903. The company was incorporated for the purpose of building, maintaining and operating a railway partly upon a private right-of-way and partly upon public streets, upon a route beginning at the boundary line between the Counties of Queens and Nassau and extending east to the Connecticut or Carmans River in the township of Brookhaven, a distance of about sixty miles. The capitalization, as fixed by its original certificate, was \$2,000,000. A certificate of extension of the route described in the amended petition was filed in the office of the County Clerk of Queens County on January 25, 1908, and an amended certificate of extension was executed April 13, 1908, covering in addition to the revised route within the city limit the extension across the bridge conforming with the application.

It is stated by the officers of the company that local franchises were procured subsequent to its incorporation, which covered nearly the entire route described in its original certificate. Nothing was done, however, in the way of construction until within the last year after reorganization of the personnel of the officers of the company had taken place. These local franchises were obtained in the towns of Brookhaven, Islip, Babylon, Oyster Bay and Hempstead. They required that the road should be fully constructed and in operation within two years from the dates of the franchises. Extensions of time and waivers of default were granted by the local authorities, but it was recently decided by the Courts that the local authorities had no power to grant extensions of time without formal applications and without public notice, as required by section 92 of the Railroad Law, and, therefore, the franchises had become void. In consequence of this decision, the company has applied for new franchises covering practically the entire route.

It is claimed by the company that new franchises have been procured to construct, maintain and operate a railway through the Towns of Hempstead, Babylon and Islip, and through the Village of Babylon, and that it is expected that franchises for similar rights through the Villages of Rockville Centre and Amityville will be granted in the near future.

The Company also claims that it has procured a franchise in the Town of Islip, from the Village of Sayville to the northerly portion of the Town of Islip, in the neighborhood of Lake Ronkonkoma, and that the interests, which are practically identical with the banking interests which guarantee the construction of the South Shore Traction Company's railway, have purchased the Babylon Railroad, which operates a short line, about a mile and a half in length, through the Village of Babylon from the railroad station to the steamboat dock upon Great South Bay. It is the intention of the company to operate this short line in connection with the railway which it has proposed to construct pursuant to authority of the franchise above mentioned.

Construction has been commenced in three places along the route, about one mile is completed in Babylon, nearly three miles between Amityville and Massapequa station, and a little work has been done in Islip. No part of the line, however, is in operation.

Much of the route outside of the City is laid out upon private right-of-way, and is parallel to and not far from the Montauk Division of the Long Island Railroad. By the present application the company, therefore, desires to extend its route from the Nassau County line across the Borough of Queens and the Blackwells Island Bridge to the Borough of Manhattan.

The promoters of the applicant company have incorporated another company known as the Hudson and Long Island Traction Company, which company petitioned the Board, under date of April 9, 1908, for the right to construct, maintain and operate a street surface railway, beginning in the Borough of Manhattan, at the intersection of West Forty-second street and Twelfth avenue; thence upon Twelfth avenue, West Forty-third street, Eleventh avenue, West Fifty-seventh street, East Fifty-seventh street and Second avenue to the entrance to the Blackwells Island Bridge; thence across the Blackwells Island Bridge and its approach to Jackson avenue, in the Borough of Queens.

This Division will report to you on the application of the Hudson and Long Island Traction Company submitting a proposed form of contract simultaneously with this.

It is proposed by the Hudson and Long Island Traction Company to charge a fare of three cents upon the route applied for by it and to transfer the passengers to the cars of the South Shore Company for an additional fare of five cents. In the same way the South Shore Company proposes to charge a fare of five cents on its route within the City limits, and to transfer the passengers to the cars of the Hudson and Long Island Traction Company for an additional fare of three cents, making a total fare from any point on the line of one company to any point on the line of the other company of eight cents.

The tracks on the bridge and its approaches are to be constructed by the Bridge Department, and will be at all times the property of the City. In consequence, the company should not be given the right to construct tracks upon that portion of the route, but only the right to operate cars upon the tracks on the bridge.

Application by New York and Queens County Railway Company.

Under date of June 6, 1906, the New York and Queens County Railway Company applied to the Board for the right to construct four extensions to its

existing railways in the Borough of Queens. The route of one of these extensions was on Thomson avenue, from Jackson avenue to Newtown and Bushwick turnpike, and thence on Newtown and Bushwick turnpike to Broadway. The portion of that proposed extension on Thomson avenue is identical with the route now applied for by the South Shore Company. I am informed that the Queens Company, after making the application, found that it would be unable to obtain the necessary consents of abutting property owners upon Thomson avenue, and, in consequence, under date of June 11, 1907, the application was withdrawn.

On September 26, 1907, the Queens Company again petitioned the Board for a franchise, beginning at the intersection of Jackson avenue and Thomson avenue; thence along Thomson avenue and Hoffman boulevard to Fulton street, in the former Village of Jamaica. This petition was withdrawn under date of April 27, 1908, and a new petition was presented, dated April 21, 1908, amending the route to include the viaduct across the "Sunnyside Yard" instead of the route on Thomson avenue, from Vandam street to Jackson avenue. This route is identical with that applied for by the South Shore Company, except that it does not extend easterly further than the Village of Jamaica, and a report and proposed form of contract upon the application of the Queens Company will be presented simultaneously with this.

Franchises Previously Granted on the Proposed Route.

At the time of the first application of the Queens Company, above referred to, it was found upon examination that two franchises for a portion of Thomson avenue and Hoffman boulevard had been previously granted to the Brooklyn City Railroad Company; one on May 9, 1893, by the Town Board of the Town of Newtown, and one on October 31, 1893, by the Highway Commissioners. The route of these franchises extended throughout the entire length of the Town of Newtown, that is, from the Long Island City line, at about Greenpoint avenue, to the boundary line between the Town of Jamaica and the Town of Newtown, at or near Union turnpike.

The Corporation Counsel was thereupon requested for an opinion as to whether these franchises were still valid, and under date of December 10, 1907, he replied thereto, and stated that the grant of May 9, 1893, by the Town Board may be disregarded for the reason that the Town Board was not at that time the local authority having the power to grant franchises designated by section 91 of the Railroad Law. He further stated that the franchise granted on October 31, 1893, by the Highway Commissioners has become void for the reason that the company had failed to do the amount of construction required by section 5 of the Railroad Law.

A franchise was also granted to the Steinway Railway Company of Long Island City on March 21, 1893, a portion of which grant is coincident with the route of the applicant company; that is, the portion on Thomson avenue, from Jackson avenue to the easterly boundary line of the former Long Island City. This franchise, I believe, is void, and the Queens Company, into which the Steinway Railway Company was subsequently merged, practically admits that the same is void by applying to the Board for a franchise covering the same route as has been indicated above.

In consequence of the Corporation Counsel's opinion and the admission by the Queens Company of the invalidity of its franchise, it would seem that the Board need not take into account former grants upon Thomson avenue and Hoffman boulevard in considering the applications now before it.

A franchise was granted by the Board of Aldermen upon terms fixed by the Board of Estimate and Apportionment in 1903 to the New York and Long Island Traction Company, upon the portion of the route in Linden street, Puntine street and the portion of South street between Puntine street and Bryan avenue. The ordinance granting this franchise was adopted by the Board of Aldermen on December 22, 1903, and approved by the Mayor December 29, 1903. The franchise provides that if any portion of the railroad authorized is not constructed and in actual operation on July 1, 1906, such portion of the route shall be conclusively taken to have been abandoned by the company, and so much of the franchise as pertains to such route not then constructed shall thereupon forthwith and immediately be forfeited without judicial or other proceedings. In consequence of this provision, it appears that this franchise has become void.

So far as the records of this office show no franchises have ever been granted covering any of the route now applied for by the South Shore Company except as hereinbefore mentioned.

Physical Conditions.

Streets and Avenues—Included in the route of the applicant company is a proposed new street leading from the Blackwells Island Bridge, beginning at Jackson avenue opposite the Blackwells Island Bridge plaza and extending across the railroad yard now in process of construction by the Pennsylvania Tunnel and Terminal Railroad Company to a point near the intersection of Thomson avenue and Vandam street. This street is laid out upon the city map as 100 feet in width, and for a distance of about 1,000 feet will be carried across the railroad yard by a viaduct to be constructed by the Pennsylvania Tunnel and Terminal Railroad Company, pursuant to the terms of a contract with the City, dated June 21, 1907. By the terms of this contract the City and railroad company each pay one-half of the cost. Plans for the structure and contracts for construction are to be submitted by the railroad company to the Board of Estimate and Apportionment for approval, and such construction is to begin within sixty days after their approval, and completed within two years thereafter. Plans for the sub-structure of the viaduct were approved by the Board on February 7, 1908, but no plans for the superstructure have yet been submitted.

Thomson avenue and Hoffman boulevard were opened by acts of the State Legislature many years ago as 100 feet and 80 feet in width, respectively. It is proposed by the Borough authorities to eventually widen Hoffman boulevard and Thomson avenue to 200 feet in width each, extending from Jackson avenue to Fulton street, making a broad boulevard from the former Village of Jamaica to the former Long Island City. A tentative map of this district has already been adopted by the Board, as recommended by the President of the Borough of Queens, including a large portion of Thomson avenue and Hoffman boulevard, upon which those thoroughfares are each shown as 200 feet in width.

Shelton avenue and Union avenue are each 60 feet in width, are situated in residential sections and have a roadway of 30 feet in width each.

Union Hall street appears to be a street of uneven width. At some places the roadway is not more than 24 feet in width.

The remainder of the route consists, for the most part, of very old roads with varying widths of roadway, part of which has no pavement whatever. Macadam is the only pavement now existing upon the entire route.

There seems to be no doubt that the title of all streets applied for is held by the City, either by legal opening or by virtual dedication.

Street Surface Railroads—The route lies through a territory which has at present no street surface railway facilities. Two lines of the Brooklyn Rapid Transit system are intersected, one on Grand street, which operates from points in Brooklyn to North Beach and to Flushing and the other from points in Brooklyn to Jamaica. A line of the New York and Queens County Railway Company operating between Flushing and Jamaica is intersected near Flushing avenue, at Shelton avenue.

Steam Railroads, Grade Crossings—Four lines of steam railroads are crossed; the first, that of the main line of the Long Island Railroad, on Thomson avenue, about 2,000 feet west of Shell road is a four-track crossing at grade, two tracks being at a slightly different grade from that of the other two; the second crossing is that of the Flushing branch of the Long Island Railroad, about 2,000 feet east of the Shell road or Newtown and Bushwick turnpike. This is a double track crossing at grade.

At both of these points, it would be dangerous to allow the applicant company to cross those tracks at grade, particularly the first crossing mentioned. It is a physical impossibility to construct a surface railway across the main line while the tracks of the Long Island Railroad remain at the present grade.

A third crossing is at the intersection of Union Hall street and the main line of the Long Island Railroad. The street at this point is carried across and above the grade of the tracks by a steel bridge having a roadway of about 27 feet in width. The fourth crossing is at the point where the Rockaway Beach branch of the Long Island Railroad intersects South street, and is really a double crossing, two tracks being crossed at grade and two tracks cross by a bridge which carries the street over the tracks.

Private Right-of-Way—The company proposes to use a private right-of-way at three points. It is proposed to purchase the property adjacent to Fulton street, between Shelton avenue and Hoffman boulevard, a distance of only a few hundred feet. There is no street where the route is proposed between Union Hall street and New York avenue, a distance of about 200 feet. It will be necessary for the company to purchase private property at this point, where there now exist dwelling houses which it will be necessary to remove. The other point is at the intersection of Puntine street and Linden street, where a small parcel is needed to avoid an awkward curve.

Conditions for the Proposed Franchise.

Long Island Railroad Grade Crossings—The grade crossings of the Long Island Railroad upon many of the highways of the Borough of Queens have become a most serious question for the company on account of the numerous accidents. Recently a communication was addressed to the Board by this company requesting the City to cooperate with it and assume half the cost of the elimination of the crossings upon a section of the main line, about two miles in extent, at a cost estimated at one million and fifteen thousand dollars (\$1,015,000). The company, however, proposes at the same time to straighten and shorten the line, improve the grade and provide for additional tracks, or, in other words, to greatly increase its facilities, and seems loath to do anything solely at its own expense. As the City has no money at present to take up such a scheme, the grade crossings are likely to remain. It would seem, therefore, poor policy for the City to grant any street railway franchises which would permit a crossing at grade with the Long Island Railroad, as the danger of accidents would be many times increased, and it is doubtful if a street railway company would care to take the risk of operating on the Thomson avenue crossings, even if permitted.

I would suggest, therefore, that the franchise to the South Shore Company contain a condition requiring the company to carry its tracks across the Long Island Railroad, either above or below the grade thereof, at all crossings. In that case it may be necessary, in order that the streets remain the full width, for the company to acquire private property either for its own structure or to widen the streets in amount equal to the space used by the company's structure. It would, therefore, seem wise to include in the franchise a provision which would require the company to submit plans for structures at these points to the Board for approval, and if necessary to acquire additional property for this purpose it may be made a condition upon approval of such plan.

Position of Tracks in Streets—Although it is planned to make a broad boulevard of Thomson avenue and Hoffman boulevard, there have been no plans made as to the layout of driveways, walks, etc., neither is it certain at this time whether this boulevard will be under the jurisdiction of the Borough authorities or of the Park Commissioner. Whenever plans are finally approved, it is quite certain that it will be a number of years before they are put into effect, and, in consequence, should the South Shore Company receive a franchise and construct within a reasonable time, the railway will probably be in operation before the boulevard is constructed, and may, therefore, have to be removed to some other position later.

Should park centres within the boulevard be maintained, it may be desirable to place the tracks within their area. This is done with quite satisfactory results in both Boston, Mass., and Washington, D. C. Again, it may be desirable to place the tracks near the curb. In either case, it is a question to be determined after the boulevard is constructed. I believe it will be best to leave the determination of the position of the tracks to the officers having jurisdiction over the boulevard at that time.

I would, therefore, suggest that the franchise contain a condition requiring the Company to change the position of its tracks at any time after a boulevard has been constructed, or final plans have been adopted, and when ordered to do so by the proper authorities. The proper authority in this case should be the officer having the Boulevard under his jurisdiction, and will in all probability be the Borough President or the Park Commissioner. This condition should also apply to any portion of the route for which no city map has been finally adopted. South street, Farmers avenue and Central avenue are very old roads, and no doubt will be incorporated to some extent, at least, in the street system of that section when the same is completed, though the grades and lines may be changed to a considerable extent, necessitating the change of the position of the tracks when these thoroughfares are constructed upon new lines.

Private Right-of-way—It is quite probable that Linden avenue will in time be extended west from New York avenue; if so, the property which the company proposes to purchase for private right-of-way will fall within the lines of the street. I would, therefore, recommend that a clause be inserted in the proposed contract in which the Company shall stipulate that no compensation shall be awarded for the right to have railway tracks upon such property should the City purchase the same.

Franchise Not Exclusive—There now exist no street surface railways having a direct route between Jamaica and Long Island City. The routes selected by the South Shore Company is practically the only direct route available between these two points, and it is the only direct route for reaching Long Island City from points beyond Jamaica upon the south shore of Long Island. Hoffman boulevard and Thomson avenue are used extensively by automobiles and for other vehicular traffic. A street railway between Jamaica and Long Island City is certainly desirable, and will be more so upon the completion of the Blackwells Island Bridge. It may be considered as a trunk line between Long Island City and points beyond Jamaica; for this reason it would seem to me to be desirable to retain the right to grant a franchise to any other company upon the same route, as has been done in several cases heretofore.

The New York and Queens County Railway has an application now before the Board for use of Thomson avenue and Hoffman boulevard, but even if this were not the case I would still recommend that any franchise granted upon those thoroughfares be not exclusive because of the importance of this route for street surface railway purposes.

Widening of Roadways—Some of the existing old roads, as, for instance, Farmers avenue and Central avenue, have very narrow roadways. Should a double track railway be placed therein it would occupy the entire width of the roadway in some places. The roadway is wide enough for present use, and I would suggest in each instance that the Company be required to grade the roadway to a greater width than at present exists, if it is necessary, upon the construction of the tracks. I believe the Borough President should be the judge as to whether such roadways should be widened, and would suggest that such improvement be under his jurisdiction.

Repair and Construction of Pavement—The Railroad Law provides that a street surface railroad corporation while using a street or avenue shall have and keep in permanent repair the portion of the tracks between the rails, the rails of the tracks and two feet outside thereof. This provision has been inserted in all franchises which have been granted by the Board to street surface railroad corporations, and should in this case include also the bridge approach viaduct and any bridge covered in the route. A condition should be also made to require the company to bear its share of the cost of paving when new pavement is laid upon any portion of the route, Macadam pavement being the only kind at present in position, it would no doubt be necessary to lay a more permanent pavement in many of the streets before many years, and the company should bear the proportionate expense of the cost of such pavement.

Protection of Structures in the Street—Under date of September 30, 1907, the Deputy Commissioner of Water Supply, Gas and Electricity, in reply to a communication asking if there are special conditions which should be imposed in a franchise of this character for the protection of structures under his jurisdiction, states that the following stipulations should be embodied in the franchise:

"No track to be laid over existing mains; where a main is parallel to and under any structure of the railway company it shall be removed by the company and placed outside of their structure.

"No portion of the railroad shall be built nearer than one foot from existing water mains, and at least one foot clear shall be left between the existing water mains and the track construction, and nothing shall be built or placed over any water main.

"New mains to have at least four feet of covering, and a space of at least one foot shall be left between all new mains and any structure of the railway company.

"No mains are to be obstructed by gas, electric or other subway pipes or conduits, but are to be left free and accessible for all future repairs.

"No structure shall be built or obstruction placed over the vaults of gate boxes, so that the latter may be readily accessible for the purpose of maintenance, repair and operation.

"No blasting shall be allowed within five feet of the existing water mains.

"Wherever the proposed track crosses existing water mains, the company shall agree to support and maintain said tracks when required for maintenance or repair of

the existing mains, and the City shall likewise have the right to lay additional mains across the track, the latter being supported and taken care of at the expense of the company.

"Should it be required to take up any of the existing mains, or relay them, the work shall be done under the inspection of, and to the satisfaction of this Department."

In franchises for railways which have so far been granted by the Board, there has been a condition which made the construction of the railway subject to the supervision and control of all the authorities of the City having jurisdiction. It might, perhaps, be wise to require the company to obtain a permit from both the Department of Water Supply, Gas and Electricity, and the Borough President, before opening the street for construction purposes, and give those officials the opportunity to make such conditions upon which such consent is given, as they see fit, although I believe such permits are required by the Charter. I would, however, suggest that such a provision be inserted.

Use of Bridge Tracks—The bridge is under the jurisdiction of the Commissioner of Bridges, and the use of the same by any company should be under his control to a certain extent.

A communication was addressed to the Commissioner of Bridges asking him for suggestions as to conditions regulating the use of the Blackwells Island Bridge by the various companies which now have petitions before the Board.

In reply thereto, under date of May 8, 1908, he made various suggestions which may be briefly stated as follows: The tracks and electrical equipment are to be constructed by the City, and remain the property of the City at all times. The company should agree to maintain such track and equipment and install a signal system if deemed necessary, and furnish all power for the operation of the cars and electrical current for lighting of the tracks, and bear the expense of making any changes in the layout of tracks or terminal facilities which may be deemed necessary during the term of the contract. The company should submit a statement as to the type of car to be used and operate its cars at all times while upon the bridge structure under the supervision of the Commissioner of Bridges, and the company should agree to protect the City from all claims or losses from damages. These conditions have all been embodied in the proposed form of contract submitted herewith.

The proposed form of contract reserves to the City the right to grant a similar privilege upon the bridge to use either the same tracks or others to be assigned by the Bridge Commissioner, and also requires the company to use such tracks as may be assigned by the Commissioner at any time during the term of the contract, and no specific right is given to use any particular pair of tracks.

Term of Grant—The railway proposed lies for the most part through a section not thickly populated, and for that reason, the earnings from the railway during the latter years of the contract must be depended upon more than the first years to produce a return upon the investment.

I have, therefore, drawn the contract for a term of twenty-five years, with the privilege of renewal for a further term of twenty-five years upon a revaluation. This is the maximum period for which a franchise can be granted, pursuant to the City Charter. This applies to the entire route, with the exception of the portion on the bridge and its approaches. For that portion of the route the company will not be required to make an investment for the construction of tracks, since they are to be constructed at the expense of the City. Experience with the companies operating upon the New York and Brooklyn Bridge has shown that short term contracts are desirable. Furthermore, the contracts now in force for the use of the existing bridges by the railway companies are all for short terms.

The contract submitted herewith provides for a term of ten years on the bridge and its approaches with the right to continue upon the same terms and conditions for a further period not exceeding in any case fifteen years, but terminable after the first ten years at any time at the pleasure of the Board.

Compensation.

I have already suggested that a franchise to the South Shore Company contain a condition which reserves to the Board of Estimate and Apportionment the right to grant similar privileges. If the application now before the Board of the New York and Queens County Railway Company be granted or a similar privilege granted to any other company, so that two railways will be operated over the same route, it is quite evident that the earnings of each of those companies would be less than the earnings of one company if it had the exclusive right. A franchise to an existing company, as the Queens Company, in order to comply with the Railroad Law, would necessarily require the payment to the City of three per cent. of the gross receipts during the first five years and five per cent. thereafter, calculated on the proportion of the total gross receipts of the company as the length of the extension bears to the total line of the Queens Company operating. The applicant company, however, having no railway in operation in The City of New York, would be required by the Railroad Law to pay at least three per cent. for the first five years and five per cent. thereafter on its gross receipts. The calculation of the gross receipts, however, would be based upon the actual earnings of the company within the city limits. Practically one-third of the route lies through a territory consisting entirely of farm land, so that the business derived from that section will be very little for some time after the company begins operation; for that reason I would not calculate the minimum payments upon the basis of the earnings of a company operating in the built up portion of the Borough of Queens. Since the applicant company contemplates operating the railway outside of The City of New York, as well as upon the route applied for, it should be required by the terms of the franchise to establish a system whereby the receipts from the portion of its railway within The City of New York shall be kept separate from the earnings of the railway outside of The City of New York.

I would recommend that for the privilege granted the Company shall pay an initial sum of twenty thousand dollars (\$20,000) and annually the minimum percentages provided in the Railroad Law, during the first fifteen (15) years, to wit: Three per cent. of the gross earnings from all sources within the City limits during the first five years, and 5 per cent. during the succeeding ten (10) years. For the last ten years 6 per cent., or 1 per cent. in addition to the minimum. For minimum sums for each term of five years during the life of the contract I would recommend the following:

During the first five years.....	\$6,600 00
During the second five years.....	12,100 00
During the third five years.....	13,300 00
During the fourth five years.....	14,700 00
During the fifth five years.....	16,200 00

It would seem proper that the Company should pay the City a certain annual sum for the use of the viaduct across the "Sunnyside Yard." Where the City has heretofore granted franchises to street surface railways across bridges (notable cases being those across the Harlem River) a certain annual sum has been exacted for their use. The viaduct across the Sunnyside Yard will be quite an expensive structure. It is estimated that the City's share of the cost of the substructure alone will be about eighty-two thousand dollars (\$82,000), and the City's share of the cost of the superstructure is estimated to be about eighty-five thousand dollars (\$85,000), making a total cost to the City of about one hundred and sixty-seven thousand dollars (\$167,000). No doubt the repairs to the structure will be considerably greater if used by a street surface railway than would be the case if only used for vehicular traffic. Franchises were granted to the New York City Interborough Railway Company and to the Union Railway Company of New York City to occupy certain bridges across the Harlem River by the Board of Aldermen, the terms and conditions of the franchises having been fixed by the Board of Estimate and Apportionment. In each of those cases the compensation fixed was an annual sum of \$4,000 for each bridge during the first five years, and this sum was increased \$500 each succeeding five years during the twenty-five-year term. It would seem that this amount is not unfair to charge for the use of the bridge approach viaduct, and I would recommend that the Company be required to pay such sums by the terms of the contract—that is, the annual sum during the first five years of \$4,000; during the second five years, \$4,500; during the third five years, \$5,000; during the fourth five years, \$5,500, and during the fifth five years, \$6,000.

For the use of the tracks, electrical equipment and terminal facilities upon the bridge property, it is suggested that the same compensation be required as that proposed for the Hudson and Long Island Traction Company in a report submitted to you this day upon the application of that Company—that is, for the use of the tracks

and electrical equipment upon the bridge and the approaches, the Company should pay to the City five cents per car for each round trip upon the bridge; for the use of the terminal facilities the Company should pay 4 per cent. per annum upon the cost of such facilities and the cost of maintaining the same, which facilities are to be constructed by the City; provided, however, that should these facilities be used by other companies as well as the applicant Company, then this Company shall pay only the proportion of 4 per cent. and the cost of maintenance as the use of such facilities by this Company shall bear to the entire use of the same.

For the faithful performance of the terms and conditions of the grant I would suggest a security deposit of twenty thousand dollars (\$20,000).

The other conditions contained in the proposed form of contract herewith submitted are those heretofore imposed by the Board in similar franchises. It has been represented that the applicant is an independent Company, without alliances with any of the operating street railways in the City, and proposes to build and operate this road as a competitive line to the existing roads, and in connection with the Hudson and Long Island Traction Company (whose application is now before the Board) to be constructed by the same interests, forming a through line for interborough traffic.

In response to my request for information as to the ability of the applicant to finance construction of the road, should a franchise be granted, the Secretary, Mr. Arthur C. Hume, has stated "the best evidence of the strength of the company and its financial ability to carry out any agreement which it might make with the Board of Estimate and Apportionment is to be found in an examination of the personnel of the Board of Directors of the company." This board is as follows:

James T. Wood, President;
Paul T. Brady, Vice-President;
Fred. D. Kilburn, Treasurer;
Clarence Lexow,
Edward P. Metcalf,
Cassius M. Wicker,
William P. Youngs,
Arthur C. Hume, Secretary.

With two applications before the Board for rights practically covering the same route in the Borough of Queens, certain questions will naturally have to be determined, and appear to be as follows:

First—Shall a franchise be granted on Thomson avenue and Hoffman boulevard?
Second—Shall a franchise be granted on such streets to each of the applicants?

Third—If not to each, shall it be granted to the existing company in Queens as an extension, or to the new company—the South Shore Traction Company?

Pending the determination of these questions it would appear desirable that the Board should require both applicants to state, in writing, their willingness to accept the provisions of the contract as proposed, or their objections thereto, and I would therefore suggest that a copy of the same be transmitted to each, with directions to advise the Board on or before June 19 in regard thereto. A resolution to this effect is attached hereto.

The proposed form of contract has been submitted to the Commissioner of Bridges, and the same meets with his approval in so far as the conditions affecting the use of the bridge are concerned.

All of which is respectfully submitted.

HARRY P. NICHOLS, Engineer in Charge.

Proposed Resolution.

Whereas, The Chief Engineer of this Board has this day presented a report and proposed form of contract, proposing certain terms and conditions to govern the grant of a franchise to the South Shore Traction Company to construct, maintain and operate a street surface railway in the Borough of Queens, from Jackson avenue, opposite the Blackwells Island Bridge plaza, across Sunnyside Yard, along Thomson avenue and Hoffman boulevard and various other streets and private property to the City Line, and to operate across the Blackwells Island Bridge to the Borough of Manhattan; now therefore be it

Resolved, That the Secretary of this Board be and he hereby is directed to forward a copy of the aforesaid report and form of contract to the said South Shore Traction Company, with instructions to direct said company to advise this Board, on or before June 19, 1908, in writing, over the signature of its President or Secretary, as to its willingness to accept the franchise on the terms and conditions proposed and in accordance with said contract, and should it fail to accept the contract in its entirety, the said railway company be and it is hereby directed, in lieu of the aforementioned written statement, to prepare and deliver, as aforesaid, a statement in writing, specifying in detail what sections and clauses of the proposed form of contract the company is ready and willing to accept, and as to the other sections and clauses, furnish full and detailed information as to the reasons for the action taken.

Synopsis of Provisions of Contract.

Section 1. Grant.

First—On streets in the Borough of Queens.

Second—On the Blackwells Island Bridge.

Sec. 2. Conditions applying to streets in the Borough of Queens.

First—Property owners consents to be obtained within six months, or application must be made to the Court within one month thereafter, otherwise rights to cease and determine.

Second—Term of grant, twenty-five years, with privilege of renewal for twenty-five years upon revaluation.

Third—When rights cease, property to become City's.

Fourth—Right not exclusive.

Fifth—Motive power.

Sixth—Permission to construct to be obtained from administrative officers.

Seventh—Commencement and completion of construction.

Eighth—No steam railway crossings at grade.

Ninth—Expense of alteration to sewerage or drainage system to be borne by Company.

Tenth—Company to change railway if grades of streets are changed. Roadways to be widened at expense of Company where necessary.

Eleventh—Company to keep in repair the pavement, and must pave between tracks and two feet outside.

Twelfth—All wires, except trolley wires, to be placed in conduits upon six months' notice by the Board. The Company to furnish two conduits for the use of the City.

Thirteenth—Streets to be watered.

Fourteenth—Snow and ice to be removed.

Fifteenth—Construction or operation not to interfere with any public work.

Sixteenth—Tracks laid on private property not to be paid for if such property is acquired for street purposes.

Seventeenth—Grant subject to rights of abutting property owners.

Sec. 3. Conditions applying to Blackwells Island Bridge.

First—Term of grant, ten years, and may continue for a further term not exceeding fifteen years, which further term is revocable by the Board.

Second—Tracks on bridge to be assigned by Bridge Commissioner, such assignment subject to change, and not exclusive. Company to maintain tracks and electrical equipment under supervision of Commissioner of Bridges. Company to furnish power for operation, current for lighting tracks, and to install signal system if required. Changes in layout of tracks to be done at the expense of the Company. Cost of above to be divided if more than one company uses tracks.

Third—Type of car, etc., to be approved by Commissioner of Bridges. Commissioner of Bridges to adopt rules which shall be complied with by the Company.

Fourth—Cars not to be operated on the bridge until one mile of railway is in operation in the Borough of Queens.

Fifth—Grant not to affect control of Commissioner of Bridges.

Sec. 4. Conditions applying to both streets and bridge.

First—Compensation to the City. Such compensation not to be considered a tax.

Second—Annual charges to be maintained throughout the term of contract.

Third—Rights not to be assigned.

Fourth—Railway to be constructed and operated in the latest improved manner.

Fifth—Rate of fare not to exceed five cents on railway, nor any line or branch operated in connection therewith within the City.

Sixth—No freight cars to be operated.
 Seventh—Cars to be lighted.
 Eighth—Headway of cars.
 Ninth—Fenders and wheel guards to be provided.
 Tenth—Cars to be heated.
 Eleventh—Construction and operation to be under the control of City authorities.
 Twelfth—Annual reports to the Board.
 Thirteenth—Company to keep accurate books of account. Reports to Comptroller.
 Fourteenth—City may sue for forfeiture.
 Fifteenth—Fine of \$250 for inefficient public service.
 Sixteenth—Company to assume all liability of damages.
 Seventeenth—Security deposit, \$20,000.
 Eighteenth—Definition of words "notice" and "direction."
 Nineteenth—If authority of Board or other officer is transferred, then such other Board or officer shall act for City.
 Sec. 5. Provisions of Railroad Law to be complied with.
 Sec. 6. Company agrees to abide by all terms and conditions.

Proposed Form of Contract.

This contract made this _____ day of _____, 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the South Shore Traction Company (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the following rights and privileges:

First—To construct, maintain and operate a double track street surface railway with the necessary wires and equipment for the purpose of conveying passengers in the Borough of Queens, of The City of New York, upon the following route:

Beginning at the southeasterly line of the Blackwells Island Bridge plaza, the same being the northwesterly side line of Jackson avenue, thence southeasterly across Jackson avenue to a proposed New street, so named, and laid out upon a map or plan, which map was adopted by the Board of Estimate and Apportionment on May 26, 1905, and approved by the Mayor June 13, 1905; thence in and upon said proposed New street, and across the proposed viaduct to be constructed as a part of such proposed New street to Thomson avenue; thence in and upon Thomson avenue to Hoffman boulevard; thence in and upon Hoffman boulevard to Brooklyn and Jamaica turnpike or Fulton street; thence upon private property and across Maple avenue to Shelton avenue; thence in and upon Shelton avenue to Union avenue; thence along Union avenue to Brooklyn and Jamaica turnpike or Fulton street; thence in and upon Brooklyn and Jamaica turnpike or Fulton street to Union Hall street; thence in and upon Union Hall street to a point where Linden street would intersect Union Hall street if extended; thence upon private property to New York avenue; thence in, upon and across New York avenue to Linden street; thence in and upon Linden street to Locust street; thence in, upon and across Locust street and private property to Puntine street; thence in and upon Puntine street to South street; thence in and upon South street to Farmers avenue or road; thence in and upon Farmers avenue or road to Central avenue; thence in and upon Central avenue to a point where Central avenue intersects the boundary line between The City of New York and the County of Nassau, all in the Borough of Queens, City of New York.

The said route, together with turnouts, switches and crossovers hereby authorized are shown upon a map entitled:

"Map showing proposed railway of the South Shore Traction Company in the Borough of Queens, City of New York, to accompany petition to the Board of Estimate and Apportionment, dated April 13, 1908."

—and signed by Arthur Carter Hume, Secretary, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed. Provided that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description, and the other provisions of this contract may be permitted by resolution of the Board.

Second—To operate the cars of the Company upon two tracks when constructed upon the Blackwells Island Bridge and approaches thereto to be assigned to the Company by the Commissioner of Bridges; beginning at the northwesterly side line of Jackson avenue at the Bridge plaza, in the Borough of Queens, and there connecting with the tracks of the Company above described; thence in and upon said bridge plaza to the easterly approach to the Blackwells Island Bridge; thence upon and along said bridge approach and across intersecting streets and avenues to the Blackwells Island Bridge; thence upon and along the Blackwells Island Bridge to the westerly bridge approach; thence upon and along said westerly bridge approach to the westerly terminus thereof at Second avenue in the Borough of Manhattan. The said route is more particularly shown upon the map hereinbefore referred to, and is to be operated by the Company as a continuous route in connection with the route hereinbefore described.

Sec. 2. The grant of the right or privilege to construct, maintain and operate the said railway from the Blackwells Island Bridge plaza, at Jackson avenue, Borough of Queens, to the intersection of Central avenue and the boundary line between the Borough of Queens and the County of Nassau, upon the route hereinbefore described, is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months of the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time, the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of twenty-five (25) years from the date upon which this contract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty-five (25) years, upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year prior to the termination of the original term of this contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty-five (25) years shall be reasonable, and either the City (by the Board) or the Company shall be bound, upon request of the other, to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence

of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If, in any case, the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third—Upon the termination of this original contract, or if the same be renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract, within the streets, avenues and highways shall become the property of the City, without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual. If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of its tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fourth—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways.

The use of said railway, which shall be constructed by the Company under this contract, including the tracks, wires and other equipment, or any structures, in public streets and avenues owned by the Company and used in connection therewith shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway and structures and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Fifth—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of Queens, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board, and consented to by the abutting property owners, in accordance with the provisions of law, and by the Public Service Commission of the First District of the State of New York.

Provided, however, that the Board, upon giving to the grantee one year's notice, may require the Company to operate its railway upon the whole or upon any portion of its route, by underground electric power substantially similar to the system now in use on the street surface railways in the Borough of Manhattan, and thereupon to discontinue the use of the overhead trolley system, and to remove its poles, wires and other structures used by it for that purpose from the streets, avenues and highways of the City.

Sixth—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of Queens and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Seventh—The Company shall commence construction of the railway herein authorized within six months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within two years from the date of obtaining such consents or such decision, otherwise this right shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City, as hereinafter provided, shall thereupon be forfeited to the City; provided, that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within the control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and, provided further, that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall in writing consent that the Board either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Eighth—The said railway shall not be constructed at the same grade of any railway or railroad other than street surface railways encountered in the route, but shall be constructed either above or below the grade of such railways or railroads. The plans for the structures necessary to carry the tracks of the Company either above or below the grade of such railways or railroads shall be submitted to the Board for approval, and no such structure shall be built until the plans therefor shall have been approved by the Board. Should it seem necessary, in the opinion of the Board, at the time the plans for such structures are submitted for approval, to acquire additional property to widen any street, avenue or boulevard in which such structures are to be built, the Company shall purchase such land and cede the same to the City without cost, or shall pay to the City the amount of the cost of such land. The Board reserves the right to impose such conditions as it may see fit in regard to such structures upon its approval of said plans.

Ninth—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets required on account of the construction or operation of the railway, shall be made at the sole cost of the Company and in such manner as the proper City officials may prescribe.

Tenth—Should the grades or lines of the streets, avenues or highways in which the franchise is hereby granted be changed at any time during the term of this contract, or should any such street, avenue or highway be made a boulevard, in which it may be desirable to have the position of the tracks changed, the Company shall, at its own expense, change its tracks to conform with such new grades, lines and positions as shall be directed by the Board or by the official having jurisdiction of such streets, avenues, highways or boulevards, and during the construction of any public improvement upon said street, avenue, highway or boulevard, the Company shall take care of and protect the track at its own expense; all to be done subject to the direction of the official having jurisdiction.

Should, in the opinion of the President of the Borough of Queens, the present roadway of any of the said streets, avenues or highways be of insufficient width to accommodate both railway and other vehicular traffic, the Company shall widen such roadway under the direction of the President of the Borough of Queens to a width sufficient to accommodate such traffic; provided, that no roadway shall be widened beyond the total width of the street, avenue or highway.

Eleventh—As long as the said railway, or any portion thereof, remains in any street, avenue or highway, the Company shall have and keep in permanent repair that portion of the surface of the street, avenue or highway, bridge or viaduct in or upon which said railway is constructed, between its tracks, the rails of its tracks, and for a distance of two feet beyond the rails on either side thereof, under the supervision of

the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue or highway, bridge or viaduct, and in that event the Company shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewed or altered pavement.

Twelfth—Upon six months' notice by the Board to the Company, all wires for the transmission of power, except trolley wires, for the operation of the railway, upon all or any portion of the route hereby authorized, shall be placed in conduits beneath or alongside of the railway. The Company shall provide in such conduits two ducts not less than three inches in diameter for the exclusive use of the City. Such ducts shall be used only by the Company for the operation of its railway and by the City, as above.

Thirteenth—The Company, so long as it shall continue to use any of the tracks upon the streets, avenues, viaduct and bridges in or upon which said railway shall be constructed, shall cause to be watered, at least three times every twenty-four hours, when the temperature is above 35 degrees Fahrenheit, the entire width of the streets, avenues, viaduct and bridges, except when the width of such streets, avenues, viaduct or bridges shall exceed sixty feet between curb lines, in which case the Company shall cause to be watered only sixty feet in width of such roadway; and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets, avenues, viaduct and bridges in a satisfactory manner.

Fourteenth—The Company shall at all times keep the streets, avenues, viaduct and bridges upon which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two feet beyond the rails, on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the President of the Borough of Queens, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Fifteenth—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public works in the streets, or upon the viaduct or bridges, whether the same is done by the City directly or by a contractor for the City, the Company shall at its own expense protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of Queens.

Sixteenth—The Company hereby agrees that if the City is, or shall become, entitled to acquire, and shall at any time during the term of this contract acquire or otherwise come into the possession of any of the property on which railway tracks shall be constructed on that portion of the route described herein as private property, no compensation shall be awarded for the right to have railway tracks thereon.

Seventeenth—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Sec. 3. The grant of the right or privilege to operate cars upon two tracks of the Blackwells Island Bridge and the approaches thereto, upon the route hereinbefore described, and to use other equipment owned by the City upon said bridge, is subject to the following conditions, which shall be complied with by the Company.

First—The said right and privilege shall be held and enjoyed by the Company for a term of ten (10) years from the date upon which this contract is signed by the Mayor, and may continue for a further term not exceeding in any case fifteen (15) years, which further term may be terminated at the option of the Board at any time during said fifteen (15) years, upon six months' notice by the Board to the Company.

Second—The Company shall use only such tracks as shall be assigned to the Company by the Commissioner of Bridges, and nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, or to affect the right of the Commissioner of Bridges to assign the same or other tracks to such individual or other corporation.

Such tracks and all electrical equipment necessary for the operation of cars thereon shall be installed at the expense of the City, and shall remain the property of the City, but the Company shall keep and maintain such tracks and electrical equipment in good order and repair, and in such manner as shall be approved and directed by the Commissioner of Bridges, and shall furnish all motive power required by the Commissioner of Bridges for the operation of its cars and all electrical current which may be required for the lighting of the tracks and terminals used by the Company. If deemed necessary by the Commissioner of Bridges, the Company shall install and operate a system of signals to insure the safe and efficient operation of cars; such system to be approved by the Commissioner of Bridges. In the event of any necessity for changing the layout of tracks, curves, switches, sidings or platforms on the bridge in order to facilitate operation of cars by the Company, said Company must do all the work and furnish all the labor and tools necessary for effecting such changes, which shall all be made under the control and direction of the Commissioner of Bridges, and no such changes or construction connected therewith, or relating thereto, shall be made unless the plan or plans for the same have been first submitted to the Commissioner of Bridges and approved by him. If, however, such tracks, electrical equipment or signal system are used by any other company or companies, and should any change in the layout of such tracks, curves, switches, sidings or equipment be made necessary while used by such other company or companies, then, and in that event, the Company shall bear only that proportion of the cost of such signal system, electrical current for the lighting of said tracks and terminals and the cost of making such changes in the layout of the tracks, curves, switches, sidings or platforms as the use of such track, electrical equipment and signal system by the Company shall bear to the entire use of such appliances.

Third—Before beginning the operation of the cars, the Company shall file with the Commissioner of Bridges a statement for his approval and assent as to the type of car which it proposes to operate and a sketch showing clearance dimensions, weight on axles and wheel spacing or such other information as may be required by said Commissioner. All cars operated over the bridge by the Company and all equipment and appliances relating to such operation shall be subject at all times to the inspection of the Commissioner of Bridges or his authorized representatives, who shall have power to forbid the entrance to the bridge of cars which may for any reason be unsatisfactory, and who shall have power to direct the removal of any old or inadequate appliance and the substitution therefor of appliances of approved character.

Said Commissioner may adopt rules and regulations in regard to the number of cars to be operated over the bridge, the rate of speed of said cars, the movement and headway thereof, the type and weight of cars to be used and the condition thereof, the switching of cars and the use of platforms and the control of the electrical current used by the Company, and the said Commissioner may alter and amend any such rules and regulations so as to secure the safety and comfort of persons using the bridge and preserve the purposes for which the bridge was constructed, and, upon serving notice upon the Company that such rules and regulations have been made, amended or altered, the Company shall comply with all the requirements thereof.

Fourth—The Company shall not operate cars upon the Blackwells Island Bridge or approaches thereto until the Company shall have in operation a railway at least one mile in length in the Borough of Queens upon the route hereby authorized, said one mile of railway to connect with and be a continuous railway from the Blackwells Island Bridge plaza at Jackson avenue, in the Borough of Queens, but upon the completion of said one mile of railway, the Company shall operate the cars from such railway across the said bridge and said approaches during the term herein authorized.

Fifth—Nothing in this contract shall be deemed to affect in any way the right of the Commissioner of Bridges to make any alterations or changes in the construction, operation or management of the bridge or to affect in any way the control of such Commissioner over such bridge, as provided by the Charter of the City.

Sec. 4. The grant of the said rights or privileges to construct, maintain and operate a street surface railway from the Blackwells Island Bridge Plaza, at Jackson avenue, in the Borough of Queens, to the intersection of Central avenue and the boundary line between the Borough of Queens and the County of Nassau, upon the route hereinbefore described, and to operate cars upon the Blackwells Island Bridge and the approaches thereto, are both subject to the following conditions, which shall be complied with by the Company:

First—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of twenty thousand dollars (\$20,000) in cash, within thirty (30) days after the date on which this contract is signed by the Mayor.

(b) During the first term of five years an annual sum, which shall in no case be less than six thousand six hundred dollars (\$6,600), and which shall be equal to three (3) per cent. of its gross annual receipts, if such percentage shall exceed the sum of six thousand six hundred dollars (\$6,600).

During the second term of five years an annual sum which shall in no case be less than twelve thousand one hundred dollars (\$12,100), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of twelve thousand one hundred dollars (\$12,100).

During the third term of five years an annual sum which shall in no case be less than thirteen thousand three hundred dollars (\$13,300), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of thirteen thousand three hundred dollars (\$13,300).

During the fourth term of five years an annual sum which shall in no case be less than fourteen thousand seven hundred dollars (\$14,700), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of fourteen thousand seven hundred dollars (\$14,700).

During the remaining term of five years an annual sum which shall in no case be less than sixteen thousand two hundred dollars (\$16,200), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of sixteen thousand two hundred dollars (\$16,200).

The gross receipts mentioned above shall be the gross earnings of the Company from all sources within the limits of the City.

The payment of such minimum sums shall begin from the day on which this contract is signed by the Mayor.

(c) For the use of the tracks owned by the City upon the Blackwells Island bridge and the approaches thereto, the sum of five cents for each round trip or the sum of two and one-half cents for each single trip of each and every car operated upon the bridge.

The number of such cars shall be certified by the Commissioner of Bridges to the Comptroller once each month in such form as shall be designated by the Comptroller.

(d) Should the Company require any terminal loops or other terminal facilities which are the property of the City, it shall pay to the City four (4) per cent. per annum upon the cost of such facilities, and shall pay the cost of maintaining the same; provided, however, that if such terminal facilities are used by any other company or companies, then the Company shall only pay such portion of four (4) per cent. per annum upon the cost thereof and of the cost of maintenance of the same as shall be proportionate to the use of such facilities. The Commissioner of Bridges shall determine such amounts and certify the same to the Comptroller.

(e) For the use of the viaduct to be constructed to carry the proposed new street across the railroad yard of the Pennsylvania Tunnel and Terminal Railroad Company, during the first term of five years of this contract, the annual sum of four thousand dollars (\$4,000); during the second term of five years, an annual sum of four thousand five hundred dollars (\$4,500); during the third term of five years, an annual sum of five thousand dollars (\$5,000); during the fourth term of five years, an annual sum of five thousand five hundred dollars (\$5,500); and during the remaining term of five years, an annual sum of six thousand dollars (\$6,000). Such payments shall begin on the day when the construction of the tracks on said viaduct shall begin.

All such sums as above shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Second—The annual charges or payments shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Third—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations, or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Fourth—Said railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the direction of the Board within a reasonable time, the rights hereby granted shall cease and determine.

Fifth—The rate of fare for any passenger upon such railway shall not exceed five (5) cents, and the Company shall not charge any passenger more than five (5) cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or of any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized, during the term of this contract, all members of the Police and Fire Departments of the City, when such employees are in full uniform.

Sixth—No cars shall be operated upon the railway hereby authorized other than passenger cars, and cars necessary for the repair and maintenance of the railway, and no freight or express cars shall be operated upon the tracks of said railway.

Seventh—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Eighth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board. Provided, however, that the Company, during the first five years of this contract, shall not be required to operate its cars between the hours of one o'clock a. m. and five o'clock a. m. each day unless the Board shall determine after a hearing had thereon that public convenience requires the operation of cars during said hours.

Ninth—The Company shall attach to each car run over the said railway proper fenders and wheel guards in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Tenth—All cars which are operated on said railway shall be heated during the cold weather in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Eleventh—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City.

Twelfth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.
2. The amount paid in as by last report.
3. The total amount of capital stock paid in.
4. The funded debt by last report.
5. The total amount of funded debt.
6. The floating debt as by last report.
7. The total amount of floating debt.
8. The total amount of funded and floating debt.
9. The average rate per annum of interest on funded debt.
10. Statement of dividends paid during the year.
11. The total amount expended for same.
12. The names of the directors elected at the last meeting of the corporation held for such purpose.
13. Location, value and amount paid for real estate owned by the Company as by last report.
14. Location, value and amount paid for real estate now owned by the Company.
15. Number of passengers carried during the year.
16. Total receipts of Company for each class of business.
17. Amounts paid by the Company for damage to persons or property on account of construction and operation.
18. Total expenses for operation, including salaries.

—and such other information in regard to the business of the Company as may be required by the Board.

Thirteenth—The Company shall at all times keep accurate books of account of the gross earnings from all sources within the limits of the City and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Fourteenth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity.

Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Fifteenth—If the Company shall fail to give efficient public service at the rates herein fixed, or shall fail to maintain its structures and equipment as herein provided in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall for each day thereafter during which the default or defect remains, pay to the City the sum of two hundred and fifty dollars (\$250) as fixed or liquidated damages, or the Board, in case such structures or equipment which may affect the surface of the streets, bridges or viaducts shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided for.

Sixteenth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Seventeenth—This grant is upon the express condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of the City the sum of twenty thousand dollars (\$20,000), either in money or securities, to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway; and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel-guards, watering of street pavements, and the rules and regulations made by the Commissioner of Bridges, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel-guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of twenty thousand dollars (\$20,000), and in default thereof this contract shall be cancelled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Eighteenth—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Nineteenth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other Board, authority, officer or officers, then and in such case such other Board, authority, officer or officers, shall have all the powers, rights and duties herein referred to or prescribed for the Board or other authorities, officer or officers.

Sec. 5. This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in

the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 6. The Company promises, covenants and agrees on its part and behalf, to conform to and abide by and perform all the terms and conditions and requirements in this contract fixed and contained.

In witness whereof the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed, and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,
By..... Mayor.

Attest:

..... City Clerk.

SOUTH SHORE TRACTION COMPANY,
By..... President.

Attest:

..... Secretary.

(Here add acknowledgments.)

The President of the Borough of Queens moved that the question as to whether or not the franchise should be granted be referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan and Queens.

Which motion was agreed to.

NEW YORK AND QUEENS COUNTY RAILWAY COMPANY.

A communication, dated May 11, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board May 1, 1908, fixing this day as the date for public hearing on the application of the New York and Queens County Railway Company for a franchise to construct, maintain and operate a railway upon and along certain streets and avenues in the Borough of Queens, and designating the "Long Island City Daily Star" and the "Flushing Evening Journal" as the newspapers in which notice of such hearing should be published.

Which was ordered filed.

The public hearing on the application of the New York and Queens County Railway Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing system, from Jackson avenue, opposite the Blackwells Island Bridge plaza, across Sunnyside yard, along Thomson avenue and Hoffman boulevard to Fulton street, in the former village of Jamaica, was opened.

The hearing was fixed for this day by resolution duly adopted May 1, 1908.

Affidavits of publication were received from the "Long Island City Daily Star," the "Flushing Evening Journal" and the CITY RECORD prior to the hearing.

Arthur C. Hume, counsel for the Hudson and Long Island Traction Company and the South Shore Traction Company appeared in opposition to the proposed grant.

Van Vechten Veeder, counsel for the company, appeared in favor.

No one else desiring to be heard, the Chair declared the hearing closed.

The Secretary presented the following:

REPORT NO. F-96.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The New York and Queens County Railway Company has applied to the Board of Estimate and Apportionment for a franchise permitting it to build and operate a double-track surface railway beginning at the present tracks of the company in Jackson avenue, opposite the approach to the Blackwells Island Bridge, and extending over the new street and viaduct crossing the Sunnyside Yard to Thomson avenue at or near Vandam street, and along Thomson avenue and Hoffman boulevard to Fulton street, in the former Village of Jamaica. The original application of the company was for a line which would begin at Jackson avenue at its intersection with Thomson avenue, and cross the Sunnyside Yard on the Thomson Avenue Viaduct. This has been so amended as to make use of the bridge approach and viaduct, instead of Thomson avenue, at its westerly end. At the meeting of the Board held on May 1, 1908, it was ordered that a public hearing should be given on June 12.

Thomson avenue and Hoffman boulevard are probably destined to be the most important thoroughfares in the Borough of Queens, and it is proposed to give these two streets a width of 200 feet, within which width provision can be made for automobile traffic, ordinary trucking, pleasure driving, street surface railways, and pedestrians. An application has also been presented by the South Shore Traction Company for a franchise for a double-track railroad in the same street, and it is believed that it would be very unwise to grant any exclusive franchise for so important a thoroughfare, as while the traffic will be large, it will never be of such volume as to require more than two tracks. An application has been presented by the same company, and is reported upon at this time, for the right to operate cars across the Blackwells Island Bridge. A report of the Engineer in charge of the Division of Franchises is herewith submitted, describing the route in detail, suggesting conditions upon which the franchise should be granted, and submitting a form of contract. The length of the proposed line is about seven miles, and the initial payment suggested is \$12,000. It is also proposed that the company should pay annually for the use of the viaduct crossing the Sunnyside Yard a sum which will represent a fair proportion of the interest on the amount which the City is to pay for the construction of this viaduct, which is estimated to be \$167,000, the annual sums for the different five-year periods being from \$4,000 for the first five-year period to \$6,000 for the fifth. It is also recommended that annual payments be required as follows:

Three per cent. of the gross receipts for the first five-year period.

Five per cent. of the gross receipts for the two succeeding five-year periods; and

Six per cent. of the gross receipts for the two remaining five-year periods.

Owing to the fact that the subdivisions of the roadway of Thomson avenue and Hoffman boulevard have not yet been determined, and that the final improvement of this street will be deferred for some years, it has been thought wise to include in the contract a provision that the company, at its own expense, shall move its tracks to such position on the street as may finally be allotted to it. It is also provided that no grade crossings of steam railroads will be permitted, the present route involving two crossings of the Long Island Railroad, one of four tracks and the other of two. The other provisions are those which the Board has inserted in all franchise grants, and it is recommended that the company be requested to advise the Board in writing before June 19 whether it will accept the grant upon the terms proposed, and if not, to which of these conditions it objects.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
June 6, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—The New York and Queens County Railway Company, under date of September 26, 1907, petitioned the Board of Estimate and Apportionment for the right

to construct, maintain and operate a double track street surface railway as an extension or branch to its existing street surface railway system now being operated in the Borough of Queens, upon the following route:

Beginning at and connecting with the present tracks of the Queens Company in Jackson avenue, at Thomson avenue, in the former Long Island City; thence easterly in and upon Thomson avenue to Hoffman boulevard; thence southeasterly in and upon Hoffman boulevard to Fulton street in the former Village of Jamaica.

A petition was presented to the Board at a meeting held September 27, 1907, and was at that time referred to the Chief Engineer.

Under date of April 27, 1908, the President of the Company addressed a communication to the Board withdrawing the petition of September 26 and substituting another petition amending the route so as to include the viaduct across the railroad yard now under construction by the Pennsylvania Tunnel and Terminal Railroad Company, known as "Sunnyside Yard," from a point near Van Dam street to Jackson avenue, instead of that portion of Thomson avenue between Van Dam street and Jackson avenue, as asked for in first petition. The amended petition was presented to the Board on May 1, 1908, at which time Friday, June 12, 1908, was fixed as the date for a preliminary hearing, and a resolution adopted requesting the Mayor to designate two daily papers in which such petition and notice of hearing should be published, in pursuance of law. The "Long Island Daily Star" and "Flushing Evening Journal" were designated.

A large scale map has been submitted by the Company showing the proposed route and tracks with crossovers, switches, etc., a copy of which is attached hereto.

The Queens Company was incorporated on June 29, 1896, and afterwards merged various companies then operating in the Borough of Queens. It is the largest street surface railway company now operating in the Borough, having a total single track mileage of about 7½ miles.

The history of the Company is quite fully set forth in a report of this Division, dated September 12, 1907, upon an application by the Queens Company for the right to construct, maintain and operate two extensions, one between the former villages of Flushing and Whitestone and the other between the former villages of Flushing and Bayside. This report is mentioned for the purpose of reference.

The Queens Company has another petition before the Board (upon which a report by this Division is submitted to you this day) for the right to operate cars across the Blackwells Island Bridge from the tracks of the Company in Jackson avenue, Borough of Queens, to the Manhattan approach to the bridge at Second avenue, Borough of Manhattan. The tracks upon the bridge and approaches would be a continuation of those proposed by the other petition, so that cars from the proposed line on Thomson avenue and Hoffman boulevard could conveniently be operated to the Manhattan end of the bridge should both franchises be granted. In the report, however, upon the petition of the Company to operate cars across the bridge, it is suggested that the consent of the Board be withheld until the Company presents a petition for the change of line in order to remove the existing tracks of the Dutch Kills line from the bridge plaza.

There is also a petition before the Board, made by the South Shore Traction Company, for the right to construct, maintain and operate a street surface railway upon Thomson avenue and Hoffman boulevard, from the Blackwells Island Bridge plaza to Fulton street, Jamaica; thence upon various streets and avenues and private property to the City line. This route, as will be noted, is identical to that applied for by the Queens Company, except that the route of the Queens Company extends only as far as Fulton street, Jamaica, while that of the South Shore Company extends beyond that point to the City line. In the report upon the petition of the South Shore Traction Company there is a discussion of the franchises which have previously been granted upon portions of this route, as well as the physical conditions affecting the proposed route. These discussions apply equally well to the route and proposed contract of this Company in so far as they relate to the portion of the route of the South Shore Traction Company, which is identical with that of the Queens Company. I shall not, therefore, discuss these matters as fully in this report as was done in the report upon the petition of the South Shore Traction Company.

Franchises Previously Applied for and Granted Upon the Proposed Route.

Under date of June 6, 1906, the Queens Company applied to the Board of Estimate and Apportionment for the right to construct various extensions in the Borough of Queens, a portion of one such extension being upon Thomson avenue, from Jackson avenue to Newtown and Bushwick turnpike. This petition was afterwards withdrawn, for the reason, I am informed, that consents of abutting property owners, as required by the Railroad Law, could not be obtained.

Two franchises have previously been granted upon portions of Thomson avenue and Hoffman boulevard to the Brooklyn City Railroad Company, one on May 9, 1893, by the Town Board of the Town of Newtown and the other on October 31, 1893, by the Highway Commissioners. The question as to the validity of these franchises was presented to the Corporation Counsel, and he has since advised the Board that they have become void. Another franchise was granted to the Steinway Railway Company of Long Island City, on May 21, 1893, the route of which was upon Thomson avenue, from Jackson avenue to the easterly boundary line of the former Long Island City. That Company was afterwards merged with the New York and Queens County Railway Company, which latter Company has practically admitted that the franchise of the Steinway Railway Company of Long Island City has become void, for the reason that it has applied to the Board for a franchise to construct over a portion of the same route.

Physical Conditions.

Streets and Avenues—In the report upon the South Shore Traction Company's application there is set forth quite fully a description of the viaduct across the railroad yard now in process of construction by the Pennsylvania Tunnel and Terminal Railroad Company. This viaduct is within a portion of the route proposed by this Company.

In the street system now being designed for the Borough of Queens, it is proposed to lay out a broad boulevard near the lines of the present Thomson avenue and Hoffman boulevard, from the former Long Island City to Jamaica, covering practically the entire route now applied for by this Company.

The present Thomson avenue was opened as 100 feet in width pursuant to an act of Legislature, April 27, 1869, and the present Hoffman boulevard was opened as Jamaica, Newtown and Astoria turnpike, 80 feet in width, pursuant to acts of Legislature of May 18, 1869, and May 7, 1870.

Railroads—The route lies within a territory which has at present practically no street surface railway facilities; only one line of street railway is crossed, that being a line of the Brooklyn Rapid Transit system in Grand street, upon which cars are operated from points in Brooklyn to North Beach and Flushing. A line of the same Company operates upon Fulton street which is the easterly terminus of the proposed route of the Queens Company. Two lines of the Long Island Railroad Company are crossed, first the main line, about 2,000 feet west of Shell road. This is a four-track railroad, two tracks being at a slightly different grade from that of the other two. It would be impossible to construct a street railway across the Long Island Railroad tracks at this point unless an undergrade or overgrade crossing is provided. The other railroad crossing is at a point about 2,000 feet east of Shell road and is that of the Flushing branch of the Long Island Railroad. This is a double-track crossing at grade. At both of these points it would be dangerous to operate a street surface railway at the grade of the tracks of the Long Island Railroad Company.

Conditions for the Proposed Franchise.

In the report upon the application of the South Shore Traction Company, which is submitted herewith, is a discussion of certain conditions to be inserted in the proposed contract. As the route applied for by the Queens Company is identical with that of a part of the South Shore Traction Company, several of these conditions will apply equally well to the Queens Company. I will, therefore, merely mention some of those conditions, and state briefly the reason therefor.

Grade Crossings—It is proposed that the Company be required to construct its tracks either above or below the grade of the existing tracks of the lines of the Long Island Railroad Company. This is proposed for the reason that they are dangerous crossings, and further that it is physically impossible to operate a street surface railway across the main line tracks at their present grade.

Position of Tracks in Streets—It has been pointed out that a 200-foot boulevard is contemplated by widening Thomson avenue and Hoffman boulevard between

the intersection of Hoffman boulevard and Fulton street in the former Village of Jamaica, and the intersection of Thomson avenue and Jackson avenue in the former Long Island City—that is the entire route applied for by the Queens Company, with the exception of the portion west of the intersection of Van Dam street and Thomson avenue. In consequence, when this boulevard is constructed, which may not occur for several years, the tracks will necessarily have to be moved to some position as directed by the official having the boulevard under his jurisdiction. It is proposed that the Company should move these tracks at its own expense.

Franchise Not Exclusive—It is believed that this route is very desirable for street railway purposes, it being in a section where there is at present practically no street railway facilities, and is the only direct route available between Jamaica and Long Island City. It is also the most direct route and practically the only available one for traffic between points from Long Island City and points east of Jamaica and upon the south shore of Long Island, and a railway company operating east of Jamaica desiring to enter Long Island or the Borough of Manhattan by the way of the Blackwells Island Bridge would by necessity be compelled to use this route also. For that reason it is suggested, especially in view of the fact that an application of a company to operate from points east of Jamaica (the South Shore Traction Company), is now before the Board, a franchise to the Queens Company be not exclusive, but that the Board reserve the right to grant similar privileges to any other company. This was also suggested in the report of the South Shore Traction Company.

Protection of Structures in the Streets—The Commissioner of Water Supply, Gas and Electricity was requested to suggest any conditions which he thought necessary to embody in a contract of the proposed franchise for the protection of structures under his jurisdiction. In reply thereto he suggested several conditions which are included in the report upon the petition of the South Shore Traction Company, and it was suggested that before any work of construction was commenced the Company be required to obtain a permit from the President of the Borough of Queens and the Commissioner of Water Supply, Gas and Electricity, and that as a condition of the issuance of such permits, those officials may impose such obligations upon the Company as they see fit in order to protect the structures under their care. I would suggest that the same course be followed in the contract to the Queens Company.

Other Conditions—Other conditions embodied in the proposed form of contract submitted herewith are similar to those which have heretofore been used in street railway contracts, and have been discussed in various reports previously submitted. The term of grant as proposed is twenty-five years, with renewal of twenty-five years upon revaluation.

Compensation and Security Fund.

It is pointed out in the report upon the petition of the South Shore Traction Company that should more than one company operate over the tracks upon the route applied for, the earnings of each of those companies from that route would be less than the earnings of one company if it had the exclusive right. No doubt, however, the earnings of the Queens Company from traffic originating or terminating upon that route would be more than that of the South Shore Company, for the reason that the former company has in operation a railway system in the Borough of Queens, which would be operated in connection with the proposed extension, and which would enable passengers to reach other points in the Borough of Queens for a single fare of 5 cents. On the other hand, the South Shore Traction Company is an independent company; that is, it has no railway in operation in the Borough of Queens, and for that reason would be dependent entirely upon the receipts originating upon the line of its proposed route, and a large amount of its traffic would result from the territory in Jamaica and points beyond the City limits; that is, from a portion of its route not covered by the route of the Queens Company.

In the case of the Queens Company the Railroad Law fixes the minimum amounts which the Company must pay to the City for an extension to its existing system; that is, 3 per cent. of its gross receipts for the first five years and 5 per cent. of its gross receipts thereafter; the gross receipts upon which such percentages are to be computed to be taken as the portion of the total gross receipts of the Company as the length of the extension bears to the total length of the line operated. Under the law, therefore, the Queens Company must pay a sum somewhat in proportion to the earnings of the whole system without regard to whether the extension in question earns its proportionate share. The present earnings of the Company gives it a basis upon which to compute the amounts to be exacted as minimum sums.

I wish to call your attention to the fact that the New York and Queens County Railway Company does not pay to the City any percentage of its gross receipts. It was pointed out, however, in a report by this Division, dated September 12, 1907, upon the application of the Company for the right to construct and operate street surface railway extensions between the former villages of Flushing and Whitestone and the former villages of Flushing and Bayside, that certain percentages were due the City, pursuant to the terms of franchises held by the Company in the former villages of Flushing and College Point. The question of whether or not the Company owes the City a percentage of its gross receipts pursuant to these franchises had previously been presented to the Corporation Counsel, and under date of June 18, 1907, the Corporation Counsel advised the Board that the Company was liable. It was suggested in the report upon these applications that it be made a condition of the contract that the Company pay the amounts due the City before the Company exercised any rights under the contract. The proposed form of contract was referred to a select committee, which has presented report, dated May 22, 1908, signed by two members of the committee. It is recommended in this report that the contract be amended so that the provision requiring the Company to pay the amounts due the City should be eliminated, and a resolution is submitted directing the Corporation Counsel to institute proceedings to recover moneys due the City from the Company.

Because of the importance of the route for street railway purposes, and further because the South Shore Company has recognized this importance, and made an application to the Board for a franchise thereon, I anticipate that other franchises will be granted upon this route. It is suggested, therefore, that the minimum percentages of gross receipts required by the Railroad Law be fixed as those to be paid to the City by the Company during the first fifteen years of the contract; that is, 3 per cent. for the first five years and 5 per cent. for the succeeding ten years. For the remaining period of the contract it is suggested that the Company be required to pay 6 per cent. of its gross receipts. The minimums to correspond with these percentages are suggested as follows:

Annually during the first five years.....	\$5,400 00
Annually during the second five years.....	9,800 00
Annually during the third five years.....	10,800 00
Annually during the fourth five years.....	11,900 00
Annually during the remaining five years.....	13,100 00

It is recommended that the initial sum be fixed at \$12,000.

As pointed out in the report, upon the application of the South Shore Traction Company, some compensation should be received by the City for the use of the viaduct across the Sunnyside yard. The following amounts are suggested, and are the same as those recommended in the report upon the South Shore Traction Company's application:

Annually during the first five years.....	\$4,000 00
Annually during the second five years.....	4,500 00
Annually during the third five years.....	5,000 00
Annually during the fourth five years.....	5,500 00
Annually during the remaining five years.....	6,000 00

It is suggested that the usual security deposit to insure the faithful performance of the terms and conditions of the contract, to be deposited with the Comptroller, in either cash or securities, to be approved by him, be fixed at \$15,000.

Attached hereto is a proposed form of contract containing the conditions herein suggested, and those which have heretofore been recommended to the Board, and which are applicable to this case. It is suggested that a copy of this proposed form of contract be submitted to the applicant company and that it be directed to advise the Board on or before June 19 whether it is willing to accept the terms and conditions herein proposed, or, if it is unwilling to accept the contract in the present form, to state its objections thereto. A resolution to this effect is herewith presented.

All of which is respectfully submitted.

HARRY P. NICHOLS, Engineer in Charge.

Proposed Resolution.

Whereas, The Chief Engineer of this Board has this day presented a report and proposed form of contract proposing certain terms and conditions to govern the grant of a franchise to the New York and Queens County Railway Company to construct, maintain and operate a street surface railway as an extension to its existing system from Jackson avenue, opposite Blackwells Island Bridge plaza, across Sunnyside yard, along Thomson avenue and Hoffman boulevard to Fulton street, in the former village of Jamaica; now therefore be it

Resolved, That the Secretary of this Board be and he hereby is directed to forward a copy of the aforesaid report and form of contract to the said New York and Queens County Railway Company, with instructions to direct said Company to advise this Board on or before June 19, 1908, in writing, over the signature of its President or Secretary, as to its willingness to accept the franchise on the terms and conditions proposed and in accordance with said contract, and should it fail to accept the contract in its entirety, the said railway company be and it is hereby directed, in lieu of the aforementioned written statement, to prepare and deliver, as aforesaid, a statement in writing specifying in detail what sections and clauses of the proposed form of contract the Company is ready and willing to accept, and as to the other sections and clauses furnish full and detailed information as to the reasons for the action taken.

Synopsis of Provisions of Contract.

Section 1. Grant. Description of route and map referred to.

Sec. 2. Conditions of grant:

First—Consent of property owners must be obtained within six months or an appeal to the courts must be made within one month thereafter; otherwise rights to cease.

Second—Term of grant twenty-five years, and renewal of twenty-five years upon revaluation.

Third—Compensation to the City. Such compensation not to be considered a tax.

Fourth—When rights cease, property to become City's.

Fifth—Annual charges to be maintained throughout the term of contract.

Sixth—Rights not to be assigned.

Seventh—Right not exclusive.

Eighth—Motive power.

Ninth—All wires, except trolley wires, to be placed in conduits upon six months' notice by the Board. Company to furnish two conduits for the use of the City.

Tenth—Commencement and completion of construction.

Eleventh—Construction and operation to be under the control of the City authorities. Permission to construct to be obtained from administrative officers.

Twelfth—Railway to be constructed and operated in the latest improved manner.

Thirteenth—Rate of fare.

Fourteenth—No freight cars to be operated.

Fifteenth—Headway of cars.

Sixteenth—Fenders and wheel guards to be provided.

Seventeenth—Cars to be heated.

Eighteenth—Streets to be watered.

Nineteenth—Cars to be lighted.

Twenty—Snow and ice to be removed.

Twenty-first—Company to keep in repair the pavement, and must pave between the tracks and two feet outside.

Twenty-second—No steam railway crossings at grade.

Twenty-third—Construction and operation not to interfere with any public work.

Twenty-fourth—Expense of alteration to sewers or drainage system to be borne by company.

Twenty-fifth—Company to change railway if grades of streets are changed.

Twenty-sixth—Annual report to the Board.

Twenty-seventh—Company to keep accurate books of account and report to Comptroller.

Twenty-eighth—City may sue for forfeiture.

Twenty-ninth—Fine of \$250 for inefficient public service.

Thirtieth—Company to assume all liability of damages.

Thirty-first—Security deposit of \$15,000.

Thirty-second—Grant subject to right of abutting property owners.

Thirty-third—Definition of the words "notice" and "direction."

Thirty-fourth—If authority of Board or other officer is transferred, then such Board or officer shall act for City.

Sec. 3. Provisions of Railroad Law to be complied with.

Sec. 4. Company agrees to abide by all terms and conditions.

Proposed Form of Contract.

This contract made this _____ day of _____, 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the New York and Queens County Railway Company (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the right and privilege to construct, maintain and operate a double track extension to its present street surface railway, with the necessary wires and equipment, for the purpose of conveying passengers in the Borough of Queens, in The City of New York, upon the following route:

Beginning at and connecting with the tracks of the Company in Jackson avenue at the intersection of a proposed New street, so named and laid out upon a map or plan, which map was adopted by the Board of Estimate and Apportionment on May 26, 1905, and approved by the Mayor June 13, 1905, thence in and upon said proposed New street and across the proposed viaduct to be constructed as a part of such proposed New street to Thomson avenue; thence in and upon Thomson avenue to Hoffman boulevard; thence in and upon Hoffman boulevard to the Brooklyn and Jamaica turnpike or Fulton street, in the former Village of Jamaica.

Said route, turnouts, switches and crossovers hereby authorized are shown upon a map entitled:

"Map showing proposed street surface railway to accompany the application for a franchise of the New York and Queens County Railway Company to the Board of Estimate and Apportionment, dated April 21, 1908."

—and signed by F. L. Fuller, President, and A. E. Kalbach, Consulting Engineer, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed. Provided that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description, and the other provisions of this contract, may be permitted by resolution of the Board.

Sec. 2. The grant of this right or privilege is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months of the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time, the Company shall within one month thereafter make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of twenty-five (25) years from the date upon which this contract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty-five (25) years upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time, not

earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year of this original contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty-five years shall be reasonable, and either the City (by the Board) or the Company shall be bound, upon request of the other, to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If, in any case, the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of twelve thousand dollars (\$12,000) in cash within thirty (30) days after the date on which this contract is signed by the Mayor.

(b) During the first term of five years an annual sum which shall in no case be less than five thousand four hundred dollars (\$5,400), and which shall be equal to three (3) per cent. of its gross annual receipts, if such percentage shall exceed the sum of five thousand four hundred dollars (\$5,400).

During the second term of five years an annual sum which shall in no case be less than nine thousand eight hundred dollars (\$9,800), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of nine thousand eight hundred dollars (\$9,800).

During the third term of five years an annual sum which shall in no case be less than ten thousand eight hundred dollars (\$10,800), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of ten thousand eight hundred dollars (\$10,800).

During the fourth term of five years an annual sum which shall in no case be less than eleven thousand nine hundred dollars (\$11,900) and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of eleven thousand nine hundred dollars (\$11,900).

During the remaining term of five years an annual sum which shall in no case be less than thirteen thousand one hundred dollars (\$13,100), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of thirteen thousand one hundred dollars (\$13,100).

The gross receipts mentioned above shall be that portion of the gross earnings of the Company from all sources as shall bear the same proportion to its whole gross earnings as the length of the route hereby authorized shall bear to the entire length of the railway of the Company in operation.

The payment of such minimum sums shall begin from the day on which this contract is signed by the Mayor.

(c) For the use of the viaduct to be constructed to carry the proposed new street across the railroad yard of the Pennsylvania Tunnel and Terminal Railroad Company—during the first term of five years of this contract, the annual sum of four thousand dollars (\$4,000); during the second term of five years, an annual sum of four thousand five hundred dollars (\$4,500); during the third term of five years an annual sum of five thousand dollars (\$5,000); during the fourth term of five years an annual sum of five thousand five hundred dollars (\$5,500), and during the remaining term of five years an annual sum of six thousand dollars (\$6,000). Such payments shall begin on the day that the construction of the tracks on such viaduct shall begin.

All such sums as above shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Fourth—Upon the termination of this original contract, or if the same is renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract, within the streets, avenues and highways shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of the tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fifth—The annual charges or payment shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of the route mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company, or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations, or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways.

The use of said railway which shall be constructed by the Company under this contract, including the tracks, wires and other equipment or any structure in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company, to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway and structures, and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway, which shall be constructed pursuant to this contract.

Eighth—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of Queens, or by any other motive power except locomotive steam power or horse power, which may be approved by the Board, and consented to by the abutting property owners in accordance with the provisions of law, and by the Public Service Commission of the First District of the State of New York.

Provided, however, that the Board, upon giving to the grantee, one year's notice, may require the Company to operate its railway upon the whole or upon any portion of its route, by underground electric power substantially similar to the system now in use on the street surface railways in the Borough of Manhattan, and thereupon to discontinue the use of the overhead trolley system, and to remove its poles, wires and other structures used by it for that purpose from the streets, avenues and highways of the City.

Ninth—Upon six months' notice by the Board to the Company, all wires for the transmission of power, except trolley wires, for the operation of the railway upon all or any portion of the route hereby authorized, shall be placed in conduits beneath or alongside of the railway. The Company shall provide in such conduits two ducts not less than three inches in diameter for the exclusive use of the City. Such ducts shall be used only by the Company for the operation of its railway and by the City, as above.

Tenth—The Company shall commence construction of the railway herein authorized, within six months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within eighteen months from the date of obtaining such consents or such decision, otherwise this grant shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City as hereinafter provided, shall thereupon be forfeited to the City; provided, that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided, further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within the control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and provided further that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall in writing consent that the Board either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Eleventh—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City. Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of Queens and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Twelfth—The said railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the direction of the Board within a reasonable time, the rights hereby granted shall cease and determine.

Thirteenth—The rate of fare for any passenger upon such railway shall not exceed five (5) cents, and the Company shall not charge any passenger more than five (5) cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or of any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized, during the term of this contract, all members of the Police and Fire Departments of the City, when such employees are in full uniform.

Fourteenth—No cars shall be operated upon the railway hereby authorized other than passenger cars, and cars necessary for the repair or maintenance of the railway, and no freight or express cars shall be operated upon the tracks of said railway.

Fifteenth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Provided, however, that the Company during the first five years of this contract shall not be required to operate its cars between the hours of 1 o'clock a. m. and 5 o'clock a. m. each day unless the Board shall determine after a hearing had thereon that public convenience requires the operation of cars during said hours.

Sixteenth—The Company shall attach to each car run over the said railway hereby authorized proper fenders and wheel guards in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Seventeenth—All cars which are operated on said railway shall be heated during the cold weather in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Eighteenth—The Company, so long as it shall continue to use any of the tracks upon the streets, avenues or viaduct in or upon which the said railway shall be constructed, shall cause to be watered at least three times every twenty-four hours, when the temperature is above 35 degrees Fahrenheit, the entire width of the streets, avenues or viaduct, except when the width of said streets, avenues or viaduct shall exceed 60 feet between the curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets, avenues and viaduct in a satisfactory manner.

Nineteenth—All cars operated on said railways shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Twentieth—The Company shall at all times keep the streets, avenues and viaducts upon which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two feet beyond the rails, on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the President of the Borough of Queens, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Twenty-first—As long as the said railway, or any portion thereof, remains in the streets, avenues, highways or viaduct the Company shall have and keep in permanent repair that portion of the surface of the street, avenue, highway or viaduct in which said railway is constructed, between its tracks, the rails of its tracks, and for a distance of two feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue, highway or viaduct, and in that event the Company shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewed or altered pavement.

Twenty-second—The said railway shall not be constructed at the same grade of any railway or railroad other than street surface railways encountered in the route, but shall be constructed either above or below the grade of such railways or railroads. The plans for the structures necessary to carry the tracks of the Company either above or below the grade of such railways or railroads shall be submitted to the Board for approval, and no such structure shall be built until the plans therefor have been approved by the Board. Should it seem necessary, in the opinion of the Board, at the time the plans for such structures are submitted for approval, to acquire additional property to widen any street, avenue or boulevard in which such structures are to be built, the Company shall purchase such land and cede the same to the City without cost, or shall pay to the City the amount of the cost of such land. The Board reserves the right to impose such conditions as it may see fit in regard to such structures upon its approval of said plans.

Twenty-third—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public work in the streets, or upon the viaduct, whether the same is done by the City directly or by a contractor for the City, the Company shall at its own expense protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of Queens.

Twenty-fourth—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets, required on account of the construction or operation of the railway, shall be made at the sole cost of the Company and in such manner as the proper City officials may prescribe.

Twenty-fifth—Should the grades or lines of any street, avenue or highway in which the franchise is hereby granted be changed at any time during the term of this contract, or should any such street, avenue or highway be made a boulevard, in which it may be desirable to have the position of the tracks changed, the Company shall, at its own expense, change its tracks to conform with such new grades, lines and positions as shall be directed by the Board or by the official having jurisdiction of such streets, avenues, highways or boulevards, and during the construction of any public improvement upon said street, avenue, highway or boulevard, the Company shall take care of and protect the track at its own expense; all to be done subject to the direction of the official having jurisdiction.

Twenty-sixth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.
2. The amount paid in as by last report.
3. The total amount of capital stock paid in.
4. The funded debt by last report.
5. The total amount of funded debt.
6. The floating debt as by last report.
7. The total amount of floating debt.
8. The total amount of funded and floating debt.
9. The average rate per annum of interest on funded debt.
10. Statement of dividends paid during the year.
11. The total amount expended for same.
12. The names of the directors elected at the last meeting of the corporation held for such purpose.
13. Location, value and amount paid for real estate owned by the Company as by last report.
14. Location, value and amount paid for real estate now owned by the Company.
15. Number of passengers carried during the year.
16. Total receipts of Company for each class of business.
17. Amounts paid by the Company for damage to persons or property on account of construction and operation.
18. Total expenses for operation, including salaries.

—and such other information in regard to the business of the Company as may be required by the Board.

Twenty-seventh—The Company shall at all times keep accurate books of account of the gross earnings from all sources, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, total miles in operation and the miles of railway constructed and operated under this contract and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twenty-eighth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railroad constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity.

Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Twenty-ninth—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structures in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall for each day thereafter during which the default or defect remains pay to the City the sum of two hundred and fifty dollars (\$250) as fixed or liquidated damages, or the Board, in case such structures which may affect the surface of the streets, bridge or viaduct shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided for.

Thirtieth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-first—This grant is upon the express condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of the City the sum of fifteen thousand dollars (\$15,000), either in money or securities, to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway; and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reason-

able cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of fifteen thousand dollars (\$15,000), and in default thereof this contract shall be cancelled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-second—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-third—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Thirty-fourth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other Board, authority, officer or officers, then and in such case such other Board, authority, officer or officers, shall have all the powers, rights and duties herein reserved to or prescribed for the Board or other authorities, officer or officers.

Section 3. This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Section 4. The Company promises, covenants and agrees on its part and behalf, to conform to and abide by and perform all the terms and conditions and requirements in this contract fixed and contained.

In witness whereof the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed, and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,

[CORPORATE SEAL.]

By..... Mayor.

Attest:

..... City Clerk.

NEW YORK AND QUEENS COUNTY RAILWAY COMPANY,

[SEAL.]

By..... President.

Attest:

..... Secretary.

(Here add acknowledgments.)

The President of the Board of Aldermen moved that the question as to whether or not the franchise should be granted be referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan and Queens.

Which motion was agreed to.

NEW YORK AND QUEENS COUNTY RAILWAY COMPANY.

A communication, dated May 11, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board May 1, 1908, fixing this day as the date for public hearing on the application of the New York and Queens County Railway Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing system, upon the Blackwells Island Bridge and its approaches, between the Boroughs of Manhattan and Queens, and designating the "Long Island City Daily Star" and the "Flushing Evening Journal" as the newspapers in which notice of such hearing should be published.

Which was ordered filed.

The public hearing on the application of the New York and Queens County Railway Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing system, upon the Blackwells Island Bridge and its approaches, between the Boroughs of Manhattan and Queens, was opened.

The hearing was fixed for this day by resolution duly adopted May 1, 1908.

Affidavits of publication were received from the "Long Island City Daily Star," the "Flushing Evening Journal" and the CITY RECORD prior to the hearing.

Arthur C. Hume, counsel for the Hudson and Long Island Traction Company and the South Shore Traction Company appeared in opposition to the proposed grant.

Van Vechten Veeder, counsel for the company, appeared in favor.

No one else desiring to be heard, the Chair declared the hearing closed.

The Secretary presented the following:

REPORT No. F-93.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The New York and Queens County Railway Company has applied to the Board for the right to build and operate a street surface railway across the Blackwells Island Bridge and on the approaches thereto from the existing tracks of the company in Jackson avenue, in the Borough of Queens, to the Manhattan terminus of the bridge. The petition was presented to the Board at the meeting held on May 1 last, at which time the Board fixed June 12 as the date for a public hearing.

I submit herewith a report of the Engineer in charge of the Division of Franchises, suggesting certain terms and conditions under which it is believed that this

franchise should be granted, together with a form of contract. This proposed contract has been predicated upon the assumption that the facilities and the rates of fare for crossing this bridge shall be on the same basis as the other East River bridges, namely, that the operating company shall deliver passengers at the Manhattan end of the bridge without an additional fare, and that it will also operate local bridge cars extending from the Queens terminus to the Manhattan terminus, upon which the rate of fare shall be three cents for a single trip, with two tickets for five cents. The suggested conditions for the use of the bridge are those which have been recommended by the Commissioner of Bridges, and they are based upon the assumption that the City will provide tracks and electrical equipment, that the company will maintain the tracks and equipment and supply motive power, and that the kind of cars to be operated and the manner of operation shall be under the control of the Commissioner of Bridges. It is suggested that the term of the grant be limited to ten years from the date of the signing of the contract by the Mayor, but that it may be continued for a further term not exceeding fifteen years, but that this extension of time may be terminable at the pleasure of the Board upon six months' notice to the company. While through passengers are to be carried without extra fare, it is expected that the local traffic will produce quite a large revenue, and the initial payment recommended is \$5,000, with annual payments of 5 per cent. of the gross receipts during the first fifteen years, and 6 per cent. during the next ten years, estimated upon the ratio which the mileage of bridge tracks bears to the mileage of the rest of the system, with a security deposit of \$5,000. It is also recommended that the company be charged for the use of the tracks and track equipment five cents per car for the round trip across the bridge, and that for the use of terminal loops or other facilities which may be supplied by the City the company be charged four per cent. per annum upon their cost.

It is recommended that the proposed form of contract be sent to the officers of the Company, with the request that the said company advise the Board in writing on or before June 19 whether it is willing to accept the grant upon the terms proposed, and if not, to indicate what provisions it is willing to accept and the reasons for its unwillingness to accept the remaining provisions.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
June 6, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—The New York and Queens County Railway Company, under date of April 14, 1908, petitioned the Board of Estimate and Apportionment for the right to construct, maintain and operate a street surface railway as an extension to its existing lines in the Borough of Queens, upon a route as follows:

Beginning with the existing tracks of the company in Jackson avenue, Borough of Queens, opposite the Blackwells Island Bridge plaza, thence upon the bridge plaza and the approach to the Blackwells Island Bridge, and upon the Blackwells Island Bridge and the westerly approach of the bridge to the terminus thereof in the Borough of Manhattan.

The petition was presented to the Board at the meeting held May 1, 1908, at which time June 12, 1908, was fixed as the date for the preliminary public hearing, and notice of the application and hearing to be advertised in two daily newspapers, to be designated by the Mayor. The "Long Island Daily Star" and the "Flushing Evening Journal" have been designated.

The New York and Queens County Railway Company was incorporated on June 29, 1896, and since that time it has merged with it several other companies which had been previously organized for the operation of and had constructed street surface railways in the Borough of Queens. It is the largest street surface railway operating in the Borough of Queens at the present time, and has a total single track mileage of about 74½ miles.

The history of the company has been quite fully set forth in previous reports to you upon applications for franchises made by the company, particularly the report dated September 12, 1907, which relates to an application of the company for franchises to operate extensions between the former villages of Flushing and Whitestone and between the former villages of Flushing and Bayside.

The company filed a certificate of extension in the office of the County Clerk of Queens County, covering a route across the Blackwells Island Bridge, as applied for on April 14, 1908.

The company has also before the Board at the present time a petition for a franchise beginning at Jackson avenue, opposite the bridge plaza; thence along the new street to be carried across Sunnyside Yard of the Pennsylvania Tunnel and Terminal Railroad Company, now in process of construction, to Thomson avenue; thence upon Thomson avenue and Hoffman boulevard to the intersection of Hoffman boulevard and Fulton street, in the former Village of Jamaica.

A separate report upon that petition will be submitted to you simultaneously with this.

The cars from all lines now operated by the applicant company, with the exception of the line operated upon Borden avenue, known as the Luthern Cemetery line, and the line upon Vernon avenue, pass the Queens entrance to the Blackwells Island Bridge upon the tracks in Jackson avenue. In consequence, should the company be granted the privilege of operating cars from its various lines across the bridge, as now applied for, the passengers upon those lines may reach the Manhattan end of the bridge for a single fare of five cents, and should the company be granted a franchise upon Hoffman boulevard and Thomson avenue, as above described, cars from that line may also be operated across the bridge to the Borough of Manhattan.

The company now operates a line known as the Dutch Kills Line, a part of which begins at the tracks of the company in Jackson avenue at Jane street, thence along Jane street to Academy street, thence crossing diagonally through the blocks between Freeman avenue and Washington avenue to Lockwood avenue, thence upon Lockwood avenue to Pierce avenue, thence upon Pierce avenue to Debevoise avenue, thence north on Debevoise avenue. This line crosses the Blackwells Island Bridge plaza, and should it continue to be operated as at present, all the cars of that line will cross the traffic to and from the Blackwells Island Bridge, and would seriously interfere with the efficient operation of the bridge and delay the operation of the cars at the Bridge entrance.

This line could be greatly improved by substituting for the portion upon Pierce avenue, Lockwood avenue, Academy and Jane streets a route upon Debevoise avenue from Pierce avenue to Jackson avenue, and thence continuing upon the tracks of the company in Jackson avenue to Jane street. Such a change of line would eliminate two right angle curves at the intersection of Pierce avenue with Debevoise avenue and Lockwood avenue, and also a curve at the intersection of Academy and Jane streets.

The line which would be abandoned under this plan is about 4,400 feet long. The length of double track to be constructed to take the place of the track so abandoned is about 2,700 feet, so that there would be a saving in the length of double track to maintain of about 1,700 feet. In addition to this the company would be benefited by avoiding delays and by the elimination of the danger of accidents at the bridge entrance, as well as the reduction of the high maintenance cost now necessary due to the curves, which would not exist in the new line.

This change would also be a benefit to the City in that it would remove the cars of this line from the bridge property, leaving the tracks and roadways upon the entrance to the bridge free for railroad and vehicular traffic.

I have called attention to the dangerous and inconvenient position of this Dutch Kills Line to Mr. F. L. Fuller, president of the company, and he has stated that he would recommend to the Board of Directors that the change of route be applied for and had no doubt that it would take favorable action thereon.

There is another reason why this change of line should be made in the near future, and that is that a change in the grade of Jackson avenue, from a point between Jane street and Skillman place to Lathrop street, was authorized by the Board on September 30, 1904. This change is quite material, it being proposed to raise the existing grade at one point over six feet.

Debevoise avenue has been graded to a point within about 200 feet north of Jackson avenue, where it ends abruptly, and cannot be completed until Jackson avenue is brought to the new established grade. This change of grade in Jackson avenue should be accomplished in the near future, if for no other reason than to avoid the payment of damages to abutting property owners, which may be necessary if the work is not done before such property is improved. I am informed by the engineers of the Borough of Queens that the new grade is necessary to conform with the

contemplated sewer plans for the Borough. While the work is being done the cars from the various lines of the company which operate over Jackson avenue will, I am informed by Mr. Fuller, the President of the company, be diverted to the Dutch Kills Line, so that cars from nearly all the lines of the company will be operated across the Blackwells Island Bridge plaza, thus increasing the congestion at that point.

At the meeting of the Board held April 10, 1908, the Chief Engineer, in a report to the Board upon this subject, recommended that the President of the Borough of Queens be requested to bring the matter before the Local Board in order that a proper resolution initiating the improvement be presented to the Board at the earliest date possible, and not later than May 8, 1908. The matter was referred to the President of the Borough of Queens, but no resolution has been received from the Local Board to date.

The Chief Engineer of the Bridge Department has stated that these tracks must be removed from the bridge plaza before the bridge is opened to traffic, which it is expected to accomplish in the near future.

In view of the foregoing it is suggested that the Board adopt a resolution requesting the New York and Queens County Railway Company to petition the Board for the right to change this line, and that the petition of the company to cross the Blackwells Island Bridge be not granted until said petition has been presented. I shall, however, append hereto a proposed form of contract for the right to use the Blackwells Island Bridge, but suggest that no action be taken upon such contract by the Board until the company has made application for this change of line.

CONDITIONS FOR THE PROPOSED FRANCHISE.

Local Bridge Cars.

Local bridge cars are now being operated upon the New York and Brooklyn and the Williamsburg bridges. These cars operate from one end of the bridge to the other and carry passengers for a fare of three cents, and sell two tickets for five cents, but do not give free transfers to any existing line at the terminus in either Borough. Even though cars are operated from both of these bridges into the Borough of Brooklyn and from the Williamsburg Bridge into the Borough of Manhattan, it has been found that there is considerable local bridge traffic, and for that reason it would seem that such operation of cars should be provided for upon the Blackwells Island Bridge at such reduced fare.

In reports upon the application of the South Shore Traction Company for the right to operate a railway in the Borough of Queens and across the Blackwells Island Bridge to the Borough of Manhattan, and upon the application of the Hudson and Long Island Traction Company for the right to operate a railway across the Borough of Manhattan and the Blackwells Island Bridge, it was suggested that these companies should not be allowed to operate the cars across the bridge until each company had constructed and put in operation one mile of continuous track upon the routes applied for, connecting with the tracks from the Blackwells Island Bridge. It seems to me that one of the main reasons for the City granting the franchises applied for by those companies is that they propose to operate cars through the Boroughs of Manhattan and Queens in such a way as to provide through facilities, thus preventing congestion at the bridge terminals; and, therefore, the contracts to those companies should be drawn in a way which will tend to accomplish that result. Furthermore, one of these companies, the Hudson and Long Island Traction Company, which is controlled by the same interests as those of the South Shore Traction Company, proposes to convey passengers across the bridge and the Borough of Manhattan for a fare of three (3) cents, so that that company will charge a fare only slightly in excess of that which is now charged upon local cars on the existing East River bridges, but with the privilege of a longer ride, thereby providing facilities similar to those furnished by local bridge cars.

The applicant company, however, has existing lines in the Borough of Queens which should be required to operate across the bridge without charging any fare other than that charged at the present time upon the existing lines, and it seems to me that the City should require this company to operate, in addition to through cars, local bridge cars at a reduced fare, and suggest that the contract require such operation.

Rate of Fare.

The company is not allowed by the existing Railroad Law to charge more than five cents for a continuous ride upon any of its existing lines or extensions thereto within the City, and since the line across the Blackwells Island Bridge is an extension to the existing lines, passengers may ride upon this extension to the Borough of Manhattan for the same fare. The fare upon the local bridge cars should not exceed that which is at present charged by companies operating local cars on the New York and Brooklyn and Williamsburg bridges. This fare does not exceed three cents and tickets are sold at the rate of two tickets for five cents, so that the fare is in most cases two and one-half cents. It is suggested that the company be required to issue such tickets at the rate of not exceeding three cents for one and five cents for two such tickets.

Conditions as to the Use of the Bridge.

The company applies for the right to construct, maintain and operate tracks upon the bridge and approaches. I am informed by the Commissioner of Bridges that it is his intention to construct the tracks upon the bridge, including all terminal facilities and also all electrical appliances necessary for the operation of cars; such tracks and equipment to remain the property of the City at all times. In consequence, the company should be given only the right to operate cars upon such tracks and to use such electrical equipment and terminal facilities.

In a letter dated May 8, 1908, the Bridge Commissioner has suggested certain conditions which he believes should be contained in any grant to railroad companies to operate upon the Blackwells Island or Manhattan bridges. These conditions may be briefly stated as follows:

1. The company should maintain the track and electrical equipment.
2. If deemed necessary by the Commissioner, the company should install and operate a signal system.
3. The company to furnish motive power for the operation of cars and electrical current for lighting its tracks.
4. If any change in the layout of tracks, curves, sidings, etc., the company is to bear the expense and the work is to be done pursuant to plans approved by the Commissioner.
5. The Commissioner to have the right to forbid cars to enter the bridge if they are not satisfactory to him.

6. The Commissioner to adopt rules and regulations as to the number of cars to be operated on the bridge, the rate of speed, movement and headway thereof and weight of cars and condition thereof, switching of cars and use of platforms, etc., which rules are to be complied with by the company.

7. The company to submit a plan showing the clearance dimensions, weight on axles, wheel spacing, etc., of cars, for his approval before operation is commenced upon the bridge.

8. The company to agree to protect and hold harmless the City and Commissioner of Bridges from losses, damages, claims for damages, etc.

I have incorporated all these conditions in the proposed form of contract attached hereto, though in a little different form than that submitted by the Commissioner.

I am informed by the Chief Engineer of the Department of Bridges that should two or more companies obtain the right to operate across this bridge, the cars of both or all companies shall be operated on the same pair of tracks—that is, within the capacity of those tracks. I have, therefore, added to the conditions suggested by the Commissioner of Bridges, that should the tracks be used by any other company, as well as the applicant company, then the applicant company shall pay only that proportion of the expense of installing the signal system and the cost of maintenance of the tracks as the use of such signal system and tracks by the applicant company shall bear to their entire use. This provision is also made in relation to the expense of changing the layout of tracks, curves, sidings, etc., should such changes be made necessary in order to facilitate the operation of cars of some other company as well as the applicant company.

Term of Grant.

In the reports upon the petitions of the South Shore Traction Company and the Hudson and Long Island Traction Company, submitted to you this day, it is proposed that the term of grant to use the Blackwells Island Bridge be limited to ten

years from the date when the contract is signed by the Mayor, but to continue for a further term not exceeding in any case fifteen years, which further period is terminable at any time during the pleasure of the Board upon six months' notice by the Board to the company. The reasons for this recommendation are set forth in those reports, and it is suggested that the same condition be inserted in the contract with this company.

Compensation and Security Fund.

No doubt the opening of the Blackwells Island bridge will be indirectly a great benefit to the New York and Queens County Railway Company, in that a large development and increase in population will result therefrom. The operation of the New York and Queens County Railway Company's cars from the bridge terminus in the Borough of Manhattan to the various lines of the company in the Borough of Queens will greatly aid in bringing about this development.

Since there will be considerable traffic upon this extension from the time of the commencement of the operation, and the company will require no outlay of capital for its construction, I would suggest that the percentage of gross receipts be fixed at 5 per cent. instead of 3 per cent. for the first five years, which is the minimum required by the Railroad Law. The minimum sums it seems proper to fix upon the basis of the present earnings of the company throughout the entire borough. No doubt this extension will earn more per mile than many parts of the existing lines of the company. However, the receipts from this particular extension cannot be ascertained, but must be calculated upon the basis of the entire earnings and mileage of the company, and it is, therefore, suggested that the minimum sums be fixed upon the basis of three miles of single track and the earnings per mile of the existing lines of the company. I would suggest, therefore, that the company pay the following compensation for this privilege:

1. Five thousand dollars (\$5,000) in cash within thirty days after the signing of the contract.

2. Annually during the first five years, 5 per cent. of the gross receipts, which shall not be less than two thousand dollars (\$2,000).

Annually during the second term of five years, 5 per cent. of the gross receipts, which shall not be less than two thousand two hundred dollars (\$2,200).

Annually during the third term of five years, or during such portion of said term as the contract shall be in force, 5 per cent. of the gross receipts, which shall not be less than two thousand four hundred dollars (\$2,400).

Annually during the fourth term of five years, or such portion of said term as the contract shall be in force, 6 per cent. of the gross receipts, which shall not be less than two thousand six hundred and seventy-five dollars (\$2,675).

Annually during the fifth term of five years, or such portion of said term as the contract shall be in force, 6 per cent. of the gross receipts, which shall not be less than two thousand nine hundred dollars (\$2,900).

3. For the use of the tracks and track equipment, five cents for each round trip for each and every car crossing the bridge, or two and one-half cents for each trip of each and every car crossing the bridge.

4. For the use of terminal loops or other terminal facilities which may be the property of the City, 4 per cent. per annum upon the cost of such facilities and also pay the cost of maintaining same in good condition.

It is suggested that the usual security deposit in either cash or securities be fixed at five thousand dollars (\$5,000).

The other conditions contained in the proposed form of contract herewith submitted cover in a general way the usual conditions heretofore employed in contracts with the Department of Bridges and railway companies for operation upon the other bridges, together with the usual conditions imposed by the Board of Estimate and Apportionment in all street railway franchises.

As suggested in the reports upon the other applications which are made simultaneously with this, it is recommended that a copy of the proposed form of contract be transmitted to the applicant and that it be directed to advise the Board on or before June 19 of its willingness to accept the terms and conditions therein proposed, or its objections thereto. A resolution to this effect is attached hereto, and also a resolution calling upon the Queens Company to apply for a change of route as outlined above.

The proposed form of contract has been submitted to the Commissioner of Bridges, and the same meets with his approval in so far as the conditions affecting the use of the bridge are concerned.

Respectfully,

HARRY P. NICHOLS,
Engineer in Charge.

Proposed Resolutions.

Whereas, The Chief Engineer of this Board has this day presented a report and proposed form of contract proposing certain terms and conditions to govern the grant of a franchise to the New York and Queens County Railway Company to maintain and operate a street surface railway as an extension to its existing system upon the Blackwells Island Bridge and its approaches, between the Boroughs of Manhattan and Queens; now therefore be it

Resolved, That the Secretary of this Board be and he hereby is directed to forward a copy of the aforesaid report and form of contract to the said New York and Queens County Railway Company, with instructions to direct said company to advise this Board, on or before June 19, 1908, in writing, over the signature of its President or Secretary, as to its willingness to accept the franchise on the terms and conditions proposed and in accordance with said contract, and should it fail to accept the contract in its entirety, the said railway company be and it is hereby directed, in lieu of the aforementioned written statement, to prepare and deliver, as aforesaid, a statement in writing, specifying in detail what sections and clauses of the proposed form of contract the company is ready and willing to accept, and as to the other sections and clauses, furnish full and detailed information as to the reasons for the action taken.

Resolved, That the New York and Queens County Railway Company be requested to present a petition to this Board not later than June 19, 1908, for the right to alter or change the route of its so-called Dutch Kills line, from the intersection of Jane street and Jackson avenue to the intersection of Pierce and Debevoise avenues to a position in Debevoise avenue, between Pierce avenue and Jackson avenue.

Synopsis of Provisions of Contract.

Section 1. Grant. Description of route.

Sec. 2. Conditions of grant.

First—Term of grant.

Second—Compensation to the City. Such compensation not to be considered a tax.

Third—Annual charges to be maintained throughout the term of contract.

Fourth—Rights not to be assigned.

Fifth—Tracks on bridge to be assigned by Bridge Commissioner; such assignment subject to change and not exclusive. Company to maintain track and electrical equipment under supervision of Commissioner of Bridges. Company to furnish power for operation, current for lighting tracks, and to install signal system if required. Changes in layout of tracks to be done at the expense of the Company. Cost of above to be divided if more than one company uses tracks.

Sixth—Type of car, etc., to be approved by Commissioner of Bridges. Commissioner of Bridges to adopt rules which shall be complied with by the Company.

Seventh—Company to operate sufficient cars to accommodate passengers at all times, and to operate local bridge cars.

Eighth—Rate of fare.

Ninth—Cars to be lighted.

Tenth—Cars to be heated.

Eleventh—Company to keep accurate books of account.

Twelfth—City may sue for forfeiture.

Thirteenth—Grant not to affect control of Commissioner of Bridges.

Fourteenth—Fine of \$250 for inefficient public service.

Fifteenth—Company to assume all liability of damages.

Sixteenth—Security deposit of \$5,000.

Seventeenth—Definition of words "notice" and "direction."

Eighteenth—if authority of Board or other officer is transferred, then such other board or officer shall act for City.

Sec. 3. Provisions of Railroad Law to be complied with.

Sec. 4. Company agrees to abide by all terms and conditions.

Proposed Form of Contract.

This contract, made the day of , 1908, by and between The City of New York (hereinafter called "the City"), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called "the Board"), and the New York and Queens County Railway Company (hereinafter called "the Company"), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree, as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the right and privilege to operate cars of the Company upon two tracks when constructed upon the Blackwells Island Bridge and approaches thereto, to be assigned to the Company by the Commissioner of Bridges, beginning and connecting with the tracks of the Company in Jackson avenue, opposite the Blackwells Island Bridge plaza, in the Borough of Queens; thence in and upon the Blackwells Island Bridge plaza to the easterly approach to the Blackwells Island Bridge; thence upon and along said approach and across intersecting streets and avenues to the Blackwells Island Bridge; thence upon and along the Blackwells Island Bridge to the westerly bridge approach; thence upon and along said westerly bridge approach to the westerly terminus thereof in the Borough of Manhattan, all in The City of New York.

Sec. 2. The grant of this right or privilege is subject to the following conditions, which shall be complied with by the Company:

First—The said right and privilege shall be held and enjoyed by the Company for a term of ten (10) years from the date upon which this contract is signed by the Mayor, and may continue for a further term not exceeding in any case fifteen (15) years, which further term shall be terminable at the option of the Board at any time during the said fifteen (15) years, upon six months' notice by the Board to the Company.

Second—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of five thousand dollars (\$5,000) in cash within thirty days after the date on which this contract is signed by the Mayor.

(b) During the first term of five years an annual sum, which shall in no case be less than two thousand dollars (\$2,000) and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of two thousand dollars (\$2,000).

During the second term of five years an annual sum which shall in no case be less than two thousand two hundred dollars (\$2,200), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of two thousand two hundred dollars (\$2,200).

During the third term of five years, or during such portion of said term as this contract shall be in force, an annual sum which shall in no case be less than two thousand four hundred dollars (\$2,400), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of two thousand four hundred dollars (\$2,400).

During the fourth term of five years, or during such portion of said term as this contract shall be in force, an annual sum which shall in no case be less than two thousand six hundred and seventy-five dollars (\$2,675), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of two thousand six hundred and seventy-five dollars (\$2,675).

During the remaining term of five years, or during such portion of said term as this contract shall be in force, an annual sum which shall in no case be less than two thousand nine hundred dollars (\$2,900), and which shall be equal to six (6) per cent. of its gross annual receipts, if such percentage shall exceed the sum of two thousand nine hundred dollars (\$2,900).

The gross receipts mentioned above shall be that portion of the gross earnings of the Company from all sources as shall bear the same proportion to its whole gross earnings as the length of the route hereby authorized shall bear to the entire length of the railway of the Company in operation.

The payment of such minimum sums shall begin from the day on which this contract is signed by the Mayor.

(c) For the use of the tracks owned by the City upon the Blackwells Island Bridge and approaches thereto, the sum of five cents for each round trip, or the sum of two and one-half cents for each single trip of each and every car operated upon the Bridge.

The number of such cars shall be certified by the Commissioner of Bridges to the Comptroller once each month, in such form as shall be designated by the Comptroller.

(d) Should the Company require any terminal loops or other terminal facilities which are the property of the City, it shall pay to the City four (4) per cent. per annum upon the cost of such facilities, and shall pay the cost of maintaining the same; provided, however, that if such terminal facilities are used by any other company or companies then the Company shall only pay such portion of four (4) per cent. per annum upon the cost thereof, and of the cost and maintenance of the same, as shall be proportionate to the use of such facilities. The Commissioner of Bridges shall determine such amounts and certify the same to the Comptroller.

All such sums as above shall be paid into the treasury of the City on November 1 of each year and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City, or by any law of the State of New York.

Third—The annual charges or payments shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sub-lease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of the route mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sub-lease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Fourth—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations, or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Fifth—The Company shall use only such tracks as shall be assigned to the Company by the Commissioner of Bridges, and nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, or to affect the right of the Commissioner of Bridges to assign the same or other tracks to such individual or other corporation.

Such tracks and all electrical equipment necessary for the operation of cars thereon shall be installed at the expense of the City, and shall remain the property of the City, but the Company shall keep and maintain such tracks and electrical equip-

ment in good order and repair, and in such manner as shall be approved and directed by the Commissioner of Bridges, and shall furnish all motive power required for the operation of its cars and all electrical current which may be required by the Commissioner of Bridges for the lighting of the tracks or terminals used by the Company. If deemed necessary by the Commissioner of Bridges, the Company shall install and operate a system of signals to insure the safe and efficient operation of cars; such system to be approved by the Commissioner of Bridges. In the event of any necessity for changing the layout of tracks, curves, switches, sidings or platforms on the bridge in order to facilitate operation of cars by the Company, said Company must do all the work and furnish all the labor and tools necessary for effecting such changes, which shall all be made under the control and direction of the Commissioner of Bridges, and no such changes or construction connected therewith, or relating thereto, shall be made unless the plan, or plans, for the same have been first submitted to the Commissioner of Bridges and approved by him.

If, however, such tracks, electrical equipment or signal system are used by any other company or companies, and should any change in the layout of such tracks, curves, switches, sidings or equipment be made necessary while used by any other company, then, and in that event, the Company shall bear only that proportion of the cost of such signal system, electrical current for the lighting of such tracks and terminals and the cost of making such changes in the layout of the tracks, curves, switches, sidings or platforms as the use of such track, electrical equipment and signal system by the Company shall bear to the entire use of such appliances.

Sixth—Before beginning the operation of the cars the Company shall file with the Commissioner of Bridges a statement for his approval and assent as to the type of car which it proposes to operate and a sketch showing clearance dimensions, weight on axles and wheel spacing or such other information as may be required by said Commissioner. All cars operated over the bridge by the Company, and all equipment and appliances relating to such operation shall be subject at all times to the inspection of the Commissioner of Bridges or his authorized representatives, who shall have power to forbid the entrance to the bridge of cars which may for any reason be unsatisfactory, and who shall have power to direct the removal of any old or inadequate appliance and the substitution therefor of appliances of approved character.

Said Commissioner may adopt rules and regulations in regard to the number of cars to be operated over the bridge, the rate of speed of said cars, the movement and headway thereof, the type and weight of cars to be used and the condition thereof, the switching of cars and the use of platforms and the control of the electrical current used by the Company, and the said Commissioner may alter and amend any such rules and regulations so as to secure the safety and comfort of persons using the bridge and preserve the purposes for which the bridge was constructed, and upon serving notice upon the Company that such rules and regulations have been made, amended or altered the Company shall comply with all the requirements thereof.

Seventh—A sufficient number of cars from the lines of the Company operated in the Borough of Queens shall at all times be operated across the bridge to accommodate passengers desiring to ride upon such cars. The Company hereby agrees to furnish and supply a sufficient number of cars (herein called "local bridge cars") and operate the same during the term of this contract, back and forth upon the bridge, between the bridge plaza in the Borough of Queens and the bridge approach in the Borough of Manhattan, with such frequency as to reasonably accommodate the traveling public.

Eighth—The rate of fare for any passenger upon such railway other than upon local bridge cars shall not exceed five cents, and the Company shall not charge any passenger more than five cents, for one continuous ride from any point on said railway or line or branch operated in connection therewith to any point thereof, or any connecting line or branch thereof within the limits of the City. The rate of fare upon the bridge local cars, entitling a passenger to ride once across the bridge upon the said bridge local cars, shall not exceed three cents, and the Company shall at all times have tickets on sale at convenient points, one of which tickets shall entitle a passenger to ride across said bridge upon said local bridge cars, and the Company shall sell such tickets at the rate of not exceeding three cents for one and five cents for two.

The Company shall carry free upon all cars operated upon the railway hereby authorized or required during the term of this contract all members of the Police and Fire Departments of the City, when such employees are in full uniform, and shall carry free upon the bridge local cars such employees of the Department of Bridges as may be designated by the Commissioner of Bridges.

Ninth—All cars operated on said railway shall be well lighted by electricity or by some lighting system equally efficient, or as may be required by the Board.

Tenth—All cars which are operated on said railway shall be heated during the cold weather, in conformity with such laws and ordinances as are now in force or may hereafter, during the term of this contract, be enacted or adopted by the State or City officials.

Eleventh—The Company shall at all times keep accurate books of account of the gross earnings from all sources, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the total miles of railway operated, pursuant to this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twelfth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or equity.

Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Thirteenth—Nothing in this contract shall be deemed to affect in any way the right of the Commissioner of Bridges to make any alterations or changes in the construction, operation or management of the bridge or to affect in any way the control of such Commissioner over such bridge, as provided by the Charter of the City.

Fourteenth—If the Company shall fail to give efficient public service at the rates herein fixed, or shall fail to maintain the structures and equipment as herein provided in good condition throughout the whole term of this contract, the Board may give notice to the Company, specifying any default on the part of the Company and requiring the Company to remedy the same within a reasonable time, and upon failure of the Company to remedy such default within a reasonable time, the Company shall, for each day thereafter during which the default or defect remains, pay to the City the sum of two hundred and fifty dollars (\$250), as fixed or liquidated damages, or the Board, in case such structures or equipment shall not be put in good condition within a reasonable time, after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided for.

Fifteenth—The Company shall assume all liability to persons or property by reason of the operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Sixteenth—This grant is upon the express condition that the Company within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of The City of New York the sum of Five thousand dollars (\$5,000) either in money or securities to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, and the repair and maintenance of tracks and equipment upon the bridge, and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund with-

out legal proceedings; or after default in the payment of the annual charges, shall collect the same with interest from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the rules and regulations made by the Commissioner of Bridges and the heating and lighting of cars, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated or lighted in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund, the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of five thousand dollars (\$5,000), and in default thereof this contract shall be cancelled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Seventeenth—The words "notice" or "direction" wherever used in this contract shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction and shall be deemed to have been given at the time of delivery or mailing.

Eighteenth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other Board, authority, officer or officers, then and in such case such other Board, authority, officer or officers shall have all the powers, rights and duties herein referred to or prescribed for the Board or other authorities, officer or officers.

Section 3—This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Section 4—The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,

By..... Mayor.

[CORPORATE SEAL.]

Attest:

..... City Clerk.

NEW YORK & QUEENS COUNTY RAILWAY COMPANY,

By..... President.

[CORPORATE SEAL.]

Attest:

..... Secretary.

(Here add acknowledgments.)

The President of the Board of Aldermen moved that the question as to whether or not the franchise should be granted be referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan and Queens.

Which motion was adopted.

NASSAU ELECTRIC RAILROAD COMPANY.

A communication, dated May 18, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board May 15, 1908, fixing this day as the date for public hearing on the application of the Nassau Electric Railroad Company for a franchise to construct, maintain and operate a branch or extension to its existing line on Flatbush, Fourth and Atlantic avenues, Borough of Brooklyn, and designating the "New York Tribune" and the "New York Times" as the newspapers in which notice of such hearing should be published.

Which was ordered filed.

The public hearing on the application of the Nassau Electric Railroad Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing system upon Flatbush, Fourth and Atlantic avenues, Borough of Brooklyn, was opened.

The hearing was fixed for this day by resolution duly adopted May 15, 1908.

Affidavits of publication from the "New York Tribune," the "New York Times" and CITY RECORD were received prior to the hearing.

Mr. William H. Page, Jr., appeared in opposition to the proposed grant.

A. M. Williams, of counsel for the company, appeared in favor.

No one else desiring to be heard, the Chair declared the hearing closed.

The Secretary presented the following:

REPORT NO. F-101.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The Nassau Electric Railroad Company has applied to the Board for a franchise to construct and operate a double or single track surface railway upon Atlantic avenue, Flatbush avenue and Fourth avenue, in the Borough of Brooklyn, these tracks being designed to permit the cars of this company to loop and return at the subway station at the end of the present Interborough line, which is at the junction of Flatbush and Atlantic avenues. The company first made application to the President of the Borough of Brooklyn for the right to lay such tracks, but the Corporation Counsel advised that such a permit would constitute a franchise, but in view of the need of increased facilities owing to the extension of the Rapid Transit Railroad, he suggested that the President of the Borough grant a permit for the installation of the tracks on condition that the company would immediately make proper application to the Board for the right to operate them. This application was accordingly made, and the Board fixed June 12 as the date for a public hearing.

I beg to submit herewith the report of the Engineer in charge of the Division of Franchises, together with a proposed form of grant. The compensation suggested

is practically nominal, being \$500 as an initial payment, with further payments estimated upon the provision of the Railroad Law, with guaranteed minimum payments of \$100 annually for the first five years, and \$200 for the second five years, the term recommended for the grant being ten years, with the privilege of a renewal for fifteen years.

It is recommended that the company be requested to advise the Board in writing before June 19, whether it is willing to accept the grant upon the terms suggested, and if not, to give its reasons for declining to accept them.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY, }
June 8, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—The Nassau Electric Railroad Company (hereinafter referred to as the Nassau Company), under date of May 4, 1908, has petitioned the Board of Estimate and Apportionment for the grant of a franchise to construct, maintain and operate a double or single track street surface railway in the Borough of Brooklyn, upon Atlantic, Flatbush and Fourth avenues, connecting the existing tracks of the petitioner on the easterly side of Flatbush avenue, between Atlantic and Fourth avenues, with the tracks of the Brooklyn City Railroad Company at the intersection of Flatbush and Atlantic avenues. The route and connections are shown upon a map and plan accompanying the petition, which map is entitled:

"The Nassau Electric Railroad Company, Engineering Department, Brooklyn, N. Y., Trolley Loop, Flatbush, Atlantic and Fourth Aves." Dated May 7, 1908, and signed and approved by J. F. Calderwood, vice-president, and W. S. Menden, Chief Engineer.

The approximate length of the route applied for is four hundred feet.

The petition was presented to the Board at the meeting of May 15, 1908, and referred to the Chief Engineer, and a resolution was adopted fixing June 12, 1908, as the date for the preliminary public hearing, and the Mayor requested to designate two daily newspapers in which notice of the application and such hearing should be published pursuant to law.

The "New York Times" and "New York Tribune" were so designated.

On February 26, 1908, the Company made application to the Bureau of Highways of the Borough of Brooklyn for a departmental permit:

"Under franchise granted by the Common Council July 21, 1834, and September 3, 1834, to the Brooklyn and Jamaica Railroad Company, to open Flatbush, Fourth and Atlantic avenues, for the purpose of installing a single-track loop, connecting the existing side track in Flatbush avenue and the east-bound main track in Flatbush avenue through Fourth and Atlantic avenues; also to change curb corners. All in connection with providing suitable facilities for handling subway traffic."

Under date of March 25, 1908, the Borough President referred the matter to the Corporation Counsel for an opinion as to whether the proposed improvement was such as required only an administrative permit or whether application should be made to the Board of Estimate and Apportionment for a franchise.

On April 29, 1908, the Acting Corporation Counsel rendered an opinion in which he says:

"I am, therefore, of the opinion that it is not within your power to issue the permit applied for, and for any new rights in the streets of the nature applied for a franchise must be obtained, for which application must be made in due form to the Board of Estimate and Apportionment according to the provisions of the Greater New York Charter."

"Since writing the above the Company informs me that in the event of my opinion being adverse to the validity of its claim to lay tracks in the said streets it will at once make application to the Board of Estimate and Apportionment for a franchise on the route in question.

"If, in your opinion, there is a pressing necessity for the immediate laying of these tracks, I advise you that it is within your power to authorize such construction by the issuing of a temporary permit. Such a permit should contain the following clause:

"This temporary permit is issued on the understanding that the Company will forthwith make application to the Board of Estimate and Apportionment for a franchise over the route hereinbefore described. Upon failure of the said Board to grant such franchise or to agree upon terms, or in the event of the President of the Borough of Brooklyn terminating this permit for any reason at any time, the Company shall forthwith remove its tracks and restore the streets to their original condition. This permit shall not become operative until the Company shall duly execute and file with the President of the Borough an instrument in writing agreeing to accept and conform to the terms and conditions of this permit."

Pursuant to this opinion the permit as applied for was issued on May 6, 1908, and contained the stipulation above quoted, and on May 19, 1908, an agreement was executed by J. F. Calderwood, vice-president of the company, accepting the permit upon the terms and conditions therein specified, and agreeing to conform with said terms and conditions according to the intent thereof.

The said agreement was approved as to form by the Acting Corporation Counsel.

On May 6, 1908, the Company applied to the Public Service Commission for the First District for the permission and approval of said Commission for the construction of the proposed loop, as required by section 53 of chapter 429 of the Laws of 1907, establishing the Commission, and a hearing on the application was held May 18, 1908. In reply to an inquiry from this Division the Company, in a communication under date of May 25, 1908, states that the certificate of approval will not be issued until after the Board grants a franchise. The Company filed its certificate of extension with the Secretary of State, as required by the Railroad Law, on May 8, 1908. In the above mentioned communication of May 25 it is stated that the consents of the owners of one-half in value of the abutting property have not yet been obtained, but that the Company expects to procure them within a short time.

Object of the Extension.

The proposed extension will provide a loop terminal circling the Atlantic avenue station of the subway, situated in the public place bounded by Flatbush, Fourth and Atlantic avenues, and will facilitate the transfer of passengers at this point between the subway and surface lines. The loop is to commence at the termination of the existing third track or siding on the easterly side of Flatbush avenue, about 120 feet westerly from the northerly side of Atlantic avenue and opposite the Flatbush avenue depot of the Long Island Railroad, and will connect with the eastbound tracks of the Brooklyn City Railroad near the present intersection of the existing tracks on Flatbush and Atlantic avenues. The third track or siding above referred to begins in Atlantic avenue, near Fifth avenue, and makes connection at this point with both the eastbound and westbound tracks in Atlantic avenue.

A recent examination made by this Division shows that the portion of this third track in Flatbush avenue, which had been removed during the construction of the subway, has been replaced and that said track now terminates at about the point where the proposed loop will begin, and that work has been commenced on the loop. The loop, when constructed, will permit the cars of lines operating on Atlantic and Flatbush avenues to enter it from either direction and discharge and receive passengers at the stations of the Long Island Railroad and the subway, and then connect again with the present tracks in Flatbush and Atlantic avenues. These lines will thus be enabled to terminate their westbound trips at this point, beyond which street surface travel has been materially lessened by the opening of the subway to Atlantic and Flatbush avenues.

Existing Franchise Rights in Atlantic and Flatbush Avenues.

The original rights for the existing double track in the centre of Atlantic avenue were obtained by the Brooklyn and Jamaica Railroad Company, incorporated by chapter 256 of the Laws of 1832, which authorized the building of a single or double track railroad from any point in the Village of Brooklyn to any point in the Village of Jamaica. These rights, after passing through a series of sales and leases, finally became the property of the Atlantic Avenue Railroad Company, and in January, 1899, this Company was merged with the Nassau Company.

By resolution of the Common Council of the City of Brooklyn, adopted December 19, 1853, the Brooklyn City Railway was authorized, among other routes, to construct

a double track railroad upon Fulton street, Fulton avenue and Flatbush avenue, when graded, to the City line. On July 8, 1878, the Common Council of the City of Brooklyn adopted a resolution granting permission to the Atlantic Avenue Railroad Company "to lay and construct a siding from the depot of the Long Island Railroad Company on Flatbush avenue near Atlantic avenue, in front of the property of said Long Island Railroad Company." The siding or existing third track in Atlantic and Flatbush avenues, with which it is proposed to connect the extension applied for, has apparently been constructed under this authority.

Conditions for the Proposed Franchise.

Single Track Only—The application under consideration asks for permission to construct a double or single track surface railway. The plans accompanying such application and the permit for the work show that it is intended to construct at the present time a single track loop only. Atlantic avenue, between Fourth and Flatbush avenues, is an 80-foot street, with a 20-foot sidewalk on the southerly side, leaving a roadway of 60 feet. It is proposed to reduce this width of roadway by moving the present curb along the public place about three feet to the south, in order to facilitate the construction of the loop. Should this be done and a single track loop constructed, there will be left a clear space of about twelve feet between the southerly rail of the loop and the northerly rail of the present tracks in the centre of the avenue. This space would be but little more than sufficient for a second track on the proposed loop. It will thus be seen that should a double track loop be built, all but about twenty-two feet on the southerly side of Atlantic avenue, between Fourth and Flatbush avenues, would be occupied by car tracks, to the exclusion of vehicular traffic.

A fourth track in Flatbush avenue, between the Long Island Railroad depot and the entrance to the subway, would also be objectionable and a hindrance to traffic. It would, therefore, seem advisable to limit the number of tracks on the loop to one, and the proposed form of contract has been thus drawn.

Loop for Passenger Cars Only and Not to Be Used for Storage—In order to lessen, as much as possible, the inconvenience to vehicular traffic or to pedestrians crossing Atlantic and Flatbush avenues in this neighborhood, it would appear that the use of the proposed loop and existing third track should be restricted to passenger cars and that such tracks should not be used for the storage of cars. Clauses to this effect have been inserted in the form of contract herewith submitted.

Wires and Conduits—For the operation of so short a loop it is possible that no feed wires would be required other than the overhead trolley wires. It, therefore, does not appear to be necessary to require the Company to place feed wires in conduits at present. It is recommended, however, that a clause be inserted in the contract reserving to the Board the authority to require the Company, upon six months' notice, to remove any or all of its feed wires or other wires used in the operation of the railway, with the exception of the overhead trolley wires, and place the same in conduits underneath or alongside the railway tracks.

Underground System—Until such time as the connecting lines are operated by the underground system no necessity exists for the operation of cars on the proposed loop by such system. I believe, however, that the Board may properly reserve the right to cause the removal of all wires from above the surface of the street, thus compelling the adoption of the underground system at any time upon one year's notice during the term of the contract, should such construction seem advisable and necessary. This condition was recommended in the reports upon the applications of the New York and Queens County Railway Company, the Queens Borough Street Railway Company and the Brooklyn, Queens County and Suburban Railroad Company, and is similar to that used in the franchise to the New York City Interborough Railway Company. Accordingly it is recommended that a similar clause be inserted in the contract to the Nassau Company.

Change of Curb Line—In order to permit the construction of the proposed loop, it is designed to change the existing curb enclosing the triangular public place about which the loop is to be situated, by moving a portion of the curb on Atlantic avenue about three feet out into said avenue. It would seem that the expenses connected with this change of curb, together with the expense of changing any receiving basins that may be affected by such change, should be borne by the Nassau Company. This provision is covered by the usual clause requiring any alteration in subsurface or surface structures required on account of the construction or operation of the railway to be made at the sole cost of the Company.

Agreement with Brooklyn City Railroad Company—As previously stated, the proposed loop will connect existing tracks of the Nassau Company in Flatbush avenue with existing tracks of the Brooklyn City Railroad Company in said avenue. The Brooklyn City Company is leased to the Brooklyn Heights Railroad Company, which latter Company is controlled by the Brooklyn Rapid Transit Company through ownership of stock. The Brooklyn Rapid Transit Company also owns a controlling share of the stock of the applicant Company. Therefore, at the present time both the Nassau and Brooklyn City Companies, whose tracks it is proposed to connect, are component parts of the Brooklyn Rapid Transit system, but inasmuch as this relationship may be changed before the expiration of the original or renewal term of the franchise applied for, it would seem advisable that a form of agreement be entered into between the Nassau and Brooklyn City Companies in relation to the use of each other's tracks. I have prepared such an agreement and attached it to the form of contract herewith submitted.

Water Mains—The Deputy Commissioner of Water Supply, Gas and Electricity, in response to an inquiry from this Division requesting information as to any special conditions which in his judgment should be included in the form of contract, under date of May 26, 1908, recommends that the following provisions be inserted:

1. No change in existing water mains to be made without a permit from the Commissioner of Water Supply, Gas and Electricity and the approval by the Chief Engineer of that Department of the plan for the desired change.
2. Any such change to be made under the supervision of the said Chief Engineer.
3. All such changes to be made at the sole expense of the Company.
4. A joint or gate valve or main occupying a position under the proposed tracks to be removed by the Company to a position outside of such tracks.
5. Any water main parallel to and under any structure of the Company to be removed by the Company to a position outside of the structure.
6. New mains to be laid at such depth that there shall be at least four feet of covering over them and a space of at least eighteen inches between any main and the structure of the Railway Company.

These provisions would appear to be amply covered by the usual clauses inserted in all contracts providing that any alteration to any subsurface structures, pipes, etc., on account of the construction or operation of the railway shall be made at the sole cost of the Company and in such manner as shall be prescribed by the proper City officials, and that permits in which special conditions may be imposed for the purpose of protecting the structures over which such officials have jurisdiction shall be obtained from the President of the Borough and the Commissioner of Water Supply, Gas and Electricity before construction shall be commenced.

A provision embodying all the foregoing suggestions has, however, been inserted in the proposed form of contract herewith submitted.

Compensation.

For compensation for the franchise applied for, I would suggest for the first ten years the percentage of the gross receipts be the minimum required by the Railroad Law, that is, 3 per cent. for the first five years, and 5 per cent. for the succeeding five years. For the initial sum I would recommend \$500.

I would recommend as the minimum sums the following amounts:

For the first five years.....	\$100 00
For the second five years.....	200 00

For a security deposit to insure the faithful performance of the terms and conditions of the contract, I would recommend that \$1,000, in either money or securities, be required and deposited with the Comptroller within thirty days of the signing of the contract by the Mayor. The contract should date from May 6, 1908, the day upon which the temporary permit was granted for the commencement of the work.

Other Conditions.

The contract is drawn to provide for a term of ten years, with the privilege of renewal for a further term of fifteen years.

Under date of May 15, 1908, communications were addressed by this Division to the President of the Borough of Brooklyn and the Commissioner of Water Supply,

Gas and Electricity, asking these officials whether there were any special conditions which should be imposed should the Board grant a franchise.

In a reply dated May 23, 1908, received from the President of the Borough of Brooklyn, it is stated:

"The track that the Nassau Electric Railroad Company proposes to extend under this franchise is a siding which has been extended, from time to time, to its present location, and on the assumption that the Railroad Company has a right to this siding I do not see any objection to granting the franchise applied for, the usual conditions to be imposed."

The reply from the Commissioner of Water Supply, Gas and Electricity has already been referred to.

The other conditions proposed and inserted in the proposed form of contract which is appended, are those which have been employed in former grants to street surface railway companies and need, therefore, no discussion.

It is recommended that a copy of the proposed form of contract be transmitted to the applicant and that it be directed to advise the Board on or before June 19 of its willingness to accept the terms and conditions therein proposed, or its objections thereto. A resolution to this effect is attached hereto.

Respectfully,

HARRY P. NICHOLS, Engineer-in-Charge.

Synopsis of Provisions of Contract.

Section 1. *Grant.*

Sec. 2. *Conditions of grant.*

First—Property owners' consents to be obtained within six months or application must be made to the Court within one month thereafter; otherwise rights to cease and determine.

Second—Term of grant ten years; with privilege of renewal for fifteen years upon revaluation.

Third—Compensation to the City; such compensation not to be considered a tax.

Fourth—When rights cease, property to become City's.

Fifth—Annual charges to be maintained throughout the term of contract.

Sixth—Rights not to be assigned.

Seventh—Right not exclusive.

Eighth—Motive power.

Ninth—All wires, except trolley wires, to be placed in conduits upon six months' notice by the Board. The Company to furnish two conduits for the use of the City.

Tenth—Commencement and completion of construction.

Eleventh—Construction and operation to be under the control of City authorities.

Twelfth—Railway to be constructed and operated in the latest improved manner.

Thirteenth—Rate of fare not to exceed five cents on railway or any line or branch operated in connection therewith within the City.

Fourteenth—No freight cars to be operated. Tracks not to be used for storage of cars.

Fifteenth—Headway of cars.

Sixteenth—Fenders and wheel guards to be provided.

Seventeenth—Cars to be heated.

Eighteenth—Streets to be watered.

Nineteenth—Cars to be lighted.

Twentieth—Snow and ice to be removed.

Twenty-first—Company to keep in repair the pavement and must pave between tracks and two feet outside.

Twenty-second—Expense of alteration to sewerage or drainage system to be borne by Company.

Twenty-third—Permission to construct to be obtained from administrative officers.

Twenty-fourth—Construction or operation not to interfere with any public work.

Twenty-fifth—Company to change railway if grades of streets are changed. Roads to be widened at expense of Company where necessary.

Twenty-sixth—Annual reports to the Board.

Twenty-seventh—Company to keep accurate books of account. Reports to Comptroller.

Twenty-eighth—City may sue for forfeiture.

Twenty-ninth—Fine of \$250 for inefficient public service.

Thirtieth—Company to assume all liability of damages.

Thirty-first—Security deposit, \$1,000.

Thirty-second—Grant subject to rights of abutting property owners.

Thirty-third—Definition of words "Notice" and "Direction."

Thirty-fourth—If authority of Board or other officer is transferred, then such other Board or officer shall act for City.

Sec. 3. Company to enter into an agreement with Brooklyn City Company.

Sec. 4. Provisions of Railroad Law to be complied with.

Sec. 5. Company agrees to abide by all terms and conditions.

Proposed Form of Contract.

This contract, made this day of , 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the Nassau Electric Railroad Company (hereinafter called the Company), incorporated under and pursuant to the Laws of the State of New York, for the purpose of building, maintaining and operating a street surface railroad, party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the right and privilege to construct, maintain and operate a single track extension to its present street surface railway, with the necessary wires and equipment, for the purpose of conveying passengers in the Borough of Brooklyn, in the City of New York, upon the following route:

Beginning at the terminus of its present track on the easterly side of Flatbush avenue, between Atlantic avenue and Fourth avenue; thence along Flatbush avenue to Fourth avenue, and running thence in a westerly direction across the tracks of the Brooklyn City Railroad Company on Flatbush avenue and making a suitable connection therewith to Fourth avenue; thence along Fourth avenue to Atlantic avenue and along Atlantic avenue to Flatbush avenue, and making a suitable connection with the tracks of the Brooklyn City Railroad Company at the intersection of Flatbush avenue and Atlantic avenue.

The said route and connections hereby authorized are more particularly shown upon a map entitled:

"The Nassau Electric Railroad Company, Engineering Department, Brooklyn, N. Y., Trolley Loop, Flatbush, Atlantic and Fourth Aves." Dated May 7, 1908, signed and approved by J. F. Calderwood, vice-president, and W. F. Menden, chief engineer, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed.

Sec. 2. The grant of this privilege is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months of the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time, the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of ten (10) years, from May 6, 1908, with the privilege of renewal of said contract for the further period of fifteen (15) years, upon a fair revaluation of such right and privilege.

If the company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the orig-

inal term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year prior to the termination of the original term of this contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding fifteen (15) years shall be reasonable, and either the City (by the Board) or the Company shall be bound upon request of the other to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If in any case the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third—The Company shall pay to the City for this privilege the following sums of money:

The sum of five hundred dollars (\$500) in cash within thirty (30) days after the date on which this contract is signed by the Mayor.

During the first term of five years an annual sum which shall in no case be less than one hundred dollars (\$100), and which shall be equal to 3 per cent. of the gross annual receipts of the railway constructed under this contract, computed in the manner provided by the Railroad Law, if such percentage shall exceed the sum of one hundred dollars (\$100).

During the second term of five years an annual sum which shall in no case be less than two hundred dollars (\$200), and which shall be equal to 5 per cent. of the gross annual receipts of the railway constructed under this contract, computed in the manner provided by the Railroad Law, if such percentage shall exceed the sum of two hundred dollars (\$200).

The gross receipts mentioned above shall be the gross earnings of the Company from all sources within the limits of the City.

The payment of such minimum sums shall begin from May 6, 1908.

Such minimum annual sums shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above such sum over and above such minimum shall be paid to the said Comptroller on or before November in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Fourth—Upon the termination of this original contract, or if the same be renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract within the streets and highways shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of its tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fifth—The annual charges or payment shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company, its successors or assigns, or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations or otherwise, without the consent of the City, acting by the Board, or its successors in authority, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways.

The use of said railway which shall be constructed by the Company under this contract, including the tracks, wires and other equipment, or any structures, in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway and structures and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Eighth—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of Brooklyn, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board and consented to by the abutting property owners, in accordance with the provisions of law and by the Public Service Commission of the First District of the State of New York.

Provided, however, that the Board, upon giving to the grantee one year's notice, may require the Company to operate its railway upon the whole or upon any portion of its route, by underground electric power substantially similar to the system now in use on the street surface railways in the Borough of Manhattan, and thereupon to discontinue the use of the overhead trolley system, and to remove its poles, wires and other structures used by it for that purpose from the streets, avenues and highways of the City.

Ninth—Upon six months' notice by the Board to the Company all wires for the transmission of power, except trolley wires, for the operation of the railway upon all or any portion of the route hereby authorized shall be placed in conduits beneath or alongside of the railway. The Company shall provide in such conduits two ducts not less than 3 inches in diameter for the exclusive use of the City. Such ducts shall be used only by the Company for the operation of its railway and by the City, as above.

Tenth—The Company shall commence construction of the railway herein authorized within six months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within six months from the date of obtaining such consents or such decision, otherwise this right shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City, as hereinafter provided, shall thereupon be forfeited to the City; provided, that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided, further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and provided further, that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall, in writing, consent that the Board either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Eleventh—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City.

Twelfth—Said railway shall be constructed and operated in the latest improved manner of street railway construction and operation, and the railway and property of the Company shall be maintained in good condition throughout the term of this contract.

Thirteenth—The rate of fare for any passenger upon such railway shall not exceed 5 cents, and the Company shall not charge any passenger more than 5 cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or of any connecting line or branch thereof, within the limits of the city.

The Company shall carry free upon the railway hereby authorized during the term of this contract all members of the Police and Fire departments of the City, when such employees are in full uniform.

Fourteenth—No cars shall be operated upon the railway hereby authorized, other than passenger cars, and cars necessary for the repair or maintenance of the railway, and no freight or express cars shall be operated upon the tracks of said railway; and the existing siding in Atlantic and Flatbush avenues and the tracks hereby authorized shall not be used for the storage of cars. Free and uninterrupted access to and passage over Atlantic, Fourth and Flatbush avenues shall be maintained at all times, and no cars shall be allowed to remain stationary within the limits of said avenues at any time, except while passengers are actually engaged in entering said cars or alighting therefrom.

Fifteenth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Sixteenth—The Company shall attach to each car run over the said railway proper fenders and wheel guards, in conformity with such laws and ordinances as are now in force, or may hereafter, during the terms of this contract, be enacted or adopted by the State or City authorities.

Seventeenth—All cars which are operated on said railway shall be heated during the cold weather, in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Eighteenth—The Company, so long as it shall continue to use any of the tracks upon the streets and avenues in which said railway shall be constructed, shall cause to be watered at least three times every twenty-four hours when the temperature is above 35 degrees Fahrenheit, the entire width of the streets and avenues, except when the width of such streets and avenues shall exceed 60 feet between curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets and avenues in a satisfactory manner.

Nineteenth—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Twentieth—The Company shall at all times keep the streets, avenues or highways upon which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of 2 feet beyond the rails, on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the President of the Borough of Brooklyn, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Twenty-first—As long as the said railway, or any portion thereof, remains in any street, avenue or highway, the Company shall have and keep in permanent repair that portion of the surface of the street, avenue or highway in which said railway is constructed, between its tracks, the rails of its tracks, and for a distance of 2 feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue or highway, and in that event the Company, its successors or assigns, shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewal or altered pavement.

Twenty-second—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets, required on account of the construction or operation of the railway, shall be made at the sole cost of the Company, and in such manner as the proper City officials may prescribe.

Twenty-third—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of Brooklyn and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose, as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Twenty-fourth—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public works in the streets, whether the same is done by the City directly or by a contractor for the City, the Company shall, at its own expense, protect or move the

tracks and appurtenances in a manner as directed by the President of the Borough of Brooklyn.

Twenty-fifth—Should the grades or lines of the streets, avenues or highways in which the franchise is hereby granted be changed at any time during the term of this contract, or should any such street, avenue or highway be made a boulevard, in which it may be desirable to have the position of the tracks changed, the Company shall, at its own expense, change its tracks to conform with such new grades, lines and positions as shall be directed by the Board or by the official having jurisdiction of such streets, avenues, highways or boulevards, and during the construction of any public improvement upon said street, avenue, highway or boulevard, the Company shall take care of and protect the track at its own expense; all to be done subject to the direction of the official having jurisdiction.

Should, in the opinion of the President of the Borough of Brooklyn, the present roadway of any of the said streets, avenues or highways be of insufficient width to accommodate both railway and other vehicular traffic, the Company shall widen such roadway under the direction of the President of the Borough of Brooklyn to a width sufficient to accommodate such traffic; provided, that no roadway shall be widened beyond the total width of the street, avenue or highway.

Twenty-sixth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.
2. The amount paid in as by last report.
3. The total amount of capital stock paid in.
4. The funded debt by last report.
5. The total amount of funded debt.
6. The floating debt as by last report.
7. The total amount of floating debt.
8. The total amount of funded and floating debt.
9. The average rate per annum of interest on funded debt.
10. Statement of dividends paid during the year.
11. The total amount expended for same.
12. The names of the directors elected at the last meeting of the corporation held for such purpose.
13. Location, value and amount paid for real estate owned by the Company as by last report.
14. Location, value and amount paid for real estate now owned by the Company.
15. Number of passengers carried during the year.
16. Total receipts of Company for each class of business.
17. Amounts paid by the Company for damage to persons or property on account of construction and operation.
18. Total expenses for operation, including salaries.

—and such other information in regard to the business of the Company as may be required by the Board.

Twenty-seventh—The Company shall at all times keep accurate books of account of the gross earnings from all sources within the limits of the City, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company, for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twenty-eighth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity. Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Twenty-ninth—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structures and equipment as herein provided in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall, for each day thereafter during which the default or defect remains, pay to the City the sum of two hundred and fifty dollars (\$250) as fixed or liquidated damages, or the Board, in case such structures or equipment which may affect the surface of the streets shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided.

Thirtieth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-first—This grant is upon the express condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of The City of New York the sum of one thousand dollars (\$1,000), either in money or securities, to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway, and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel-guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel-guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of one thousand dollars (\$1,000), and in default thereof this contract shall be cancelled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-second—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-third—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Thirty-fourth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other board, authority, officer or officers, then and in such case such other board, authority, officer or officers, shall have all the powers, rights and duties herein reserved to or prescribed for the Board or other authorities, officer or officers.

Sec. 3. The grant of the privilege to the Company is likewise subject to the following condition:

This contract shall not become operative until the Nassau Company shall procure to be executed and approved in proper form for record, and duly delivered to the Board of Estimate and Apportionment an agreement with the Brooklyn City Railroad Company, wherein it shall agree to permit the use of such portions of its track in Atlantic and Flatbush avenues as may be necessary for the convenient operation of the tracks herein authorized by the Nassau Electric Railroad Company, its successors or assigns, The City of New York, and any other company to which the City may hereafter grant or lease rights.

Sec. 4. This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 5. The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,
By..... Mayor.

[CORPORATE SEAL.]

Attest:

..... City Clerk.

THE NASSAU ELECTRIC RAILROAD COMPANY,

[SEAL]

By..... President.

Attest:

..... Secretary.

(Here add acknowledgments.)

Agreement made this day of , 1908, between the Brooklyn City Railroad Company (hereinafter called the Brooklyn Company), party of the first part, the Nassau Electric Railroad Company (hereinafter called the Nassau Company), party of the second part, and The City of New York (hereinafter called the City), party of the third part.

Whereas, The Nassau Company has applied to the Board of Estimate and Apportionment of The City of New York for the right to construct, maintain and operate a street surface railway in the Borough of Brooklyn, upon and along Flatbush avenue, from the terminus of its present tracks on said avenue between Atlantic and Fourth avenues, thence upon and along Flatbush and Fourth avenues to Atlantic avenue and upon and along Atlantic avenue to a point at or near the intersection of Flatbush and Atlantic avenues, and there connecting with the present tracks in Flatbush avenue, as an extension to its existing line in Flatbush and Atlantic avenues; and

Whereas, The existing tracks in Flatbush avenue, with which it is proposed to connect the said extension, are the property of the Brooklyn Company; and

Whereas, The City is willing to grant to the Nassau Company a franchise upon the said route upon the condition that the Brooklyn Company shall grant to the Nassau Company and its successors and to The City of New York and its successors, the right to use so much of the said tracks of the Brooklyn Company as may be necessary for the convenient operation of the extension to the lines of the Nassau Company as above described, and the Brooklyn Company deeming said proposed grant to be advantageous to it, and is willing to grant said use, as hereinafter provided; and

Whereas, It is to the mutual advantage of the Brooklyn Company and the Nassau Company and to the benefit of the public that the Brooklyn Company and the Nassau Company agree upon a joint use and operation of portions of the track of the Brooklyn Company in Flatbush avenue;

Now, therefore, in consideration of the premises and of the sum of one dollar (\$1) by each of the parties of the first and second parts to the other paid, the receipt whereof is hereby acknowledged, the parties of the first and second parts do hereby covenant and agree with each other and with the party of the third part that the Nassau Company may connect its tracks with those of the Brooklyn Company in Flatbush avenue, the Nassau Company enjoying with the Brooklyn Company a right in common to the use of the tracks and appurtenances of the Brooklyn Company in said street and the Brooklyn Company further covenants and agrees to allow such joint use of its tracks and appurtenances by the Nassau Company, its successors and assigns, or by the City or by any other company to which the City may hereafter grant or lease any rights on said street, to wit: Flatbush avenue, between Atlantic avenue and Fourth avenue.

In witness whereof, the Brooklyn Company and the Nassau Company have caused these presents to be executed on their behalf by their presidents and their corporate seals to be hereunto affixed and attested by their secretaries the day and year first above written.

THE BROOKLYN CITY RAILROAD COMPANY,

By

President.

[CORPORATE SEAL.]

Attest:

Secretary.

THE NASSAU ELECTRIC RAILROAD COMPANY,

By

President.

[CORPORATE SEAL.]

Attest:

Secretary.

(Here add acknowledgments.)

The following was offered:

Whereas, The Chief Engineer of this Board has this day presented a report and proposed form of contract proposing certain terms and conditions to govern the grant of a franchise to The Nassau Electric Railroad Company to construct, maintain and operate a street surface railway as an extension to its existing system, upon Atlantic, Flatbush and Fourth avenues, Borough of Brooklyn; now, therefore, be it

Resolved, That the Secretary of this Board be and he hereby is directed to forward a copy of the aforesaid report and form of contract to the said Nassau Electric

Railroad Company, with instructions to direct said company to advise this Board, on or before June 19, 1908, in writing, over the signature of its President or Secretary, as to its willingness to accept the franchise on the terms and conditions proposed and in accordance with said contract, and should it fail to accept the contract in its entirety, the said railway company be and it is hereby directed, in lieu of the aforementioned written statement, to prepare and deliver, as aforesaid, a statement in writing, specifying in detail what sections and clauses of the proposed form of contract the Company is ready and willing to accept, and as to the other sections and clauses, furnish full and detailed information as to the reasons for the action taken.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, Queens and Richmond—15.

JOHN PIRKL IRON WORKS.

The Secretary presented the following:

JOHN PIRKL IRON WORKS,
Nos. 240 to 246 NORTH TENTH STREET, Nos. 274 to 284 UNION AVENUE,
BROOKLYN, N. Y., February 29, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, No. 277 Broadway, New York City:

DEAR SIR—The undersigned hereby make formal application for permission to remove conduit now maintained under and across Union avenue, Brooklyn, N. Y., and also for cancellation of agreement with City and return of security (\$250) in due order.

Permission to construct, maintain and use this conduit was granted at the meeting of your committee held on June 8, 1906, and since that time we have maintained same as per agreement.

Hoping for an early and favorable reply, we are,

Yours sincerely,

JOHN PIRKL IRON WORKS,
Per G. LEONHARD SCHEPF, Secretary and Treasurer.

REPORT No. F-102.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—On June 15, 1906, the Board of Estimate and Apportionment granted a revocable consent to the John Pirkel Iron Works to lay a 3-inch pipe under and across the roadways of Union avenue and North Tenth street, in the Borough of Brooklyn, for the purpose of conducting electric current for light and power between two buildings owned by the applicant, the grant requiring a security deposit of \$250 and an annual compensation of ninety dollars (\$90). The deposit was made and the pipe was installed, but the John Pirkel Iron Works has requested that the Board revoke the permit and return the security deposit, as the company does not care to maintain the pipe any longer. In accordance with the terms of the grant the petitioner has been notified to proceed with the removal of the pipe under the supervision of the Borough authorities. This has been done, and it is now recommended that the consent be revoked and that the Comptroller be requested to return the security deposit upon the payment to the Comptroller for rental, from February 1, 1908, to April 10, 1908, and upon the execution of an instrument releasing The City of New York.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
June 8, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—Under date of February 29, 1908, the John Pirkel Iron Works presented an application to the Board of Estimate and Apportionment for permission to remove the existing pipe under Union avenue and North Tenth street, in the Borough of Brooklyn, connecting the properties of the petitioner, and authorized by resolution of the Board of Estimate and Apportionment, adopted June 15, 1906, and approved by the Mayor June 22, 1906. The petition further requests the return of the two hundred and fifty dollars (\$250) deposited with the Comptroller for the faithful performance of the terms and conditions of said consent.

In reply to a communication addressed to the Comptroller, I have been advised that a cash bond of two hundred and fifty dollars (\$250) is on file in the Department of Finance, in accordance with said consent, and that the annual rental for the privilege has been paid to February 1, 1908.

A communication was addressed to the petitioner advising him to proceed with the removal of the pipe, under the supervision of the President of the Borough of Brooklyn and the Commissioner of Water Supply, Gas and Electricity, and that upon receipt by the Board of Estimate and Apportionment of certificates from said officials, stating that the pipe had been properly removed and the street restored to its original condition, a report upon the application would be made to the Board, in accordance with the procedure in similar cases.

I transmit herewith communications received from the President of the Borough of Brooklyn and from the Department of Water Supply, Gas and Electricity, stating that the work of removing the pipe was completed on April 10, 1908, that the street has been restored to its original condition, and that there is no reason why the security deposit should not be returned.

As the pipe has been removed to the satisfaction of the officials having jurisdiction, I cannot see any reason why the consent should not be revoked, and I would recommend that the Comptroller be authorized and requested to return the security deposit upon the payment by the petitioner of the rental due for that period, from February 1, 1908, to April 10, 1908, the date of completion of the work of removal. Previous to the return of the moneys herein specified, the petitioner should be required to execute an instrument in writing, releasing The City of New York from any and all claims held or alleged to be held, against the City under the terms and conditions of said consent and surrendering and waiving any right in the City streets under and by virtue of said consent and file the same with the Comptroller.

A resolution for adoption is herewith transmitted.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The following was offered:

Whereas, By resolution adopted by the Board of Estimate and Apportionment June 15, 1906, and approved by the Mayor June 22, 1906, the consent of the corporation of The City of New York was given to the John Pirkel Iron Works to lay a three-inch pipe under and across the roadways of Union avenue and North Tenth street, in the Borough of Brooklyn, connecting the buildings of the said John Pirkel Iron Works for the purpose of conducting electric current for light and power from the building on Union avenue; and

Whereas, Said resolution fixed the compensation for this privilege at ninety dollars (\$90) per annum, and provided that the grantee should deposit a security fund of two hundred and fifty dollars (\$250) for the faithful performance of the terms and conditions of the consent; and

Whereas, The John Pirkel Iron Works did deposit the sum of two hundred and fifty dollars (\$250) with the Comptroller of The City of New York, as provided in said resolution, and did lay down the pipe in compliance with the terms of said consent, and has maintained the same since that time; and

Whereas, The said John Pirkel Iron Works, in a petition to the Board of Estimate and Apportionment, dated February 29, 1908, requested the revocation of the aforesaid consent and the return of the security deposit; and

Whereas, The President of the Borough of Brooklyn and the Deputy Commissioner of Water Supply, Gas and Electricity have stated, in writing, that the work of removing the pipe was completed on April 10, 1908, to their satisfaction, that the street has been restored to its original condition and that there is no reason why the security deposit should not be returned; and

Whereas, The John Pirkel Iron Works has paid the annual compensation for the aforesaid privilege to February 1, 1908; therefore be it

Resolved, That the aforesaid resolution be and the same is hereby rescinded; and be it further

Resolved, That the Comptroller of The City of New York be and he hereby is authorized and requested to return the two hundred and fifty dollars (\$250) deposited in his office by the said John Pirkel Iron Works for the faithful performance of the terms and conditions of the consent, upon receipt of the rental for the privilege for the period from February 1, 1908, to April 10, 1908, the date of the completion of the work of removing the said pipe; and be it further

Resolved, That this resolution shall not become effective unless and until the John Pirkel Iron Works executes an instrument in writing releasing The City of New York from any and all claims of any kind, character or description whatsoever held or claimed to be held under the terms and conditions of the aforesaid consent and agreeing to quit claim, waive and surrender any and all rights and privileges in and upon Union avenue and North Tenth street, held or alleged to be held under and by virtue of said consent in the manner prescribed by and to the satisfaction of the Comptroller of The City of New York, and file same with said official.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan, Brooklyn, Queens and Richmond—15.

JOHN W. SULLIVAN.

In the matter of the application of John W. Sullivan to construct, maintain and operate a six-inch iron pipe under and across East Ninth street, between Avenue D and the East River, Borough of Manhattan, connecting the power plant on the property owned by the petitioner, known as Nos. 827 to 843 East Ninth street, with property leased by him on the southerly side of said street, known as Nos. 836 to 846 East Ninth street.

At the meeting of May 15, 1908, a report and proposed resolution was received from the Chief Engineer, and as the applicant had failed to accept the proposed terms and conditions the matter was laid over.

The Secretary presented the following:

JOHN W. SULLIVAN COMPANY,
FOOT OF EAST NINTH STREET,
NEW YORK, May 28, 1908.

Mr. H. P. NICHOLS, Engineer in Charge, Division of Franchises, No. 277 Broadway, New York City:

DEAR SIR—We have your letter dated May 25, in reference to our application for a pipe across Ninth street. We beg to advise you that circumstances have arisen which make it unnecessary at the present time to have this pipe, as we have made other arrangements for supplying our blacksmith shop with steam.

We wish to thank you very much for your courtesy in this matter, and will hope to have your assistance if we desire to run this pipe at any time in the future.

Respectfully yours,
JOHN W. SULLIVAN,
Per FRED B. SULLIVAN.

The application was ordered filed, together with the report and proposed resolution.

RAPID TRANSIT RAILWAY.

Lexington Avenue Route.

A communication, dated May 12, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board May 8, 1908, approving of the modifications and amendments of the plans and conclusions for the construction of an additional rapid transit railway, known as the "Lexington Avenue Route," and consenting to the construction of a railway or railways in accordance therewith.

Which was ordered filed.

NEW YORK AND PORT CHESTER RAILROAD COMPANY.

A communication, dated June 8, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board June 5, 1908, granting an extension of time until June 26, 1908, to the New York and Port Chester Railroad Company in which to comply with the provisions of section 2, twenty-eighth, of the contract dated May 31, 1906, granting a franchise to said company.

Which was ordered filed.

LONG ISLAND RAILROAD COMPANY.

A communication, dated May 18, 1908, was received from the general solicitor of the Long Island Railroad Company, returning, duly executed by the railroad company and American Surety Company of New York, agreement relative to the extension of time for the construction of viaduct over First avenue, Borough of Brooklyn.

Which was ordered filed.

JOHN B. IRELAND.

By resolution adopted by this Board March 6, 1908, approved by the Mayor March 10, 1908, the consent granted to John B. Ireland by the Board of Aldermen to lay a three-inch culvert pipe in West Broadway, for the purpose of connecting by steam the building at the northeast corner of West Third street and West Broadway with the building Nos. 570 to 576 West Broadway, was rescinded, and the President of the Borough of Manhattan was directed to forthwith remove the aforesaid pipe and charge the expense of such removal and the restoration of the street pavement to its original condition to the said John B. Ireland, and advise the Board when said pipe had been removed.

The Secretary presented the following:

OFFICES OF THE COMMISSIONER OF PUBLIC WORKS,
BOROUGH OF MANHATTAN, Nos. 13 to 21 PARK ROW,
May 26, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment, No. 277 Broadway, New York:

DEAR SIR—Referring to your letter of May 21, and to previous correspondence, I wish to report that, pursuant to the resolution of the Board of Estimate and Apportionment,

tionment, approved by the Mayor March 10, 1908, I caused to be removed, on April 30, 1908, the three-inch culvert pipe from West Broadway, which was laid by John B. Ireland, to connect premises northeast corner of West Broadway and West Third street with premises Nos. 570 to 576 West Broadway.

On May 7 I transmitted to Mr. Ireland a bill for this work, amounting to \$223.70, and requested him to forward check without delay. He has not responded as yet.

A copy of the bill rendered to Mr. Ireland is herewith inclosed.

Yours respectfully,

JOHN CLOUGHEN, Commissioner.

Which was ordered filed.

HEARST NEWS SERVICE.

An application was received from the Hearst News Service for permission to construct, maintain and operate an iron conduit to contain two copper pneumatic tubes, under and across William street, Borough of Manhattan, connecting the offices leased by said concern in No. 200 William street and the Rhinelander Building, and to be used for transmitting small carriers containing telegraphic news.

Which was referred to the Chief Engineer.

A. T. STEWART REALTY COMPANY.

An application was received from the A. T. Stewart Realty Company for permission to construct, maintain and operate a bridge over and across Ninth street, between Broadway and Fourth avenue, Borough of Manhattan, connecting the properties of the petitioner on both sides of said street.

Hon. Job E. Hedges appeared in favor of the same.

The application was then referred to the Chief Engineer, with instructions that the form of resolution granting the consent should contain a provision requiring that the plans be approved by the Municipal Art Commission.

SALE AND EXCHANGE OF PROPERTIES BETWEEN THE STATEN ISLAND RAPID TRANSIT RAILWAY COMPANY AND THE CITY OF NEW YORK, AND THE GRANTING TO THE RAILWAY COMPANY OF ADDITIONAL TRACKAGE RIGHTS IN CONNECTION WITH THE PHYSICAL IMPROVEMENT OF THE FERRY APPROACH STREETS AT ST. GEORGE, BOROUGH OF RICHMOND.

The Secretary presented the following:

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF RICHMOND,
NEW BRIGHTON, NEW YORK CITY, October 17, 1907.

The Board of Estimate and Apportionment, No. 277 Broadway, New York; and the Commissioners of the Sinking Fund, No. 280 Broadway, New York:

GENTLEMEN—In connection with the physical improvement of the ferry approach streets at St. George, it seemed to us so desirable that there should be no possibility of any structure being erected between the Borough Hall and New York Bay which might mar the beauty of the whole street system and the architectural appearance of the Borough Hall that we prepared a plan, which was adopted by your Board on January 11, 1907, modifying the former street layout to the extent of showing as a public place a small piece of property on the easterly side of Jay street, between the north-easterly side of South street and the easterly side of the proposed viaduct to be built by the Department of Docks and Ferries from Jay street to the ferry terminal.

We approached the officers of the Rapid Transit Railway Company on the subject of a possible transfer to the City of the plot in question, and were informed that, though they had already prepared plans for an office building to be erected on the site in question, they would withhold such erection and would sell to the City the desired plot at the lowest reasonable price; and if certain other conditions could be met, they would be glad to exchange properties and rights; so that probably there would need to be very little transfer of money.

While considering the different questions involved, it seemed as if it might be desirable for the City to acquire certain other pieces of property.

We now report on the matter, and advise and urge the respective purchases and sales and giving of rights:

Railroad to City. "Exhibit I."

Assessed Valuation, \$11,700.

While securing the fee to this parcel of land (Parcel A) we also proposed that the railroad company convert into "fee" the "easement" already granted to the City in Parcel B (said easement having been granted by the railroad company for account of the Department of Docks and Ferries for viaduct connecting Jay street with ferry terminal. The railroad company agrees to this proposal.

Railroad to City. "Exhibit II."

Assessed Valuation, \$665.

The City desires in connection with the South street work (part of the ferry approach system) to secure two small triangular pieces of property so as to build a curved instead of an angular wall on South street and at intersection of South and Jay streets (Parcels A and B). The railroad company agrees to this proposal.

Railroad to City. "Exhibit III."

Assessed Valuation, \$2,300.

The City has recently purchased, as a site for the refuse destructor (which it is now erecting), a piece of land at West New Brighton; the land under water had been previously acquired by the Rapid Transit Railway Company. While the City might not make immediate use of these rights, it would be very desirable to possess them so that in the future a bulkhead could be constructed and the City have the valuable service that a dock at the point in question would render; while the lands under water would, in the meantime, be gradually filled in with slag from the destructor. The railroad company has agreed to sell such rights as it possesses.

As against these acquisitions by the City, the railroad company asks for a transfer to it of the following pieces of property and rights:

City to Railroad. "Exhibit IV."

Assessed Valuation, \$270.

Nine and twenty-five hundredths acres, plus or minus, of salt marsh land at side of tracks of the Staten Island Rapid Transit Railway Company at Old place, near Arthur Kill. We recommend this transfer, as the property is of no present or probable future use to the City.

City to Railroad. "Exhibit V."

Assessed Valuation, \$1,525.

(Purchased by the City in 1904 for \$10,000.)

A piece of land known as the "Merrill property," at Arlington, north of the Shore road; purchased by the City as the site for a refuse destructor and corporation yard, but which, owing to radical changes in our plan of development, will no longer be needed for such purposes. Therefore the land is now held without special object by the Sinking Fund Commissioners.

In agreeing to the transfer of this property, there should be reserved to the City enough of its southern end for the proposed widening of Richmond terrace at that point, and this proposition is satisfactory to the railroad company.

City to Railroad. "Exhibit VI."

Indeterminate in Value, as an Overhead Easement Only, was Given for Viaduct Purposes.

Releasing to the railroad company the easement over small parcel of ground at the intersection of Jay street, on the northerly side of the proposed viaduct to the ferry terminal, said easement being granted to the City May 29, 1905 (the easement to be converted into fee, referred to as Parcel B—Railroad to City—Exhibit I. in this report—being for a sufficient portion of the property for viaduct and public place purposes).

City to Railroad. "Exhibit VII."

Value to be Determined by Board of Estimate and Apportionment.

The right to cross Richmond terrace with tracks to reach property now owned by the company, formerly known as the Frances S. A. Nesbit property, Mariners Harbor.

City to Railroad. "Exhibit VIII."

Granting to the railroad company an easement for a second tunnel (for two tracks) to cross under South street as it is legally widened and is now to be improved. The tunnel to be adjacent to and westerly from the present two-track tunnel.

City to Railroad. (Same as "Exhibit VIII.")

The City to include in its retaining wall construction contract the building of the two tunnel portals and the extension of the present one to the new line. The estimated cost of this work is \$4,700 in excess of that which would be required for continuing the regulation retaining wall to be constructed along South street and which would be required if it were not for the presence of the tunnel portals (present and proposed), or a total cost of \$16,750 for the new work.

City to Railroad. (No Exhibit.)

Franchise Value to be Determined by Board of Estimate and Apportionment.

The City to grant the right to cross South avenue, Arlington, S. I., with two additional tracks, one on each side of the present double-track crossing. The special reason stated being for the prevention of delay to passenger trains by the large number of freight trains handled at this point, adjoining the Arlington station.

We would ask that the earliest possible consideration be given to this whole subject, as our extensive retaining wall work cannot be hastened until the City has either secured the public place and plots referred to (Exhibits I., II., and III.), or has refused so to do; and the railroad bases its proposition practically on a trade of properties and rights.

Yours respectfully,

GEORGE CROMWELL,

President of the Borough.

REPORT NO. 67.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 9, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—On October 17, 1907, the President of the Borough of Richmond submitted a communication to the Board of Estimate and Apportionment outlining negotiations between himself and the Staten Island Rapid Transit Railway Company looking to an exchange of certain properties in Staten Island and for the granting of certain rights to both the Railroad Company and the City. The communication was referred to the Chief Engineer of the Board and has been the subject of careful and protracted investigation and further negotiations with the officers of the Railroad Company.

The result of this investigation is given in the report of the Engineer in charge of the Division of Franchises, which is herewith submitted, with the recommendation that the solution proposed in this report be adopted by the Board, and a resolution is submitted recommending to the Commissioners of the Sinking Fund that they approve of the exchange of property which is recommended, and that after proper petitions are presented the grants asked for will be made.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
June 9, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—Under date of October 17, 1907, Hon. George Cromwell, President of the Borough of Richmond, addressed a communication jointly to the Board of Estimate and Apportionment and to the Commissioners of the Sinking Fund, in which he set forth that for the physical improvement of the property and streets in the vicinity of the ferry terminal and the Borough Hall at St. George, he has been negotiating with the Staten Island Rapid Transit Railway Company for the acquisition of certain properties, and that the Company has agreed to take certain property owned by the City in exchange, provided the right is given to the Railroad Company to four-track its road in certain streets in the Borough. The reason that the communication is addressed to the Board of Estimate and Apportionment and to the Commissioners of the Sinking Fund is that the Commissioners of the Sinking Fund would have jurisdiction over the exchange of the properties, while the Board of Estimate and Apportionment would be in the position to grant the additional rights asked for by the Railroad Company.

Briefly, the object of the exchange would be to secure to the City:

First—The control of the property directly in front of the Borough Hall and now laid out on the map of the City as a public place, thus preventing the erection of any building thereon which would be detrimental to the City's property opposite. (See Exhibit I.)

Second—to obtain two small pieces of property at the corner of Jay and South streets and at the angle in South street, by means of which easy curves in the street lines could be made. (See Exhibit II.)

Third—to obtain a strip of land under water for a width of approximately 85 feet between the high water mark and the pierhead line of the Kill von Kull. This strip of land under water would be immediately in front of the plot of upland acquired by the City for the purpose of a destructor plant, and would furnish water-front facilities to the same when it shall have been filled in. Across the strip to be acquired, however, would run the right of way of the Staten Island Rapid Transit Railway Company, width 60 feet, and an additional 40 feet which the Company wishes to reserve to itself. (See Exhibit III.)

In exchange for these properties, the City is to convey to the Railroad Company the following:

First—Certain meadow lands about 9 1/4 acres near the Arthur Kill in the Third Ward. This property is salt meadow and lies on either side of the Staten Island Rapid Transit Railway Company which is at this point upon an embankment. The Railroad Company owns other property on either side of its line in this vicinity, and desires this parcel of land for additional yard room. (See Exhibit IV.)

Second—the plot of land on the northerly side of Richmond terrace at Howlands Hook, in the Third Ward, which was acquired by the City for a street cleaning disposal plant. This property was acquired from Gilbert Merrill, in 1904, together with certain water rights which have apparently lapsed, and the property has never been used for the purpose acquired. It is adjacent to other property owned by the New York Transit and Terminal Company, Ltd., the real estate holding company of the Staten Island Rapid Transit Railway Company, and would be a valuable acquisition for the Railroad Company. (See Exhibit V.)

Third—a small plot of land falling within the easement acquired from the Railroad Company in 1905, for the viaduct to be constructed by the City, connecting Jay street and the ferry house. The object of the Company in securing this small plot is to give it a slightly additional yard room at St. George, where it is much needed. (See Exhibit VI.)

In addition the company requests grants of additional rights for the four-tracking of its road, as follows:

(a) Two additional tracks under South street, adjoining its present right-of-way at St. George; the City to build the tunnel under the widened portion of South street, together with a portal to the same at the same time that it widens South street and constructs its retaining wall at this point.

Under the deed to the City from the company when this property in South street was purchased a condition was included providing for the construction of a tunnel and the portal on the existing right-of-way.

(b) Two additional tracks across South avenue, adjoining Arlington Station in the Third Ward.

(c) A single track across Richmond terrace at Howlands Hook, to enable the company to furnish railroad facilities to certain water-front property held by the New York Transit and Terminal Company, Ltd.

I have carefully investigated the proposition as presented by President Cromwell, and have made an appraisal of the various properties which it is proposed to exchange, as of the year 1905, at which time the City took title to the ferry terminal from the railroad company. Upon this basis I have found that an even exchange of the various properties enumerated would be fair.

Since 1905 the City's improvements on the Borough Hall site, the ferry terminal and the widening of streets at this point, have materially increased the value of property in this vicinity, and the plot which the City desires to acquire for a public place might easily be disposed of by the railroad company for a much higher price than in 1905.

I have taken this into consideration in fixing the value of the additional rights asked for by the company, and after several conferences with its representatives, have stated to them that I would be willing to recommend an even exchange of the properties, the City to expend about \$4,700 in the construction of the widened tunnel and to grant to the railroad company the right to cross the several streets as applied for for a term of twenty-five years, for the nominal consideration of \$100 per annum for each crossing during the first ten years and \$200 per annum for the succeeding fifteen years, it being understood that as the proposal is to lay down these additional tracks at grade, that if at any future time it is determined that the railroad shall be removed from grade to a position either above or below the surface, or if it shall be necessary to construct the several crossings over or under the railroad, the company shall bear the entire expense of such change. In other words, I do not believe that any additional rights should be granted for streets at grade within the City limits unless it is stipulated in the agreement that the City shall be relieved of all cost of change of grade when the same shall be deemed necessary by the proper authorities.

To this proposition Mr. George H. Campbell, vice-president of the Staten Island Rapid Transit Railway Company, has, under date of June 2, submitted a reply, in which he states that, subject to the approval of the Board of Directors of the railroad, he will agree to an even exchange of the properties mentioned, provided the City will renew its title to the land under water in front of the parcel at Howlands Hook, and will grant to the company, in addition to the crossing above mentioned, three additional crossings at Harbor road, Union avenue and Central avenue, all in the Third Ward, but the payments for the same not to begin before a period of three years from the date of the franchise, unless the company shall lay its tracks across the streets in accordance with the permission given.

The right to cross these three additional streets by two tracks will give the company a four-track road between Mariners Harbor Station and Arlington Station, a distance of about 3,600 feet, and just to the east of the entrance to its terminal yard at Arlington.

The President of the Borough has stated that he sees no objection to this, and I am willing to recommend that such grants be made upon the same terms as above. However, as these terms were fixed at merely nominal sums, to wit, \$100 per annum for each, I do not think that the Board can consistently waive its fixed rule in this case, and that all compensation shall commence for such rights from the date of the signing of the grant. It is not so much the money which will be received, but the additional facilities which the railroad will give to the people of the Borough, and the sooner these tracks are laid that object will be accomplished.

I am therefore of the opinion that the condition in this case should be that said sums mentioned shall be paid on the date of the signing of the franchise, and if the rights are not taken advantage of within a period of three years, they shall lapse.

As regards the City's renewing its title of the land under water in front of the so-called Merrill property, I am of the opinion that this would probably defeat the sale, for the reason that under the Charter the City cannot dispose of any lands under water which it may have acquired, and before it could sell the same it would be necessary for the City to fill in to the pierhead line and then sell the property as up-land.

I think that the City can best accommodate the railroad in this case by stating that it will not in any way oppose an application to the Commissioners of the Land Office by the railroad company for a grant, and will assist the company by all means in its power to obtain such grant.

In this connection it may be proper to state that while investigating the company's title to the land under water which it proposes to convey to the City, I find that there might be grave faults in the company's title to these premises, and I do not believe that the City's title would be good unless it can receive a confirmatory grant from the State.

As before stated, the Commissioners of the Sinking Fund have jurisdiction over the exchange of properties, and the only action which can be taken by the Board of Estimate and Apportionment is to recommend that the Commissioners of the Sinking Fund approve of such exchange upon fixed terms. If the Commissioners of the Sinking Fund shall approve and authorize such exchange, the Board of Estimate and Apportionment binds itself, upon proper application from the Staten Island Rapid Transit Railway Company, to grant to the said company the several crossings set forth above upon the terms mentioned.

There is one other condition which I stated to the railroad company I believe should be imposed in regard to the single-track crossing of Richmond terrace, and that was that the Board should reserve the right to compel the company at any time during the life of the franchise to remove the tracks from the surface and construct the same either overhead or underneath, as the Board might require, as I do not believe that it would be in the interest of the City to have a track at grade across this main thoroughfare when the population of the island in this district shall have greatly increased.

It will be necessary for the President of the Borough of Richmond and the Commissioner of Docks and Ferries to formally turn over to the Commissioners of the Sinking Fund all the properties mentioned above, which are to be conveyed to the railroad company, and which are under their respective jurisdiction.

I attach hereto a resolution recommending that the Commissioners of the Sinking Fund approve the exchange of properties, and reciting that upon such approval, and after proper petitions are presented, the Board will be willing to make the grants upon the several streets upon the terms above proposed.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The following was offered:

Whereas, The President of the Borough of Richmond, in a communication dated October 17, 1907, has presented a proposition to this Board for the exchange of certain real estate belonging to the City for other real estate belonging to the Staten Island Rapid Transit Railway Company, the exchange to be on even terms, provided the City will grant to the railroad company the right to cross certain streets in the Borough of Richmond with two additional tracks, and cross Richmond terrace in the Third Ward by a single track; the terms for such grant to be fixed by this Board; and

Whereas, The Chief Engineer of this Board has this day presented a report in which it is recommended that the proposition be approved, and has proposed certain terms and conditions to govern the grant of the additional rights sought by the railroad company; now therefore be it

Resolved, That the Board of Estimate and Apportionment hereby recommends to the Commissioners of the Sinking Fund that they authorize the exchange between

The City of New York and the Staten Island Rapid Transit Railway Company, upon even terms, of the following parcels of land in the Borough of Richmond, City of New York:

I. From the railroad company to The City of New York:

(a) Two parcels of land on the easterly side of Jay street, north of South street, in the First Ward, as more particularly shown on a map marked "Exhibit I, Parcels A and B," signed by George W. Tuttle, Principal Assistant Engineer, and dated May 2, 1907; it being understood that the City already has a perpetual easement over Parcel B.

(b) Two parcels of land, one at the northeast corner of Jay and South streets, and the second at the angle point on the northerly side of South street, east of Jay street, in the First Ward, as more particularly shown on a map marked "Exhibit II," signed and dated as above.

(c) The plot of land under water in front of land owned by the City on Richmond terrace, at West New Brighton, in the First Ward, as more particularly shown on a map marked "Exhibit III, A," signed by George W. Tuttle, Principal Assistant Engineer, and dated February 25, 1908.

II. From the City to the railroad company:

(d) The plot of salt meadow land, containing about 9 1/4 acres, at Old place, in the Third Ward, as more particularly shown on a map marked "Exhibit IV," signed by George W. Tuttle, Principal Assistant Engineer, and dated May 2, 1907.

(e) The plot of upland on the northerly side of Richmond terrace, in the Third Ward, acquired by the City from Gilbert Merrill, excepting therefrom so much of said plot as falls between the existing northerly line of Richmond terrace and the new northerly line of Richmond terrace, as the same was adopted on December 14, 1906, and as more particularly shown on a map marked "Exhibit V, A," signed by George W. Tuttle, Principal Assistant Engineer, and dated February 14, 1908.

(f) The City's easement in a plot of land at the northeasterly corner of Jay street, as widened, and the viaduct approach to the ferry at St. George, in the First Ward, as more particularly shown on a map marked "Exhibit VI," signed by George W. Tuttle, Principal Assistant Engineer, and dated May 2, 1907.

—and be it further

Resolved, That when such exchange shall have been so authorized and made, the Board of Estimate and Apportionment will, upon proper petition, grant to the Staten Island Rapid Transit Railway Company, the right to cross with two additional tracks the following streets:

(g) South street, in the First Ward, by under grade crossing.

(h) South avenue, Harbor road, Union avenue and Central avenue, in the Third Ward.

—and also to cross Richmond terrace with a single track at a point to the west of the property of Milliken Brothers, Inc., in the Third Ward; the terms of such grant to be substantially as proposed in the report as presented this day by the Chief Engineer of this Board; and be it further

Resolved, That the President of the Borough of Richmond and the Commissioner of Docks and Ferries be and they are hereby respectfully requested to turn over to the Commissioners of the Sinking Fund such of the aforesaid properties now owned by the City as are within their respective jurisdictions.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The matter was also referred to the Comptroller, with the request that he report thereon to the Commissioners of the Sinking Fund.

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

The Secretary presented the following:

June 9, 1908.

To the Honorable the Board of Estimate and Apportionment, No. 277 Broadway, New York City:

GENTLEMEN—The New York Central and Hudson River Railroad Company respectfully represents that it has asked for bids for the construction of a footbridge over Tenth avenue at Thirtieth street, New York City, the construction of which bridge was requested by resolution passed by your Honorable Board on January 17, 1908, and that subsequently, to wit, on March 27, 1908, your Honorable Board approved an agreement between said railroad company and the City covering the construction of said bridge, which agreement required that said construction should be completed within sixty days after the execution thereof; that said railroad company has asked for bids for the construction of said footbridge, and that the earliest delivery specified for the steel work in any of the bids is ninety days from the signing of a contract, and that it will require about three weeks beyond this time for the erection of said bridge.

Wherefore, said the New York Central and Hudson River Railroad Company respectfully asks that the time for the completion of said bridge be extended to four months after the execution of the agreement for the construction of said bridge instead of sixty days thereafter.

Respectfully submitted,

THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY,
By IRA A. PLACE, Vice-President.

REPORT No. 44.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,

June 9, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—On March 27, 1908, the Board of Estimate and Apportionment authorized the execution of an agreement with the New York Central and Hudson River Railroad Company for the construction of a footbridge at Tenth avenue and West Thirtieth street, in the Borough of Manhattan, across the tracks of the said company, the agreement providing that the company should construct and complete this bridge within sixty days after the execution of the agreement. The form of agreement was sent to the Corporation Counsel for his approval, and this approval has recently been given. Meanwhile the railroad company has asked for bids for furnishing the necessary material and erecting the bridge, and it develops that the bidder who offers to complete the structure in the shortest time will require four months for that purpose. The company has accordingly, under date of June 9, requested the Board for an extension of the time within which the bridge is to be completed, such extension being for an additional period of sixty days, or a total of four months after the execution of the agreement.

Under the circumstances I believe that it would be proper to grant the extension which is requested, and beg to submit herewith a resolution to that effect, the adoption of which is recommended.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

Hon. Frank L. Dowling appeared and protested against the extension of time being granted.

H. J. Uhl, of counsel for the company, appeared and stated the construction would be completed within four months.

The following was offered:

Whereas, The Board of Estimate and Apportionment did, by resolution adopted January 17, 1908, request the New York Central and Hudson River Railroad Company to construct an elevated footbridge over the tracks of said company at Tenth avenue and Thirtieth street, Borough of Manhattan, for the convenience of public traffic, and to maintain such structure during the pleasure of this Board, or its successors in authority; and

Whereas, Said resolution provided in part as follows:

"That the New York Central and Hudson River Railroad Company is hereby requested to submit plans for such a structure to this Board within thirty (30) days from the date hereof, and that when such plans have been approved by the Chief Engineer of this Board the said company is requested to construct such bridge within sixty (60) days thereafter, or as much sooner as possible, and to thereafter maintain such structure during the pleasure of this Board or its successors in authority"; and

Whereas, The New York Central and Hudson River Railroad Company, in a communication dated June 9, 1908, and signed by Ira A. Place, Vice-President, this day presented to this Board, states it has asked for bids for the construction of such footbridge and that the earliest delivery specified for the steel work in any of the bids is ninety (90) days from the signing of a contract, and that it will require about three weeks beyond this time for the erection of said bridge, and it requests an extension of time for four months for the completion of construction of said bridge; and

Whereas, The Chief Engineer of this Board has this day presented a report stating he believes it will be proper to grant the extension of time requested; now therefore be it

Resolved, That the resolution adopted by this Board January 17, 1908, be and it hereby is amended by striking therefrom the following:

"That the New York Central and Hudson River Railroad Company is hereby requested to submit plans for such a structure to this Board within thirty (30) days from the date hereof, and that when such plans have been approved by the Chief Engineer of this Board the said company is requested to construct such bridge within sixty (60) days thereafter, or as much sooner as possible, and to thereafter maintain such structure during the pleasure of this Board or its successors in authority."

—and inserting in lieu thereof the following:

"Resolved, That the New York Central and Hudson River Railroad Company is hereby requested to submit plans for such a structure to this Board within thirty (30) days from the date hereof, and that when such plans have been approved by the Chief Engineer of this Board the said company is requested to construct such bridge on or before October 12, 1908, or as much sooner as possible, and to thereafter maintain such structure during the pleasure of this Board or its successors in authority."

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following matters, not on the calendar for this day, were considered by unanimous consent:

NATIONAL CITY BANK.

An application was received from the National City Bank for permission to construct, maintain and use a tunnel under and across Exchange place, connecting the National City Bank with the Farmers' Loan and Trust Company, and to be used only for communication between the two buildings.

Which was referred to the Chief Engineer.

FORT GEORGE STREET RAILWAY COMPANY.

A petition was received from the Fort George Street Railway Company for an extension of time of not less than six months from October 1, 1908, in which to complete the construction of its railway, for which franchise was granted by contract dated May 31, 1907.

Which was referred to the Chief Engineer.

NEW YORK AND QUEENS COUNTY RAILWAY COMPANY.

In the matter of the petitions of the New York and Queens County Railway Company for franchises to construct, maintain and operate two extensions or branches to its existing railway in the Borough of Queens, as follows:

(a) Connecting with its existing railway at Broadway and Main street, in the former Village of Flushing, to Eleventh avenue and Thirty-sixth street, in the former Village of Whitestone.

(b) Connecting with its existing railway, corner of Franconia avenue and Twenty-second street, Ingleside, to Broadway and Bell avenue, Bayside.

At the meeting of June 5, 1908, the Corporation Counsel was requested to advise the Board if the Statute of Limitations would operate against the collection of certain moneys due as percentages of gross receipts from operation, and specified in the report of the Division of Franchises presented to this Board at its meeting of September 20, 1907.

The Secretary presented the following:

CITY OF NEW YORK—LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNSEL,
NEW YORK, June 10, 1908.

Board of Estimate and Apportionment:

GENTLEMEN—I am in receipt of a communication from Joseph Haag, Secretary of your Board, enclosing copy of report of the Chief Engineer, and proposed form of contract, also copy of report of the Select Committee submitted to your Board June 5, 1908, upon the application of the New York and Queens County Railway Company for a franchise to construct, maintain and operate street surface railway extensions to its existing system from Flushing to Whitestone and from Flushing to Bayside.

It is stated that at the meeting of the Board of Estimate and Apportionment held on the 5th day of June, 1908, the President of the Board of Aldermen (the minority member of the Select Committee) stated that he was opposed to the Board making the proposed grant unless the New York and Queens County Railway Company stipulated it would not plead the Statute of Limitations in any action which might be brought by the City to collect certain moneys claimed to be due from the railroad company as percentages from operation, and that the attorney for the New York and Queens County Railway Company, when interrogated by the Mayor, declined to waive such right.

I am requested to submit an opinion to your Board as to whether or not the Statute of Limitations would operate against the collection of the sum of \$20,121, the amount computed to be due, with interest, from the New York and Queens County Railway Company on account of its operation of the lines of railroad constructed under the franchises of the Flushing and College Point Street Railway Company, and also the sum of \$89.74, computed to be due by the New York and Queens County

Railway Company on account of its operation of street railroads constructed under franchises granted to the New York and North Shore Railroad Company.

Upon investigation, I find that the lines of the Flushing and College Point Street Railroad Company were constructed by it by virtue of two franchises, the first, an agreement between it and the Village of Flushing, executed July 11, 1887. This agreement provides that for the first ten years after the construction of its lines under the said agreement, it shall pay one-twentieth of one per cent. of its gross receipts to the trustees of the village, and for the following ten years two per cent. of its gross receipts, and thereafter three per cent. It is further provided in this agreement that any sums of money becoming due under the provisions of the agreement shall constitute a first and continuing lien upon all the franchises and property of the company, which shall take precedence over any other mortgages, judgments or claims whatsoever.

A second franchise was granted to the Flushing and College Point Street Railroad Company by agreement executed by it and the Village of College Point, August 8, 1887, by the terms of which it was agreed that the Flushing and College Point Street Railroad Company should pay to the trustees of the village one-fiftieth of one per cent. the amount which it bid for the franchise, and in addition thereto, one-twentieth of one per cent. of its gross receipts from the lines constructed under the agreement for the first ten years of its operation, and one per cent. of its gross receipts thereafter.

As in the agreement with the Village of Flushing, the amounts becoming due under this provision constitute a continuing lien, which takes precedence over all other mortgages, judgments and claims. Both of these agreements are executed under seal, and I therefore beg to advise you that the Statute of Limitations does not commence to run against these payments until the expiration of ten years from the dates from which they become due.

Since the first of the payments for percentages on gross earnings under these two agreements did not accrue until September 30, 1898, I beg to advise you that no part of the claim for \$20,121 will be barred by the Statute of Limitations until September 30, 1908. The terms of the said agreements which make the sums due for percentages a lien on the property and franchises of the Flushing and College Point Street Railway Company, would enable the City, as successors to the Villages of College Point and Flushing to collect such sums by foreclosure of such liens, regardless of the statute.

The New York and North Shore Railway Company was constructed by virtue of a resolution of the trustees of the Village of Flushing, passed December 30, 1897, which provided for the annual payment of \$100 as compensation to the village until the year 1908, and thereafter provided that the sum of \$100 should not be more than three per cent. of its gross receipts.

As there appears to be no agreement between this road and the village other than the resolution referred to, I am of the opinion that so much of the sum mentioned, namely, \$989.74, claimed to be due under this provision, which accrued more than six years prior to the present time, will be barred by the Statute of Limitations.

Respectfully yours,

F. K. PENDLETON, Corporation Counsel.

Which was referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen and the President of the Borough of Queens, to whom this matter was referred at the meeting of September 20, 1907.

FINANCIAL MATTERS.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$100,000 Special Revenue Bonds for maintenance account of the Department of Parks, Boroughs of Manhattan and Richmond, for 1908, together with a report of the Comptroller recommending the issue as requested:

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, as amended, the Board of Estimate and Apportionment be and it hereby is requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of one hundred thousand dollars (\$100,000), the proceeds of the same to be applied to the appropriation for Maintenance, 1908, Department of Parks, Boroughs of Manhattan and Richmond.

Adopted by the Board of Aldermen May 26, 1908, three-fourths of all the members voting in favor thereof, having been first advertised as required by law.

Received from his Honor the Mayor June 9, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, }
June 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Pursuant to your instructions, examination has been made in the Bureau of Municipal Investigation and Statistics in relation to a resolution of the Board of Aldermen, adopted May 26, 1908, requesting the Board of Estimate and Apportionment to concur with that body in authorizing an issue of Special Revenue Bonds amounting to \$100,000, the proceeds thereof to be applied to the purposes of the Maintenance Appropriation Account for 1908 of the Department of Parks, Boroughs of Manhattan and Richmond. Such examination as could be given to this matter within the three days it has been in this Bureau has been made, and as a result thereof I beg to present the following report:

In response to a request made by your Examiner as to the needs of the Department requiring the appropriation of maintenance funds additional to those provided by Budget appropriations for the current year, Hon. Henry Smith, Commissioner of Parks, Boroughs of Manhattan and Richmond, has furnished, under even date, the following memorandum, to which is appended a copy of his communication to the Board of Aldermen, under date of May 4, 1908, making the request for the Revenue Bond appropriation:

DEPARTMENT OF PARKS,
BOROUGH OF MANHATTAN AND RICHMOND, }
THE ARSENAL, CENTRAL PARK, June 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Enclosed herewith I send you copy of a communication addressed to the Honorable Board of Aldermen, requesting an issue of \$100,000 Special Revenue Bonds to provide for deficiency and requirements of this Department for the year 1908. I am advised that the resolution has passed the Board of Aldermen requesting the Board of Estimate and Apportionment to authorize the Comptroller to issue such bonds in the amount requested. It is proposed to use the money in the following manner:

In order to enable this Department to continue the present force of employees, which is absolutely necessary for the maintenance of parks, boulevards, drives, playgrounds, kindergartens, bathhouses and comfort stations, will be required.....\$70,000 00

—which if not provided for in this manner will necessitate the laying off of a large number of men in the early fall, with a consequent neglect of the parks and playgrounds; an impairment of the service to the public, and in many instances depreciation of property which takes more to repair than to properly supervise and maintain, and is false economy to neglect.

The monuments and buildings in the custody of this Department throughout the City are in immediate need of repair, and unless something is done in this direction before the winter sets in, it will probably cost a great deal more than it would this season. A sum sufficient to do only the necessary work required, solely and exclusively a repair item, would be not less than.....\$15,000 00

A large amount of rustic work in Central Park should be repaired at once, or in a few years it will fall down. The railings around the different parks throughout the City should all be painted to save them from decay, if not for appearance sake. For this urgent and immediate need I estimate an expenditure of.....\$15,000 00

In requesting this appropriation I have kept in mind the necessity for the strictest economy consistent with the proper protection of the property entrusted to the care of this Department and the proper service to the people, and no part of this money is asked for nor will any be used for anything that is not in accord with the absolute necessities to accomplish these ends.

Respectfully,
(Signed) HENRY SMITH,
Commissioner of Parks,
Boroughs of Manhattan and Richmond.

(Copy.)

DEPARTMENT OF PARKS,
BOROUGH OF MANHATTAN AND RICHMOND,
THE ARSENAL, CENTRAL PARK, May 4, 1908.

To the Honorable the Board of Aldermen, The City of New York:

GENTLEMEN—Pursuant to section 188 of the City Charter, I beg to hereby petition your Honorable Board to request the Board of Estimate and Apportionment to authorize the Comptroller to issue Special Revenue Bonds to the amount of \$100,000, to provide for the deficiency between the amount appropriated and the amount actually required to properly maintain the parks, parkways and playgrounds in the Boroughs of Manhattan and Richmond.

At the rate the appropriation is now being used, and the further imperative demands for the proper maintenance of the parks, parkways and playgrounds during the coming season, unless the amount is forthcoming, a large number of men will be laid off in the fall, with all the hardship that this implies, and to the great detriment of the parks, which require a constant force the year round, greater even than the present number.

Each season has its peculiar demands and owing to the curtailment of the force last season, the early spring maintenance work of the parks suffered severely, and this can only be avoided next year by keeping the force constant throughout the year.

Respectfully,
(Signed) HENRY SMITH,
Commissioner of Parks,
Boroughs of Manhattan and Richmond.

Attached to this report will be found a statement, marked "Statement A," which shows the amounts made available for maintenance purposes, per se, in the Budget for 1908, as compared with the funds available for similar purposes in Budget and Special Revenue Bond appropriations in 1907. (From this statement the appropriations for music, care of Grant's Tomb, Children's School Farm, care of Jumel Mansion, the Aquarium, the Metropolitan Museum of Art and the American Museum of Natural History have been excepted.) This statement shows that in the 1908 Budget there was made available for general park and boulevard maintenance purposes \$938,190, as against \$940,636.50 in 1907. In 1907 the Budget appropriations for these purposes aggregated \$846,086.50, to which was afterwards added \$94,550 in Special Revenue Bonds.

Some analysis has also been made for the purposes of this report that would show the present ratio of expenditure for maintenance, as compared with the year 1907. In a statement marked "Statement B," which will be found appended hereto, is given in detail comparative figures showing the disbursements during 1907 for Salaries and Wages of all kinds from Budget appropriations and Special Revenue Bond Fund combined, and the expenditures for similar purposes during the period from January 1 to May 31, 1908, together with the average monthly expenditures for both periods. A summary of "Statement B" is here given:

Payroll cost for maintenance, whole year, 1907.....	\$722,608 37
Average monthly cost during 1907.....	60,217 35
Payroll cost for maintenance, first five months, 1908.....	319,920 31
Average monthly cost, first five months, 1908.....	63,984 66

A reference to the detailed figures given in "Statement B" shows that the average monthly labor cost for the first five months of 1908 incidental to the general maintenance of the parks and boulevards is \$47,066.31, as compared with \$47,702.50, or apparently a reduction of something less than seven hundred dollars a month. This is, however, doubtless due in part to the transfer to the General Administration, Salaries and Wages Account of several persons connected with the office force whose salaries had been previously paid out of the general labor maintenance appropriation. There is also a slight apparent decrease in the average monthly payroll charges on account of the maintenance of the Harlem River driveway. This, the Commissioner states, is also due to the fact that the whole of the labor cost connected with the Harlem River driveway was not previously charged to the appropriation made for that purpose. For Attendants, Instructors and Laborers employed in the playgrounds, kindergartens, comfort stations, bathhouses, etc., there was expended from January 1 to May 31, 1908, the sum of \$37,816, or a monthly average payroll of \$7,563.20, as compared with \$58,199.25, or an average monthly charge of \$4,849.94 during 1907.

While a small part of this increased charge in 1908 is due to the transfer of some playground employees whose salaries were formerly charged to the General Park and Boulevard Maintenance Account, the Commissioner says he has been required to increase both the force and the hours of the playground staff. This has been required by the fact that many complaints have come to the Department regarding the lack of adequate supervision over the playgrounds and the necessity for better protecting the children in the City's playgrounds against insult and outrage by offensive idlers, many of whom frequent these public places. The total average monthly payroll charges for maintenance during 1907 was \$60,217.35, as compared with \$63,984.66 for the first five months of 1908.

Analysis has also been made of the Appropriation and Revenue Bond Funds for Repairs, Supplies and Contingencies, which includes all maintenance charges, other than Salaries and Wages. The results of this analysis in detail will be found attached hereto, marked "Statement C." A summary of the figures given in "Statement C" is here given:

Miscellaneous maintenance expenditures during 1907.....	\$207,880 96
Miscellaneous maintenance Budget appropriations for 1908.....	238,500 00
Miscellaneous maintenance cash expenditures, January 1 to May 31, 1908.....	33,545 48
Miscellaneous maintenance, outstanding liabilities, May 31, 1908.....	109,692 57
Total expenditures and liabilities for miscellaneous maintenance purposes, May 31, 1908.....	142,663 05

Also in response to a request made by your Examiner the Commissioner has furnished for use in connection with this report a statement showing the amount of payroll payments for departmental labor made from the several Corporate Stock Appropriation Accounts available for the construction and improvement of parks, parkways, drives, etc. This statement shows that the amount so expended during 1907 was \$40,977.27, as compared with \$24,335.54, for the first five months of 1908.

The unexpended balances in Salaries and Wages Appropriation Accounts on May 31, 1908, were as follows:

Administration	\$31,440 63
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Parks and Boulevards—

General labor payroll.....	287,716 57
Hired teams, horses, carts, etc.....	5,799 19
Playgrounds, kindergartens, etc.....	17,183 19
Care of trees in city streets.....	27,290 79
Zoological Department.....	10,338 51
Total.....	\$379,768 88

Assuming that the needs of park maintenance require the employment of the same force throughout the year, the Commissioner for the Boroughs of Manhattan and Richmond, holding to the principle that only by keeping the men regularly upon the payroll can the highest efficiency of service be obtained, and, assuming further that the increases in payroll account are justified by the situation in the parks and public

places under the Commissioner's jurisdiction, then it would appear from the present ratio of monthly expenditure for labor, viz., \$63,984.06, that the amount required for the remaining seven months of the present year will be \$447,888.42, as against the balance of \$379,768.88, as shown in the preceding tabulation.

The Commissioner's statement contained in the memorandum sent to the Comptroller previously quoted in full in this report specifies the sum of \$15,000 as being required to provide for repairing monuments and buildings in the custody of the Department and a similar amount for repairs to rustic work and for new railings around the different parks throughout the City.

In conclusion I would respectfully say that if it is the Comptroller's judgment that the needs of the Department, as viewed by the Commissioner of Parks, rather than the Budget allowance, should control, then the granting of the appropriation asked for seems advisable. The question to be determined would therefore seem to be one of departmental need as against the insistence upon economy, as declared at the time the Budget appropriations were made.

Appended hereto is a resolution of concurrence in the resolution of the Board of Aldermen, which may be approved if the Board of Estimate and Apportionment deems it advisable to adopt such a resolution.

Yours respectfully,

CHARLES S. HERVEY,
Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

STATEMENT A.

Comparative Statement of Funds Made Available for the Department of Parks, Manhattan and Richmond, in 1907 and 1908, for Yearly Maintenance Purposes.

	Budget Allowances, 1908.	Totals.	Budget Allowances, 1907.
Administration—			
Salaries and Wages.....	\$53,410 00	.....	\$35,670 00
Supplies	1,500 00	.....	.....
Contingencies	500 00	.....	2,000 00
Telephone, Rentals of.....	2,000 00	.....	.....
		\$57,410 00	
Maintenance of Parks, Boulevards, Drives and Street Trees—			
Parks and Boulevards:			
Salaries and Wages.....	\$519,700 00	.....	.....
Hired Teams, Horses, Carts, etc.....	14,000 00	.....	.....
Equipment, Repairs and Renewal Supplies..	135,000 00	.....	.....
Consumable Supplies.....	65,000 00	.....	.....
	733,700 00	.....	*681,522 50
Playgrounds, Kindergartens, Bathhouses and Comfort Stations Within the Parks—			
Salaries and Wages.....	\$55,000 00	.....	.....
Equipment, Repairs and Renewal Supplies.....	8,000 00	.....	.....
Consumable Supplies.....	7,000 00	.....	.....
	70,000 00	.....	64,894 00
Care of Trees in City Streets—			
Salaries and Wages.....	\$40,000 00	.....	.....
Supplies	5,000 00	.....	.....
	45,000 00	.....	30,000 00
Zoological Department—			
Salaries and Wages.....	\$17,580 00	.....	.....
Repairs and Renewals (Building).....	1,500 00	.....	.....
Supplies and Collections.....	13,000 00	.....	.....
	32,080 00	.....	32,000 00
Totals of Budget maintenance allowances.....			
Special Revenue Bonds authorized, 1907, to supplement Budget appropriations .....	.....	\$938,190 00	\$846,086 50
		.....	94,550 00
Total amounts available for maintenance.....			
		\$938,190 00	\$940,636 50

* The amount here given, \$681,522.50, comprises the following sums included in 1907 Budget under separate accounts, viz.: Labor, Maintenance, Supplies, etc., \$663,822.50; Surveys, Maps and Plans, \$1,500; Harlem River Driveway, \$1,500, and Ambulance Service, \$1,200.

STATEMENT "B."

Comparative Statement Showing Disbursements for Salaries and Wages from Budget Appropriations and Revenue Bond Fund During the Year 1907, Average Monthly Cost for Same Year, Also for First Five Months of 1908, with the Average Monthly Cost for the Same Period.

	Whole Year, 1907.	Average Monthly Cost During 1907.	January 1 to May 31, 1908.	Average Monthly Cost, January 1 to May 31, 1908.
Administration	\$35,380 26	\$2,948 35	\$21,969 37	\$4,393 87
Maintenance of Parks, Boulevards, Drives, etc.—				
General Park Maintenance.....	572,430 06	47,702 50	235,331 51	47,066 31
Harlem River Driveway.....	15,042 61	1,253 55	4,852 73	970 55
Playgrounds, Kindergartens, Bathhouses, Comfort Stations, etc.....	58,199 25	4,849 94	37,816 00	7,563 20
Care of Trees in City Streets.....	24,678 57	2,056 54	12,709 21	2,541 84
Zoological Department.....	16,877 62	1,406 47	7,241 49	1,448 29
Totals and general monthly payroll averages.....				
	\$722,608 37	\$60,217 35	\$319,920 31	\$63,984 06

STATEMENT "C."

Statement Showing the Expenditures During 1907 from Budget Appropriations and Special Revenue Bond Funds for Supplies, Repairs, etc., Including All General Maintenance Charges Other Than Salaries and Wages; Also for First Five Months of 1908, as Well as Total Outstanding Liabilities May 31, 1908.

	Total Expenditures During 1907.	Budget Appropriations for 1908.	Amounts Certified to Comptroller for Payment January 1 to May 31, 1908.	Outstanding Liabilities on Order or Contract, May 31, 1908.	Total Expenditures and Liabilities and Total Liabilities May 31, 1908.
Administration—					
Supplies (Office).....	*.....	\$1,500 00	\$895 59	\$229 75	\$1,125 34
Contingencies	\$2,008 94	500 00	.....	.....	.....
Telephone, Rentals of.....	†.....	2,000 00	497 17	1,253 33	1,750 50
Parks and Boulevards—					
Equipment, Repairs and Renewal Supplies.....	169,444 81	{ 135,000 00	11,038 40	85,514 44	96,552 84
Consumable Supplies.....		{ 65,000 00	11,940 96	9,429 53	21,370 49
Playgrounds, Kindergartens, Comfort Stations, etc.—					
Equipment, Repairs and Renewal Supplies.....	18,156 63	{ 8,000 00	821 25	6,902 23	7,723 48
Consumable Supplies.....		{ 7,000 00	3,512 96	1,035 77	4,548 73
Care of Trees in City Streets—					
Incidental Supplies.....	3,311 60	5,000 00	147 71	1,618 51	1,766 22
Zoological Department—					
Supplies—All Kinds.....	14,958 98	13,000 00	4,549 74	2,686 01	7,235 75
Repairs and Renewals (Building)		1,500 00	141 70	1,023 00	1,164 70
Total.....	\$207,880 96	\$238,500 00	\$33,545 48	\$109,692 57	\$142,663 05

* In 1907 Office Supplies were paid out of Labor, Maintenance and Supplies Account.

† Paid from Contingencies Account in 1907.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted May 26, 1908, relative to an appropriation of one hundred thousand dollars (\$100,000), to be applied to the following accounts of the Department of Parks, Boroughs of Manhattan and Richmond, for the year 1908, entitled and as follows:

BOROUGHS OF MANHATTAN AND RICHMOND.	
Maintenance of Parks, Boulevards, Drives and Street Trees—Parks and Boulevards	\$60,000 00
Playgrounds, Kindergartens, Bath Houses and Comfort Stations within the Parks	40,000 00
	\$100,000 00

—under the jurisdiction of the Commissioner of Parks, Boroughs of Manhattan and Richmond, and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8, section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York to the amount of one hundred thousand dollars (\$100,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented communications, etc. relative to the fixing of salaries and the establishment of positions, as follows:

Resolution of the Board of Aldermen, requesting the Board to equalize the salary of the City Clerk and Clerk to the Board of Aldermen with the heads of other departments of the Municipality and to fix the same at not less than \$8,000 per annum.

From the President of the Borough of The Bronx, requesting the establishment of the position of Supervisor of Elevators, with salary at the rate of \$1,500 per annum.

From the Register, New York County, requesting the fixing of the salary of the position of Superintendent of Indexing at \$2,500 per annum.

From the Police Commissioner, requesting the fixing of the salary of the position of Secretary to the Fourth Deputy Commissioner, at \$2,100 per annum.

From the Department of Health, requesting the establishment of the position of Mosquito Extermination Expert, with salary at the rate of \$2,400 per annum.

From the Court of Special Sessions, First Division, requesting the establishment of position of Deputy Clerk, with salary at the rate of \$3,000 per annum.

From the President, Borough of Richmond, calling attention to his requests of February 25, March 7, October 15, 1907, and May 19, 1908, for the fixing of salaries of various employees, and further requesting additional grades of positions as follows:

	Per Annum.
Superintendent of Buildings.....	\$3,500 00
Assistant Superintendent, Bureau of Buildings.....	2,500 00
Chief Inspector, Bureau of Buildings.....	2,400 00
Chief Clerk, Bureau of Buildings.....	2,000 00
Clerk, 5 incumbents	1,800 00

Which were referred to a Select Committee consisting of the Comptroller and the President of the Board of Aldermen.

The Secretary presented the following communication from the Comptroller recommending the purchase at \$41,000 of property located at No. 26 Chrystie street, Manhattan, for the plaza of the Manhattan Bridge:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
May 21, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—The executrix of the estate of John Maesel offers to sell to the City the premises No. 26 Chrystie street, Borough of Manhattan, for the sum of \$41,000. She

states that she had an offer of \$45,000 from a speculator a year ago and refused the offer. She does not want the trouble and annoyance of condemnation proceedings and wishes to close the matter out.

The property she desires to sell is in the block bounded by Chrystie, Canal, Forsyth and Bayard streets, which block, with the block between Chrystie street and the Bowery, is taken for the plaza of the Manhattan Bridge, Manhattan.

The premises, according to the Bridge Department map No. 38/12, is 24.90 feet in width on Chrystie street, the width of the rear line being 25.01 feet. The depth is 99.44 feet. There is erected thereon a front brick building, six stories in height, and a rear brick building, also six stories in height.

The price named by the executrix is reasonable and just, has met with the approval of the Corporation Counsel in charge of the proceedings, and I would respectfully recommend that the Board of Estimate and Apportionment adopt a resolution authorizing the acquisition of the following described property at a price not exceeding \$41,000:

All that certain lot, piece or parcel of land situate, lying and being in the Borough of Manhattan, City of New York, known by the number 26 Chrystie street, and shown on a map of the Department of Bridges as property required for the Manhattan Approach to the Manhattan Bridge, known by the number 38/12:

Beginning at a point on the easterly side of Chrystie street distant 175.37 feet northerly from the intersection of the easterly side of Chrystie street with the north-easterly side of Bayard street; running thence easterly 99.94 feet; running thence north-easterly 25.01 feet; thence westerly 99.94 feet to the easterly side of Chrystie street; running thence southerly along the easterly side of Chrystie street 24.90 feet to the point or place of beginning.

It being intended to convey the premises conveyed to John Maesel in his lifetime by a deed dated December 31, 1859, from John N. Ertel, recorded in the office of the Register of the County of New York in Liber of Conveyances, page

The vendor to give an executrix's deed, the description therein to be the same as was described in the deed of said John Maesel, and to give a quit-claim deed with the description therein to be the description of the premises shown on the Bridge Department map as aforesaid.

Respectfully submitted for approval,

MORTIMER J. BROWN,
Appraiser of Real Estate, Department of Finance.

Approved:

JOEL J. SQUIER, Assistant Corporation Counsel.

Approved:

H. A. METZ, Comptroller.

The following was offered:

Whereas, The Board of Estimate and Apportionment on the 23d day of November, 1906, adopted a resolution changing the map or plan of The City of New York by laying out an approach to the Manhattan Bridge, in the Borough of Manhattan, and authorized the institution of condemnation proceedings for the acquisition of all of the lots, pieces or parcels of land contained within the area of said layout; and

Whereas, The Comptroller has reported to this Board that the following described property can be acquired at private sale, at a fair market value; therefore be it

Resolved, That the Board of Estimate and Apportionment hereby authorizes the Comptroller of The City of New York to enter into a contract, at a price not exceeding forty-one thousand dollars (\$41,000), for the purchase of the following described property for bridge purposes:

All that certain lot, piece or parcel of land, with the buildings thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, known as No. 26 Chrystie street, and shown on a map of the Department of Bridges as property required for the Manhattan Approach to the Manhattan Bridge, known as No. 38/12:

Beginning at a point on the easterly side of Chrystie street distant 175.37 feet northerly from the intersection of the easterly side of Chrystie street with the north-easterly side of Bayard street; running thence easterly 99.94 feet; running thence north-easterly 25.01 feet; thence westerly 99.94 feet to the easterly side of Chrystie street; running thence southerly along the easterly side of Chrystie street 24.90 feet to the point or place of beginning; together with all the right, title and interest of the owners of said premises of, in and to the street in front thereof to the centre thereof. It being intended to convey the premises conveyed to John Maesel in his lifetime by a deed dated December 31, 1859, from John N. Ertel, recorded in the office of the Register of the County of New York in Liber of Conveyances, page

Then vendor to give an executrix's deed, the description therein to be the same as was described in the deed of said John Maesel, and to give a quit-claim deed with the description therein to be the description of the premises known on the Bridge Department map as aforesaid.

—said contract to be submitted to the Corporation Counsel for approval as to form.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, The Bronx, Queens and Richmond—14.

Negative—The President of the Borough of Brooklyn—2.

The Secretary presented the following communication from the Public Service Commission, requesting an issue of \$174,470 Corporate Stock for the acquisition of Nos. 105, 107 and 109 Walker street and Nos. 145, 147 and 149 Centre street, Manhattan, required for the Brooklyn loop lines of the Rapid Transit Railroad, together with a report of the Comptroller recommending the issue of \$175,000 Corporate Stock (on account of the requisition of October 16, 1907, for an appropriation of \$1,000,000 for the acquisition of real estate, etc.), of which \$174,470 is for the acquisition of Nos. 105, 107 and 109 Walker street and Nos. 145, 147 and 149 Centre street, Manhattan, required for the Brooklyn loop lines of the Rapid Transit Railroad, and the remaining \$530 to meet the bills of the title companies for examination of the title to said premises.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
TRIBUNE BUILDING, NO. 154 NASSAU STREET,
NEW YORK, June 5, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment, No. 277 Broadway, New York City:

DEAR SIR—I herewith transmit a copy of a resolution adopted by the Commission on the 5th day of June, 1908, requesting the Board of Estimate and Apportionment to direct the Comptroller to issue Corporate Stock to the amount of \$174,470 to provide means for the purchase of real property at Nos. 145, 147 and 149 Centre street and Nos. 105, 107 and 109 Walker street.

Very truly yours,

TRAVIS H. WHITNEY, Secretary.

To the Board of Estimate and Apportionment of The City of New York:

Whereas, On the 5th day of June, 1908, the Public Service Commission for the First District duly adopted the following resolution, to wit:

“Whereas, In the opinion of the Public Service Commission for the First District it is necessary for the purpose of constructing and operating a part of the Brooklyn loop lines of the Rapid Transit Railroad to acquire in fee simple certain real property

known as Nos. 145, 147 and 149 Centre street and Nos. 105, 107 and 109 Walker street, in The City of New York, Borough of Manhattan; and

"Whereas, A contract dated February 18, 1908, was duly entered into by the Commission on behalf of The City of New York with the Rossiter Realty Company, wherein and whereby said Rossiter Realty Company agreed to sell and The City of New York agreed to purchase for the sum of one hundred and seventy thousand dollars (\$170,000) said real property, subject, however, to certain leases therein referred to; and

"Whereas, Thereafter a contract dated June 4, 1908, was duly entered into by the Commission on behalf of The City of New York with the said Rossiter Realty Company, wherein and whereby said Rossiter Realty Company agreed to sell and The City of New York agreed to purchase for the sum of one hundred and seventy-four thousand four hundred and seventy dollars (\$174,470) said real property, free and clear of any and all encumbrances, including said leases; and

"Whereas, On the 16th day of October, 1907, the Commission duly made its requisition upon the Board of Estimate and Apportionment of The City of New York for an appropriation of one million dollars (\$1,000,000) for the acquisition of real estate or interests therein necessary for the construction and operation of said Brooklyn loop lines; now therefore it is

"Resolved, That the Chairman and Secretary of the Public Service Commission for the First District be and they hereby are authorized and directed to request the Board of Estimate and Apportionment of The City of New York to direct the Comptroller of The City of New York to issue Corporate Stock of The City of New York on account of said requisition to the amount of one hundred and seventy-four thousand four hundred and seventy dollars (\$174,470) to provide means for the purchase of said real property, free and clear of any and all encumbrances including the said leases."

Now, therefore, we, the Chairman and Secretary of the Public Service Commission for the First District, do hereby respectfully request the Board of Estimate and Apportionment of The City of New York to direct the Comptroller of The City of New York to issue Corporate Stock of The City of New York on account of said requisition to the amount of one hundred and seventy-four thousand four hundred and seventy dollars (\$174,470) to provide means for the purchase of said real property known as Nos. 145, 147 and 149 Centre street, and Nos. 105, 107 and 109 Walker street, in The City of New York, Borough of Manhattan, free and clear of any and all encumbrances.

In witness whereof, we have hereunto set our hands this 5th day of June, 1908.

W. R. WILLCOX, Chairman.

TRAVIS H. WHITNEY, Secretary.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
June 6, 1908.

Hon. Herman A. Metz, Comptroller:

SIR—The Public Service Commission at a meeting held June 5, 1908, adopted a resolution which was transmitted to the Board of Estimate and Apportionment, in substance stating that it is necessary for the purpose of constructing and operating a part of the Brooklyn loop lines of the Rapid Transit Railroad, to acquire in fee simple certain real property known as Nos. 145, 147 and 149 Centre street, and Nos. 105, 107 and 109 Walker street, Borough of Manhattan. That a contract dated June 4, 1908, was duly entered into by the Commission on behalf of The City of New York with the owners of the premises, the Rossiter Realty Company, whereby it was agreed to purchase on behalf of The City of New York for the sum of \$174,470 the said real property free and clear of all incumbrances, and by said resolution it was resolved that the Board of Estimate and Apportionment direct the Comptroller to issue Corporate Stock of The City of New York on account of said requisition and purchase to the said sum of \$174,470, to provide means for the purchase of said real estate above mentioned.

The premises desired to be acquired by the Public Service Commission consist of a seven-story building, brick, stone and iron, situated in the southwest corner of Walker and Centre streets, being 75 feet on Centre street by 70 feet 3 inches on Walker street, and covers the entire plot.

The matter of the acquisition of this property has been passed upon by both this office and the Corporation Counsel in charge of the proceedings in condemnation. The price named by the owners of the property is not excessive. Its acquisition is approved by the Assistant Corporation Counsel in charge of the proceedings.

I would respectfully recommend that the Board of Estimate and Apportionment authorize the Comptroller to issue \$175,000 Corporate Stock, the same to be taken out of the appropriation of \$1,000,000, application for which was made to the Board of Estimate and Apportionment on October 16, 1907, and of the said \$175,000 so authorized to be issued and so issued, \$174,470 to be used for the payment of the acquisition of the premises Nos. 105, 107 and 109 Walker street and Nos. 145, 147 and 149 Centre street, Borough of Manhattan. The balance of \$530 to be used for the payment of the bills of the title companies, incurred by the Public Service Commission in the examination of the title to these premises acquired and heretofore acquired.

Respectfully submitted for approval,

MORTIMER J. BROWN,

Appraiser of Real Estate, Department of Finance.

Approved:

JOEL J. SQUIER, Assistant Corporation Counsel.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of section 10 of chapter 4 of the Laws of 1891, as amended, and section 14 of chapter 429 of the Laws of 1907, and a requisition of the Public Service Commission for the First District, duly made by the Chairman and Secretary thereof on October 16, 1907, for an appropriation of one million dollars (\$1,000,000) for the acquisition of real estate or interest therein, necessary for the construction and operation of the Rapid Transit Railroad, known as the Brooklyn loop lines, Borough of Manhattan, and a supplemental requisition under date of June 5, 1908, for an issue of \$174,470 Corporate Stock for said purposes—the Comptroller be and is hereby authorized to issue Corporate Stock of The City of New York, on account of said requisitions (and in addition to the amounts heretofore authorized, viz.: \$40,000 on December 20, 1907, and \$166,145 on June 5, 1908), to an amount not exceeding one hundred and seventy-five thousand dollars (\$175,000), to provide means as follows:

For the acquisition of premises Nos. 105, 107 and 109 Walker street and

Nos. 145, 147 and 149 Centre street, Borough of Manhattan..... \$174,470 00

For examination of title to above premises..... 530 00

\$175,000 00

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, The Bronx, Queens and Richmond—14.

Negative—The President of the Borough of Brooklyn—2.

The Secretary presented the following communication from the Comptroller certifying (pursuant to chapter 601, Laws of 1907) the claim of James Shewan & Sons at \$40,314.24 for labor and material furnished for repairs to the Municipal ferryboats, together with a report of the Bureau of Law and Adjustment, Department of Finance, relative thereto:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
June 11, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—Under and pursuant to the provisions of chapter 601 of the Laws of 1907 of the State of New York, entitled: "An Act to amend the Greater New York Charter in relation to the powers of the Board of Estimate and Apportionment," I hereby certify that a claim has been presented by James Shewan & Sons for \$40,314.24 alleged to be due for labor and material furnished for repairs to Municipal ferryboats; that the said claim is illegal or invalid as against The City of New York by reason of technical objections thereto; that, in my judgment, it is equitable and proper, inasmuch as the City has received value therefor, for the City to pay the said claim in the full amount thereof, namely, \$40,314.24.

Respectfully,

H. A. METZ, Comptroller.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
June 11, 1908.

In the Matter
of

The application of James Shewan & Sons for the adjustment by the Board of Estimate and Apportionment, under Chapter 601 of the Laws of 1907, of their claim for \$40,314.24 alleged to be due for labor and materials furnished for repairs to municipal ferryboats.

Hon. HERMAN A. METZ, Comptroller:

SIR—James Shewan, Edwin A. Shewan and James Shewan, Jr., doing business as copartners under the firm name of James Shewan & Sons, allege that about the 13th of October, 1905, they entered into a contract with the City for the performance of certain labor and the furnishing of certain materials in connection with repairs to the municipal ferryboats of the City for the sum of \$28,139.62; that they performed all the terms and conditions of said contract and became entitled to that amount; that between the 21st day of October, 1905, and the 23d day of December, 1905, they performed certain other and extra labor and furnished certain other and extra materials in connection with the work aforesaid, consisting of repairs to the ferryboats known as "Brooklyn," "Queens," "Richmond," "Bronx" and "Manhattan," pursuant to written instructions and orders therefor from the Department of Docks and Ferries; that the said extra labor and extra materials amounted in the aggregate at the same rate as specified in the contract to the sum of \$40,314.24; that this was at a rate for both material and labor considerably lower than the rates prevailing therefor at the time said materials were furnished and labor was performed; that they had received payment for that portion of the work and materials specified in the contract, but had received nothing for any part of the extra work and extra materials above mentioned; that thereafter they filed their notice of claim with the Comptroller for the amount unpaid, which said claim was rejected and payment refused upon the ground that the Department of Docks and Ferries had no authority to issue or give such orders and there was no appropriation out of which the same could be paid; that they had received specific orders in writing from the Commissioner of Docks and Ferries for each and every item of said extra labor and materials, and that each of said orders for said work and materials, as they believed, came within the purview of the contract and was within the authority of the Commissioner of Docks and Ferries; that all of the said extra labor and materials for which they received orders were absolutely necessary and urgent, and unless said repairs had been made immediately it would have been necessary to take the boats out of commission, resulting in a serious congestion of traffic and to the great inconvenience and vexation of the large number of patrons of the lines; that so great was the emergency that it would have been utterly impracticable to have lost the time necessary for the advertising of bids for this work and the making of new contracts therefor; that all of the work was done promptly, properly and satisfactorily to the Department of Docks and Ferries, and the City received the full benefit of all the work and all the materials for which claim is made, and except for the doubt of the authority of the Commissioner of Docks and Ferries to give orders therefor, there is no reason known to them why the claim should not be paid in full with interest, and that by reason of the premises the City is justly indebted to them in the sum of \$40,314.24, with legal interest thereon from the 23d day of December, 1905, none of which has been paid and to which there are no offsets or counter claims.

Heretofore Claim No. 49509 was presented by James Shewan & Sons for \$48,756.55 alleged to be due in connection with their contract dated the 25th of October, 1905, for repairs to certain municipal ferryboats. As appears by a report of the Bureau of Law and Adjustment of this Department, dated June 20, 1906, the results of the investigation into said claim were shown to be as follows: Contract 14157, dated the 25th of October, 1905, was executed by James Shewan & Sons "for repairs to municipal ferryboats," the estimated cost of the said work being \$28,139.62, payment of which amount has been made to the claimant. In a report by W. H. Roberts, Assistant Engineer of the Department of Finance, and approved by Chandler Withington, Chief Engineer, dated the 21st of May, 1906, it was stated that the Assistant Engineer had devoted considerable time to the investigation of the claim in an effort to certify that the work claimed had been satisfactorily completed and that the price charged was reasonable, but had been unsuccessful for the following reasons: (1) * * * The orders issued by the Dock Department were so general in their requirements and indefinite as to the amount of work required that it was impossible to estimate the value of the work to be done under them. Furthermore, as the orders were in all cases given verbally and the written orders issued later, it was not certain that all of the verbal orders were duplicated in the written orders. (2) The records examined by the Assistant Engineer in the contractors' office had been transferred from the daily time sheets and appeared to be plain, but one item was somewhat irregular, inasmuch as on the 17th of November, 1905, there was an item of one pump cylinder with plunger valve seat, costing \$289, and on the 18th of November, 1905, one pump cylinder with plunger valve seat costing \$289. The contractors' records showed both of these repairs were on the same pump on the ferryboat "Richmond." The Assistant Engineer had inquired from a number of the employees of the Dock Department concerning the pump, and they agreed that it was repaired twice but not on consecutive days. The contractors' records were not divided so that any item of labor or material charged could be charged against any particular order. (3) * * * There were no records in the Dock Department from which the amount of labor and material charged for could be checked. (4) As the work consists mostly of repairs it was impossible to check the amount of labor or material furnished by an examination of the boats, although the Assistant Engineer had made such an effort. It was impossible to tell by looking at a piece of material whether it was furnished during working hours or at night time at double rates. Assistant Engineer Roberts concludes his report by stating that "I can only say in relation to this claim that James Shewan & Sons have undoubtedly done a large amount of work, and by taking a chance in continuing their contract beyond its legal amount probably saved the public considerable inconvenience in making it possible to continue the ferry service regularly," and "I have been unable to discover anything which would lead me to believe that the work and material charged for has not been furnished, or that the price charged for the work is excessive." In explanation of the reference made by Assistant Engineer W. H. Roberts to items under dates of November 17 and 18, 1905, these claimants, under date of the 20th of May, 1906, addressed a communication to the Comptroller stating that "we wish to say that on November 9, 1905, we received a verbal order from Mr. J. J. Herrick to install one pump cylinder, with plunger valve complete, on the ferryboat "Richmond," also an order to carry one on hand as spare;" that "we immediately placed the order with the makers of this pump, who supplied one cylinder at once, which we installed on the ferryboat "Richmond," and "the other cylinder was delivered to us about November 15, 1905, and was also installed on the ferryboat "Richmond" sometime in December, as the water chamber of the first one we supplied had burst;" and that "the dates given on our bills are according to the dates of the bills we received from the pump manufacturers, and not according to the dates of their installation." In the said report of the Bureau of Law and Adjustment it was recommended that the same be transmitted to the Corporation

Counsel, with a request for his advice concerning the legal liability of the City in the premises.

In reply to a request for such advice a communication was received from G. L. Sterling, Acting Corporation Counsel, dated December 17, 1906, in which it was stated: "The situation in connection with these new ferryboats no doubt rendered it necessary that emergency repairs be done at short notice, but this condition was recognized in the letting of this contract, and should have suggested the obtaining by the Dock Department of authority for providing for further repairs;" that "I am of the opinion and would advise you that there was no authority in the Dock Department under this contract to give the orders referred to, however necessary, beyond the amount named in the contract, and you would not be justified in adjusting or paying any claim beyond the balance due under such contract," and that "this claim is not an aggregate of separate and distinct orders of less than \$1,000 each, but is made up of bills of work ordered and undertaken and in continuance of the contract named." In view of such opinion of Acting Corporation Counsel Sterling the said Claim No. 49509 was disallowed.

On the part of the claimants have been submitted 66 orders or directions to them, bearing various dates between the 21st of October, 1905, and the 23d of December, 1905, for labor and materials required to be furnished in connection with said contract, which orders bore the signatures of John J. Herrick, Mechanical Engineer in the Department of Docks and Ferries.

In a communication dated the 6th of April, 1906, signed by Dock Commissioner Bensel, it was stated: "The records of this office show there is no question but that Shewan did receive the orders to proceed with the extra work and that the City is in receipt of the material ordered." Attached thereto were copies "of the orders from time to time for the material in question by the Engineer in charge of the work." Such copies were substantially the same as the mentioned orders submitted by the claimants numbered from 30 to 66, inclusive, dated between November 16, 1905, and December 23, 1905.

In view of the statements contained in the above mentioned report of Assistant Engineer Roberts, additional testimony has been obtained from John J. Herrick, Mechanical Engineer; John J. Colleton, Clerk, and Francis J. Steele, Marine Engineer, all employed in the Department of Docks and Ferries, in relation to the labor performed and the materials delivered for the value of which claim is made.

John J. Herrick, upon his examination, testified as follows: He occupied the position of Mechanical Engineer in the Department of Docks and Ferries, in the years 1905 and 1906, and had personal knowledge of the facts connected with the execution of the contract with James Shewan and Sons. The orders numbered from 1 to 66 were signed by him and included all the work under the contract and all the extra work for which claim was made. When the work under the contract was nearly completed he told Commissioner Featherson of the fact and asked for further instructions. An interview was then arranged to take place between Commissioner Featherson, James Shewan, Jr., and himself, at which the Commissioner inquired if Shewan was willing to go ahead with the repair work as a part and continuation of the contract and at contract prices. Shewan was willing to do so and the Commissioner told Herrick "to go ahead then just as if this was a part of the contract," and "the orders were continued right along." His business was to ascertain the time spent and the material used. He kept track of this in concert with Francis J. Steele, a Marine Engineer of the Dock Department, and with the Engineers who were in charge of the watches on the boats. The Engineers on the boats, at the end of their watches, informed him of the number of men engaged and the number of hours of work and also the material furnished and these were checked up by Steele and himself by weighing and measurements and the matter was then turned over to Colleton, the Clerk. These records consisted of slips and memoranda. After the orders were issued by him it was his business to see that the work was performed. This he did by personal observation, assisted by Steele and others. He went every day to see that the work was performed. All the certificates that were prepared by the various mechanics showing work performed were sent to the office and he would see them. These were then checked up by the bills sent in by the claimants. At the time he satisfied himself, from personal observation, that the materials he had ordered were actually furnished and that the labor for which the claimants charged had been actually rendered and performed by their men upon that work. His records all showed that the material was furnished and the labor performed. If the contract prices prevailed there would be a balance payable to the claimants of \$40,314.24. This testimony is transmitted herewith.

John J. Colleton testified as follows: It was in January, 1906, that he first had anything to do with the work under claimants' contract. It was under estimates prepared by him that the partial and final payments were made. The full amount paid on the contract was \$28,139.62. As regards the additional work, for which a charge of \$40,314.24 was made, he prepared a statement for that amount similar to those for the prior payments, made up a requisition and sent it to Commissioner Bensel with a request for a Department order covering the amount. He never heard anything more about it. This estimate was made up from a whole mass of data—reports from various Engineers who were on watch "that so many employees of Shewan had been working on a particular job at a particular time." There were also statements from the claimants "that so many pounds of packing had been used and so many pounds of other things and the labor was accounted for by the Engineers and also by Steele, the Marine Engineer, who was Acting Inspector at the time." After he got all that data out and his figures agreed with the claimants' bills, the records were destroyed. These "were simply memoranda to check the contract." The same method was followed as regards all the work and the payments under the contract were made upon such records. "That additional work was accounted for in the same manner that the amount of the contract was." The material from which that could be ascertained "was available at the time it was checked up, after that it was of no use and was destroyed." At the time he checked up these returns he found they corresponded with the bill as rendered by Shewan. He had then the original reports before him. The same method was pursued by him as to all other contracts. This testimony is transmitted herewith.

Francis J. Steele testified as follows: He had been employed as a Marine Engineer in the Dock Department since August, 1905, and acted as general assistant to Herrick looking after the work performed on the different boats and the amount of material that was furnished in making these repairs. He made his report to Herrick on each boat and each job, as the work was in progress. This report was made with memoranda that he kept in a note book. When reports were sent in by Engineers he saw that their reports corresponded with the work he knew positively was done. Generally his reports came out correct with Herrick's reports and with what Herrick saw of the work. His reports "corresponded with the bills in general rendered by Mr. Shewan." As far as he was concerned he did not know the conditions of the contract but "was simply on the boat looking after the work," and made his report to Herrick. He "was familiar with all that," but "didn't know anything about the contract." The aggregate amount "was up to Mr. Herrick and Mr. Colleton." He was on the boat every day while the work was progressing, and certified to the correctness of certain things being delivered and certain number of men that were working. The reports that he made were delivered to Herrick and kept in a sort of note book or pad that he might have with him. These statements were absolutely correct. The office was not then well organized, "we had no forms to write on or to work by. * * * My report would be on a small ten cent book or something similar to that." This testimony is transmitted herewith.

The following conclusions may be drawn from the facts above recited: Orders were issued by John J. Herrick, Mechanical Engineer, employed in the Department of Docks and Ferries, directed to the claimants requiring a considerable amount of work to be done and material to be furnished in excess of that for which payment could be made under their contract. The claimants apparently complied with these orders. Edwin A. Shewan, a member of the firm of James Shewan & Sons, testified that the orders were faithfully carried out and the charges were based on the prices fixed by the contract. W. H. Roberts, Assistant Engineer, employed in this Department, reported that the records examined by him in the contractors' office had been transferred from the daily time sheets and appeared to be plain with the exception of an item costing \$289. A plausible explanation regarding this item was subsequently made by the claimants. Assistant Engineer Roberts also reported that although it was impossible to check the amount of labor or material furnished by an examination of the boats, the claimants had, undoubtedly, done a large amount of work and he had been unable to discover anything which would lead him to believe that the work and material charged for had not been furnished or that the price charged was excessive. From this report of the Assistant Engineer and from the testimony of the three employees in the Dock Department, Herrick, Colleton and Steele, it is apparent

that, although the value of the work and material furnished by the claimants in excess of the requirements of the contract cannot be determined with exactitude, it approximates the amount claimed. A conservative estimate of such value would be \$35,000.

This report is submitted to the Comptroller for his consideration and for such action as he may deem proper upon the application of these claimants for an adjustment of their claim under chapter 601 of the Laws of 1907.

Respectfully,

JOS. L. HANCE, Auditor of Accounts.

Approved:

J. T. MAHONEY, Chief, Bureau of Law and Adjustment.

After carefully considering all the above facts and being personally satisfied that claimants are actually entitled to the sum claimed by them, to wit, \$40,314.24, I hereby approve of payment of the claim in that sum.

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of chapter 601, Laws of 1907, the Board of Estimate and Apportionment hereby determines that the City has received a benefit and is justly and equitably obligated to pay, without interest, to James Shewan & Sons the sum of forty thousand three hundred and fourteen dollars and twenty-four cents (\$40,314.24) for labor and material furnished for repairs to the Municipal ferryboats; that the same shall be paid in full satisfaction of the claim presented, and shall only be paid upon the execution of a full release in favor of the City in such form as shall be approved by the Corporation Counsel, and that for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to said chapter 601, Laws of 1907, to pay the said sum of forty thousand three hundred and fourteen dollars and twenty-four cents (\$40,314.24) out of the Dock Fund.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the President, Borough of Manhattan, requesting the repaving of Gold street, from Fulton street to Maiden lane, and Manhattan place, from Elm street to Reade street, and various other streets, together with report of the Comptroller (to whom this matter was referred on April 3, 1908), making certain recommendations (which was referred to the President, Borough of Manhattan, on April 24, 1908); also communication from the Secretary of the Borough relative to said report:

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN,
CITY HALL, March 30, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment:

DEAR SIR—Request is hereby made that the Board of Estimate and Apportionment authorize the repaving of the following streets, the cost to be charged to the Bond Account for Repaving Streets, Borough of Manhattan:

Gold street, from Fulton street to Maiden lane.

Manhattan place, from Elm street to Reade street.

Tenth avenue, from Nineteenth to Twenty-third street.

One Hundred and Fifty-first street, from St. Nicholas avenue to St. Nicholas place.

One Hundred and Fifty-fourth street, from St. Nicholas avenue to Amsterdam avenue.

A search has been made of the records in the Bureau of Assessments, without success, to ascertain the dates of the confirmation of the assessment lists for the original pavements on these streets.

Yours very truly,

JOHN F. AHEARN, President.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTRROLLER'S OFFICE,
April 22, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Hon. John F. Ahearn, President of the Borough of Manhattan, in communication under date of March 30, 1908, requests the Board of Estimate and Apportionment to authorize the repaving of the following streets, and to charge the cost to the Bond Account for Repaving Streets, Borough of Manhattan:

Gold street, from Fulton street to Maiden lane.

Manhattan place, from Elm street to Reade street.

Tenth avenue, from Nineteenth street to Twenty-third street.

One Hundred and Fifty-first street, from St. Nicholas avenue to St. Nicholas place.

One Hundred and Fifty-fourth street, from St. Nicholas avenue to Amsterdam avenue.

President Ahearn states in his communication that a search has been made of the records in the Bureau of Assessments, but without success, to ascertain the dates of the confirmation of assessment lists for original pavements on these streets;

I would report in detail as follows:

Gold street, from Fulton street to Maiden lane, was repaved, the acceptance of the work being dated September 18, 1880. There is no record of assessment work in the Bureau of Highways back to the year 1867, prior to which time no record with regard to pavements exists. The street is in a bad condition and requires repaving.

This being an old street, and in the absence of any definite proof of its being paved and paid for by assessment, I suggest that the Board of Estimate and Apportionment adopt a resolution authorizing this street to be paved and to be paid for from the Bond Account for Repaving Streets, Borough of Manhattan.

Manhattan Place, from Elm to Reade Street—There are no records back to 1867 of assessments or pavement laid. This street is in a fairly good condition and is simply used for the delivery of goods, coal, etc., to adjoining premises.

While this street is in a fairly good condition, the cost of repaving will be so slight that I see no objection to its being included in the list.

This being an old street, and in the absence of any direct proof of this street being paved and paid for by assessment, I suggest that the Board of Estimate and Apportionment adopt a resolution authorizing this street to be paved and paid for from the Bond Account for Repaving Streets, Borough of Manhattan.

Tenth Avenue, from Nineteenth to Twenty-third Street—This avenue, from Little West Twelfth street to West Twenty-third street, is now under contract to be repaved. The records show that assessments for paving this avenue were confirmed as follows:

Gansevoort street to Sixteenth street, November 19, 1840.

Sixteenth street to Twenty-third street, May 31, 1837.

—and is so certified in the contract, hence no action needed by the Board of Estimate and Apportionment.

One Hundred and Fifty-first Street, St. Nicholas Avenue to St. Nicholas Place—There is no record in the Bureau of Highways of this street having been paved. Street is paved with macadam, with stone gutters. The macadam is badly worn, and it would be a great improvement if the street were repaved. It is a short block, only about seventy (70) feet in length.

In view of the nature of the present pavement I am led to believe that it was laid by the Department and not paid for by the property owners.

Therefore I suggest that the pavement of this street be paid for by the property owners benefited, and recommend that the Borough President request the Local Board to adopt a resolution for the paving of this street.

One Hundred and Fifty-fourth Street, St. Nicholas Avenue to Amsterdam Avenue—There is no record of this block ever having been paved. I find upon examination

that it now has a macadam pavement with stone gutters, the pavement being badly worn. The street is well built up with private houses, and it is my opinion that it should be paved with sheet asphalt or some other equally smooth and modern pavement.

In view of the nature of the present pavement I am led to believe that it was laid by the Department, and not paid for by the property owners. Therefore I suggest that the pavement of this street be paid for by the property owners benefited, and recommend that the Borough President request the Local Board to adopt a resolution for the paving of this street.

Respectfully,

CHANDLER WITHERINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN, }
June 8, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment:

DEAR SIR—At a meeting held by the Board of Estimate and Apportionment on April 24, 1908, a report was presented from the Comptroller relative to the request of the President of the Borough of Manhattan for authority to repave certain streets and to charge the cost thereof to the Bond Account for Repaving. In this report the Comptroller recommends that the Board of Estimate and Apportionment adopt a resolution authorizing the repaving of Gold street, from Fulton street to Maiden lane, and Manhattan place, from Elm street to Reade street, the cost of the work to be charged to the Bond Account for Repaving Streets in the Borough of Manhattan.

Up to date the Board has not taken the action recommended by the Comptroller in regard to the streets above mentioned. This Department is anxious to proceed with the work and requests that the matter be placed upon the calendar for the meeting on Friday, June 12, 1908, and that the necessary resolutions be presented at that time.

Yours very truly,

BERNARD DOWNING, Secretary, Borough of Manhattan.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby authorizes the repaving of the following streets under the jurisdiction of the President, Borough of Manhattan, the cost thereof to be charged to the Bond Account for Repaving Streets in the Borough of Manhattan:

Gold street, from Fulton street to Maiden lane.

Manhattan place, from Elm street to Reade street.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a communication from the Commissioner of Bridges urging consideration and action in the matter of the proposed agreement between the City, the Manhattan Railway Company and the Interborough Rapid Transit Company, relative to depressing the elevated railway structure in Division street, Manhattan, where said structure intersects the line of the Manhattan Bridge.

Which was referred to the Corporation Counsel for report at the next meeting of the Board, to be held June 19, 1908.

(On December 20, 1907, the communication from the Commissioner of Bridges relative to said agreement was referred to the Chief Engineer of the Board, and on March 6, 1908, the Chief Engineer's report thereon was referred to a Select Committee, consisting of the Comptroller and the President, Borough of Manhattan.)

The Secretary presented the following communication from the Comptroller, recommending that appropriations be set aside from the revenues received during the year 1908 from the following bridges, for the maintenance thereof.

\$380,000. New York and Brooklyn Bridge.

\$247,890. Williamsburg (New East River) Bridge.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, }
June 8, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—In his departmental estimate for the year 1908, the Commissioner of the Department of Bridge, in addition to such allowances as are properly provided for in the annual budget appropriations, requested certain amounts for the necessary maintenance of the New York and Brooklyn Bridge and the Williamsburg (New East River) Bridge during said year.

As under the existing statutes such maintenance is a legal charge against the revenues derived from the two bridges in question, and since, from an examination of the actual expense of maintaining said bridges in a safe and serviceable condition, the Commissioner's estimate of such expense during the year 1908 does not appear to be excessive, I would respectfully recommend that his request be concurred in through the adoption by the Board of Estimate and Apportionment of the resolutions hereunto attached.

Respectfully,

H. A. METZ, Comptroller.

The following was offered:

Whereas, By subdivision 2 of section 242 of the Greater New York Charter, the Board of Estimate and Apportionment has the power to appropriate, from time to time, for the maintenance of the New York and Brooklyn Bridge the moneys received from the revenues of said bridge; and

Whereas, The Commissioner of the Department of Bridges has requested an appropriation of three hundred and eighty thousand dollars (\$380,000) to meet the estimated expenses of such maintenance during the year 1908, under said section of the Charter; therefore be it

Resolved, That the Board of Estimate and Apportionment hereby determines that all moneys received from the revenues of said bridge during the year 1908, up to the amount of three hundred and eighty thousand dollars (\$380,000), be and hereby are set aside and appropriated for the maintenance of said bridge during said year.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following was offered:

Whereas, Section 7 of chapter 789 of the Laws of 1895 provides that the income of the Williamsburg (New East River) Bridge, or so much thereof as may be necessary, shall be devoted to the maintenance of said bridge; and

Whereas, The Commissioner of the Department of Bridges has requested an appropriation of two hundred and forty-seven thousand eight hundred and

ninety dollars (\$247,890), to meet the estimated expenses of such maintenance during the year 1908, under said section of the law; therefore be it

Resolved, That the Board of Estimate and Apportionment hereby determines that all moneys received from the revenues of said bridge during the year 1908, up to the amount of two hundred and forty-seven thousand eight hundred and ninety dollars (\$247,890), be and hereby are set aside and appropriated for the maintenance of said bridge during said year.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Comptroller, certifying (pursuant to chapter 601, Laws of 1907) the claim of Brooklyn Heights Railroad Company for labor and material used in connection with the installation of certain special work upon City property at the Brooklyn terminal of the Williamsburg Bridge, at the sum of \$3,834.77, together with a report of the Bureau of Law and Adjustment, Department of Finance, relative thereto:

CITY OF NEW YORK—DEPARTMENT OF FINANCE, }
COMPTRROLLER'S OFFICE, }
June 9, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—Under and pursuant to the provisions of chapter 601 of the Laws of 1907 of the State of New York, entitled "An act to amend the Greater New York Charter in relation to the powers of the Board of Estimate and Apportionment," I hereby certify that a claim has been presented by the Brooklyn Heights Railroad Company for \$9,488.77, the alleged cost of labor and material used in connection with the installation of certain special work upon City property at the Brooklyn terminus of the Williamsburg Bridge; that the said claim is illegal or invalid as against The City of New York by reason of technical objections thereto; that, in my judgment, it is equitable and proper, inasmuch as the City has received value therefor, for the City to pay the amount of the said claim after deducting a counter claim of \$5,654 due to the City, and that the balance payable to the claimant company in full settlement of its claim is the sum of \$3,834.77.

Respectfully,

H. A. METZ, Comptroller.

CITY OF NEW YORK—DEPARTMENT OF FINANCE, }
COMPTRROLLER'S OFFICE, }
June 8, 1908.

In the Matter

of

Claim No. 53944 of the Brooklyn Heights Railroad Company for \$9,488.77, the alleged cost of labor and material used in connection with the installation of certain special work upon City property at the Brooklyn terminus of the Williamsburg Bridge.

Hon. HERMAN A. METZ, Comptroller:

SIR—A communication dated the 16th of October, 1907, has been addressed to the Comptroller by George D. Yeomans, general counsel of the Brooklyn Heights Railroad Company, in which attention is directed to claim No. 49615 of the Brooklyn Heights Railroad Company for \$9,488.77, as the actual cost of labor and material necessary and used by it in connection with the installation of certain special work upon City property at the Brooklyn terminus of the Williamsburg Bridge. In the said communication it was stated that the said special work was installed by the claimant company, in pursuance of an agreement made on or about the 28th of September, 1904, and was necessary in order to connect the railroad tracks of the claimant company and associate companies with the railroad tracks of the City upon the Williamsburg Bridge; that this work was installed partly upon the property of the railroad companies and partly upon the property of the City, and the claim against the City represents the actual cost of the installation of that part of the work which was upon City property; that the agreement was made between Mr. E. W. Winter, president of the claimant company, and the Bridge Department during the term of office of Commissioner Best, and his successor in office, Mr. James W. Stevenson, refused to certify the claim to the Comptroller for payment, solely because of lack of authority under the Charter; that claim for the said amount was duly filed in the office of the Comptroller, pursuant to section 261 of the City Charter, and, under date of the 21st of November, 1906, a communication was addressed by the Comptroller to Mr. Winter, stating that, pursuant to an opinion rendered by the Corporation Counsel, the claim had been disallowed, because the work was not within the purview of section 419 of the Charter, and because the Commissioner of Bridges was not authorized under the Charter to enter into such an agreement on behalf of the City; that under chapter 601 of the Laws of 1907, the Board of Estimate and Apportionment has power to examine into and allow the said claim, upon the certificate of the Comptroller that the same is just and equitable, and therefore it is desired that such certificate be issued by the Comptroller.

Claim No. 49615 of the Brooklyn Heights Railroad Company, for \$9,488.77, was filed with the Comptroller, the said sum being alleged to be due in pursuance of an agreement between the City and the Brooklyn Heights Railroad Company, made on or about the 28th of September, 1904.

A report upon the said claim was made by the Bureau of Law and Adjustment of this Department under date of the 17th of October, 1906, from which it appears that the facts of the case are as follows: When the plans for the track arrangements over the Williamsburg Bridge were under consideration, interviews and correspondence took place between representatives of the claimant company and the Commissioners of Bridges, and the Chief Engineer of the Department, respecting the tracks for trolley cars at the Brooklyn terminal of the bridge. It is claimed on the part of the company that an agreement was arrived at by which the company should order, pay for and put down all the tracks and special work required; that the City should pay for the track work on City property; that the plans were prepared for all of these tracks in conjunction with the Bridge Department; that the material was supplied and put down by the company in accordance with the accepted plans, and that it was distinctly understood that such special work was to become the property of the City after it was installed by the company. Under date of the 25th of June, 1904, Chief Engineer Nichols of the Bridge Department, wrote to President Winter, of the Brooklyn Heights Railroad Company: "The plans for the connecting tracks and loops on the Brooklyn plaza of the Williamsburg Bridge, are definitely fixed, and I send you herewith a print of the drawing No. 583, part of Exhibit 'A' referred to in the traffic agreement, the heavy lines on which indicate the track construction the Department of Bridges will undertake at its expense, the connections for this construction to the Brooklyn Rapid Transit tracks on streets to be ordered and installed by you. This division of the work seems to me to insure the minimum of complication and delay in its performance. The City will, of course, own and have complete jurisdiction over all of the tracks lying within the original curb lines of South Fourth and Havemeyer streets and Broadway, bounding the Plaza. We shall contract only for the construction of the work covered by the heavy lines, particularly as the connections with your main tracks shown by the light lines must, in order to secure good work, be ordered and installed by you, and I have no doubt that an agreement can be made by which the operation of this work within curb lines above mentioned, can be paid for, as it should be, by the City. The definite plans of the track construction on the Brooklyn plaza have all been prepared in cooperation with your engineers, and I shall take pleasure in forwarding you these in the near future." Under date of the 29th of June, 1904, President Winter wrote to Chief Engineer Nichols, acknowledging the receipt of the above mentioned communication of the 25th of June, 1904, adding, "I note that you propose to contract direct for the construction of work covered by the heavy lines, and that you request this company to contract for connections shown in light lines, the City to pay for its proportion. We

will comply with your request in this respect and place the contract as early as possible." Under date of the 30th of June, 1904, President Winter wrote to Chief Engineer Nichols conveying information that orders had been placed for certain work required to be delivered, and adding: "You will note that the plans for this special work include those portions which lie on City property. The cost of such work, together with the cost of installing same, we understand from your letter, will be paid for by, and become the property of, the City." Under date of the 5th of July, 1904, Chief Engineer Nichols wrote to President Winter, acknowledging receipt of the last mentioned communication and stating further: "I note with satisfaction your having placed the order for this special track connection and would be pleased to have at your early convenience, an estimate as to what part of the cost thereof you deem should be met by this Department." In a letter dated the 26th of September, 1904, addressed to Chief Engineer Nichols, President Winter requested to be advised as to whether or not the writer was correct in his understanding that the Chief Engineer desired the Brooklyn Heights Railroad Company to install the joint special work at the Brooklyn end of the Williamsburg Bridge and bill against the City for its proportion of the cost. Under date of the 28th of September, 1904, Chief Engineer Nichols informed President Winter that "we do desire you to install the special work at the Brooklyn end of the Williamsburg Bridge, which according to our previous correspondence on the subject is to be provided for at City expense." President Winter, under the same date, wrote to Chief Engineer Nichols: "Replying to yours of the 28th inst. we will install the City special work at the Brooklyn end of the Williamsburg Bridge in conjunction with ours as you request." In view of this alleged agreement claim was made by the Brooklyn Heights Railroad Company for the cost of such special work stated to be the sum of \$9,488.77. Examiner Riggs, of the Bureau of Law and Adjustment, of this Department, having been directed to ascertain the correctness of the disbursements which were alleged to have been made by the claimant company, reported that he had compared the items as to prices, wages and materials with the books, requisitions, receipts and payrolls of the company, and found them to be correct in every particular; that he had been informed by Assistant Engineer Martin, of the Bridge Department, who had the supervision of the matter, that Martin had caused a survey to be made of the work, and found the measurements and proportions to be correct; that charge had been made only for the actual cost of the work, nothing having been added for any kind of profit, and as the company was engaged in similar kinds of work continuously it was reasonable to suppose that the cost of the work was less than it would have been if performed by the City.

The matter having been referred to the Corporation Counsel for his opinion concerning the legal liability of the City for payment of the claim, a communication dated the 15th of November, 1906, was received from G. L. Sterling, Acting Corporation Counsel, in which it was stated that "the work was clearly within the purview of section 419 of the Charter of The City of New York, and that the Commissioner of Bridges was unauthorized to enter into any agreement for the installation referred to which could bind the City by his action," and that "I advise you, upon all the facts presented to me, to reject the claim of the Brooklyn Heights Railroad Company," because the alleged agreement "was unauthorized and void and the claimant was bound to take notice of the public statutes limiting the authority of the Commissioner of Bridges."

The said claim, in conformity with such opinion of the Acting Corporation Counsel, was disallowed.

On the 21st of May, 1904, an agreement was executed by The City of New York, party of the first part; the Brooklyn Heights Railroad Company, party of the second part; the Coney Island and Brooklyn Railroad Company, party of the third part, the New York City Railroad Company, party of the fourth part; and the Bridge Operating Company, party of the fifth part. The said agreement was for the purpose of providing for the operation of surface cars on the Williamsburg Bridge. It was therein provided that "the 'City' agrees as soon as practicable and about July 15, 1904, to complete the south pair of surface tracks with the electrical equipment pertaining thereto and including two loops connecting therewith on the Brooklyn plaza, and the 'Bridge Company' agrees that it will by the same date complete a temporary stub terminal connecting with these tracks and on a line therewith on the ground east of Clinton street, in Manhattan."

In a communication dated the 13th of July, 1906, signed by Chief Engineer Nichols, and addressed to Bridge Commissioner Stevenson, it was stated that "there was a distinct difference of opinion as to how extensive this stub terminal should be;" that "It was found necessary to make it very much more extensive than anything the railroad companies had anticipated and necessary for the Department to construct it, in order to secure a terminal at all commensurate with the convenience of the passengers at this point, and this stub terminal was built by the Department on its own plans;" that "It was afterward determined that the proportionate part thereof which should be charged to the Bridge Operating Company" was the sum of \$5,654; that "There is, I believe, no agreement other than that above mentioned covering this point," but "Mr. Winter, the President of the Brooklyn Rapid Transit Company and of the Bridge Operating Company has never disputed the validity of this claim," and that the only reason for making this claim of the City in connection with this claim of the Brooklyn Heights Railroad Company "was in order to prevent the payment of that claim by the Finance Department until the proportionate part of the cost of the stub terminal had been met by the Rapid Transit Company or its ally, the Bridge Operating Company."

Under date of the 30th of December, 1905, Bridge Commissioner George E. Best transmitted to the Comptroller a bill submitted by the claimant company for the amount of its claim (\$9,488.77), and also the above mentioned bill for \$5,654, stating that "the difference between these bills, \$3,834.77, should be paid to the Brooklyn Rapid Transit Company."

From the above mentioned report of Examiner Riggs it appears that Chief Engineer Nichols informed him that President Winter had agreed to the City's counter claim of \$5,654, which was about one-third of the cost of the stub terminal on the New York end of the bridge.

From the facts of this case it would appear that the claim of the Brooklyn Heights Railroad Company is illegal or invalid by reason of the technical objection that the material was furnished and the labor was performed without proper authorization in law; that the City has received value therefor to the extent of \$9,488.77, the actual disbursements for such material and labor; that if any allowance be made in settlement of such claim, the City should deduct therefrom the amount of its counterclaim, namely, \$5,654, leaving a balance payable to the claimant company of \$3,834.77.

It is, therefore, respectfully recommended that the certificate prescribed in chapter 601 of the Laws of 1907 as a requisite for consideration of the said claim by the Board of Estimate and Apportionment, be issued by the Comptroller to the effect that the same is illegal or invalid by reason of technical objections thereto, but that it is equitable and proper, inasmuch as the City has received value therefor, that the claimant company be paid the said sum of \$9,488.77, less \$5,654, the amount of the City's counter-claim, leaving a balance of \$3,834.77 payable in full settlement of the claim.

Respectfully,

JOS. L. HANCE, Auditor of Accounts.

Approved:

J. T. MAHONEY, Chief, Bureau of Law and Adjustment.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of chapter 601, Laws of 1907, the Board of Estimate and Apportionment hereby determines that the City has received a benefit and is justly and equitably obligated to pay, without interest, to the Brooklyn Heights Railroad Company, the sum of three thousand eight hundred and thirty-four dollars and seventy-seven cents (\$3,834.77), for labor and material furnished in connection with the installation of certain special work upon City property at the Brooklyn terminal of the Williamsburg Bridge; that the said sum shall be paid in full satisfaction of the claim which has been presented by said Company for \$9,488.77, and shall only be paid upon the execution by it of a full release in favor of the City in such form as shall be approved by the Corporation Counsel; and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to said chapter 601 of the Laws of 1907, to issue Corporate Stock of The City of New York, in the manner

provided by section 169 of the Greater New York Charter, to an amount not exceeding three thousand eight hundred and thirty-four dollars and seventy-seven cents (\$3,834.77), at such rate of interest as may be fixed by the Comptroller, or the Comptroller may pay said claim from any unexpended balance of the proceeds of Corporate Stock authorized to be issued for such purpose.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Comptroller certifying (pursuant to chapter 601, Laws of 1907), the claim of Fuller & O'Connor, for labor and material furnished in connection with two contracts for the construction of public baths in Montrose avenue and in Huron street, Borough of Brooklyn, at the sum of \$2,444, together with a report of the Bureau of Law and Adjustment, Department of Finance, relative thereto:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
June 9, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—Under and pursuant to the provisions of chapter 601 of the Laws of 1907 of the State of New York, entitled "An Act to amend the Greater New York Charter in relation to the powers of the Board of Estimate and Apportionment," I hereby certify that a claim has been presented by Fuller & O'Connor for \$2,444 alleged to be due in connection with two contracts for the construction of public baths in Montrose avenue and in Huron street, in the Borough of Brooklyn; that the said claim is illegal or invalid by reason of technical objections thereto; that, in my judgment, it is equitable and proper for the City to pay the same inasmuch as it has received value for the labor and materials which have been furnished, and that the amount which should be paid to the claimants is the amount claimed, namely, \$2,444.

Respectfully,

H. A. METZ, Comptroller.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
June 9, 1908.

In the Matter

of
The application for adjustment by the Board of Estimate and Apportionment, under chapter 601 of the Laws of 1907 of the claim of Rudolph C. Fuller and Thomas G. O'Connor, partners doing business under the firm name of Fuller & O'Connor, for \$2,444, alleged to be due for 188 mixing valves furnished in the construction of two baths in Montrose avenue and Huron street, Borough of Brooklyn.

Hon. HERMAN A. METZ, Comptroller:

SIR—Rudolph C. Fuller and Thomas G. O'Connor, comprising the firm of Fuller & O'Connor, claim the sum of \$2,444, alleged to be due for 188 mixing valves furnished to the City in the construction of a bath in Montrose avenue and of another bath in Huron street, both in the Borough of Brooklyn, during the year 1905. It is alleged that the claimants contracted with the City to construct three public baths in the Borough of Brooklyn, one of which was to be at Pitkin avenue and Watkins avenue, and another at Montrose and Union avenues and the third at Huron street; that when the Pitkin avenue bath was finally completed and accepted by the City, it was found that the mixing valves used in the construction of said bath in accordance with the specifications under which the contract was completed, did not do the service which was expected of them; that thereafter on the part of the City, negotiations were made with the Colwell Lead Company for the substitution of a more effective valve, and valves costing \$23 each were substituted at the Pitkin avenue bath at the expense of the City; that at that time Fuller & O'Connor had under construction the Montrose avenue bath, and they had entirely installed valves, the old mixing valves designated by the plans and specifications, on one side of the bath; that then Architect Louis Voss and Charles Wise, who was at that time Superintendent of Public Buildings, and Dr. Duryea, President of the Colwell Lead Company, entered into an agreement to have these valves changed, and the new valves of the same kind as those which had been substituted in the Pitkin avenue bath installed; that after such arrangements had been made the "City officials found that they had no funds to go ahead with the work and Mr. Wise and the architect decided to ask Fuller & O'Connor to proceed with the substitution," that "the claimants asked for a certificate for that additional work" but both Mr. Voss and Mr. Wise "replied they did not desire to give any order in writing, but if Fuller & O'Connor went ahead and completed the work they would reimburse them from the money pending for the rest of the baths, and as soon as this money was available, and the work of Fuller & O'Connor completed in a satisfactory manner, Fuller & O'Connor would be reimbursed for the extra expense to which they had been put in addition to that called for by the plans and specifications;" that these arrangements included both the Montrose avenue bath and the Huron street bath; that the new valves were installed, but "notwithstanding that arrangements had been made that these valves were to be paid for at the rate of \$23 per valve, the City insisted upon reducing the price of each valve \$5, making the extra cost to the City \$18, and compelling Fuller & O'Connor to allow the sum of \$5 for the old valves which had been furnished to the City, in accordance with their plans and specifications;" that it was finally agreed that the bill to the City was to be reduced to \$18 per valve, allowing the City \$5 for the old valves, which had been installed, making the actual cost to the City of \$13 for each valve; that "ninety-four new pattern mixing valves at the agreed price of \$18 were furnished in the Montrose avenue bath, amounting to the sum of \$1,692, less the allowance for ninety-four old valves at \$5 each, amounting to \$420 (\$470?), leaving the sum of \$1,222 for the valves at the Montrose avenue bath;" that "ninety-four new pattern mixing valves at \$18 each, amounting to the sum of \$1,692, were furnished for the Huron street bath, less allowance for ninety-four old valves at \$5 each, amounting to \$470, leaving the sum of \$1,222 due for the valves of the Huron street bath," and that "all these one hundred and eighty-eight (188) valves were duly installed, and no payment has been received from the City in return therefor."

The said Fuller & O'Connor requested the adjustment of their claim under chapter 601 of the Laws of 1907.

Under date of April 22, 1907, a report was made upon Claim No. 51876 of the said Fuller & O'Connor for the said sum of \$2,444, alleged to be due as aforesaid, in which attention was directed to the fact that general releases in favor of the City of all claims arising out of the said contracts were executed by Fuller & O'Connor, without any reservation whatever, and also to the fact that in a communication dated January 22, 1907, addressed to the Comptroller by G. L. Sterling, Acting Corporation Counsel, it was stated that the claim should not be paid for the following reasons: "(1) Reference to the contract will show at paragraph AA that modifications may be made in the plans and specifications to such extent as may be agreed in writing between the parties in a manner not materially affecting the substance or increasing the price to be paid, and directs that extra work not exceeding five per cent. of the contract price or total cost of the work and materials may be performed. The claimants do not bring themselves with this clause of the contract. (2) Attached to each of the contracts is a general release signed by Fuller & O'Connor, releasing the City from all liability under said contracts. (3) Payment of this claim cannot be made, because under section 419 of the Charter the work should have been let by public letting, inasmuch as it is worth over \$1,000. (4) It would seem that the 5 per cent. allowed by the contract for extra work had already been exhausted before this work was performed. I am, therefore, of the opinion that this claim should be rejected."

In view of that opinion, the said Claim No. 51876 was disallowed.

Upon presentation of the above-mentioned application for an adjustment under chapter 601 of the Laws of 1907, a communication dated May 19, 1908, was addressed by the Comptroller to the Corporation Counsel, in which the Corporation Counsel was requested to state whether or not, in his opinion, the claim of Fuller & O'Connor was a proper one for action under the above-mentioned enactment.

In reply to a request for such opinion a communication dated June 3, 1908, has been received from Acting Corporation Counsel Sterling, in which it is stated: "Your report states that the claims are just and equitable; that the City has received the material and labor charged for, and that the only reason why they cannot be paid is because of the legal defenses above stated. I am of the opinion that this claim can be presented to the Board of Estimate and Apportionment for adjustment under chapter 601 of the Laws of 1907, but the amount which should be paid can be best ascertained by your office. An examination of the claim should show the amount due and then you can decide whether or not you care to present the claim to the Board of Estimate and Apportionment."

Rudolph C. Fuller was examined under oath and testified in substance as follows: Upon the final payment under the contracts for the construction of the Montrose avenue and Huron street baths, he, on the part of the firm of Fuller & O'Connor, executed releases of all claims against the City by reason of said contracts without any exception. He did not intend to release the City from any obligation to pay their claim for \$2,444. He was not familiar with the way that business was done by the City, and in signing the papers he did not know that he was releasing the City from the payment of their money. At the time of executing the releases he was ignorant of the effect of the releases; if he had known that the effect of signing the papers was to release his claim for \$2,444 he would not have signed them. His intention was to continue the prosecution of his claim for that amount, and if he had been informed that he was releasing the City from the payment of the money he would not have signed the paper.

This testimony is transmitted herewith.

Attention is directed to two reports in similar terms, dated December 11, 1906, signed by Edward Riordan, Assistant Engineer of this Department, approved by Assistant Engineer W. H. Roberts and by Chief Engineer Chandler Withington. In the report affecting the Huron street bath contract it is stated: "I find that the substitution has been made as stated; the valve originally called for being that known as 'Mott's anti-scaling valve, or other equally good, to be approved by the architects.' This valve has been used in other public baths, but not with satisfactory results. The valve substituted is more expensive, but is a much more satisfactory article, both in operation and in the matter of repairs. I consider that the price charged, \$18 each, with the allowance of \$5 each for the old valves, which had to be taken out, leaving the net extra cost \$13 each, is reasonable. There have been ninety-four of these valves supplied at the Huron street bath building. Sections 'G' and 'AA' of the contract referring to changes in the contract are quoted in full in the attached letter of the Superintendent of Public Buildings of the President of the Borough of Brooklyn, dated November 26, 1906. I would also quote section 2, page 23 of the specifications, which is as follows:

"The contractor shall not be entitled to demand or receive payment for any extra work unless ordered in writing as hereinbefore described."

"This work was not authorized in writing by the President of the Borough, as required by section 'AA' of the contract. Nor was any written authorization for the change given by the Superintendent of Public Buildings and Offices or by the architect. The reason for this was that at the time the substitution was made there was no fund out of which the cost could be paid. It was anticipated, however, that a general appropriation for public baths would be made in the future, and the contractors acted on the verbal order of the architect, they assuming the risk of securing payment when such a fund would be available. Although this work was executed on an order given in a manner technically irregular, and not according to the letter of the contract, it appears that both the contractor and architect acted in good faith in the matter, and as the City has received the benefit of the material and labor charged for in the bill, should in equity pay for the same. The Comptroller has in many instances passed bills under conditions similar to the above, and I therefore recommend payment of this bill."

It will appear from the foregoing that, although this claim of Fuller & O'Connor is illegal or invalid by reason of technical objections thereto, they are, nevertheless, equitably entitled to relief by the payment of the amount of their claim, namely, \$2,444.

It is, therefore, respectfully recommended that the certificate required by chapter 601 of the Laws of 1907, as a requisite for consideration of this claim by the Board of Estimate and Apportionment be issued by the Comptroller.

Respectfully,

JOS. L. HANCE, Auditor of Accounts.

Approved:

J. T. MAHONEY, Chief, Bureau Law and Adjustment.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of chapter 601, Laws of 1907, the Board of Estimate and Apportionment hereby determines that the City has received a benefit and is justly and equitably obligated to pay, without interest, to Fuller & O'Connor, the sum of two thousand four hundred and forty-four dollars (\$2,444) for labor and material furnished in connection with two contracts for the construction of public baths in Montrose avenue and in Huron street, in the Borough of Brooklyn, under the jurisdiction of the President of Brooklyn; that the same shall be paid in full satisfaction of the claim which has been presented by said firm and shall only be paid upon the execution by it of a full release in favor of the City, in such form as shall be approved by the Corporation Counsel, and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to said chapter 601, Laws of 1907, to issue Corporate Stock of The City of New York, in the manner provided by section 169 of the Greater New York Charter, to the amount of two thousand four hundred and forty-four dollars (\$2,444), at such rate of interest as may be fixed by the Comptroller.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Chief Engineer, recommending the reappointment of Mr. Walter Cook as Consulting Architect to the Board for a period of one year from July 1 next, at a compensation not to exceed \$5,000 and expenses in any one year.

REPORT No. 17.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
June 9, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—On June 21, 1907, the Board of Estimate and Apportionment adopted a resolution appointing Mr. Walter Cook as Consulting Architect to the Board, with compensation not to exceed \$5,000 and expenses in any one year. The consent of the Municipal Civil Service Commission was secured, and under Rule 12, paragraph 6, this appointment was given for one year, which will expire on June 30.

Since his appointment as Consulting Architect Mr. Cook has been engaged upon several very important competitions, the most conspicuous of which is that for the proposed municipal office building at the Manhattan end of the Brooklyn Bridge, and I believe that the advantages which the City will derive and the economies which will be effected through competitions conducted as intelligently as they are under the supervision of Mr. Cook will amply repay the Board for the salary paid him.

I would therefore recommend that the Municipal Civil Service Commission be requested to consent to the employment of Mr. Cook as Consulting Architect on the same basis for another year, a resolution to this effect being herewith submitted.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

The following resolution was offered:

Resolved, That, subject to the approval of the Municipal Civil Service Commission, under Rule 12, paragraph 6 of the Civil Service Rules, Mr. Walter Cook be and is hereby appointed Consulting Architect to the Board of Estimate and Apportionment to supervise the preparation of plans, designs or specifications in connection with the construction of public buildings authorized by the Board of Estimate and Apportionment, with compensation not to exceed the sum of five thousand dollars (\$5,000) and expenses in any one year.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the President of the Borough of The Bronx, requesting an issue of Corporate Stock in the sum of \$5,000, to provide funds for the preliminary work, the preparation of plans, etc., for the widening of Pelham avenue over the tracks of the New York and Harlem Railroad Company, together with a report of the Comptroller recommending that said request be granted:

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX,
MUNICIPAL BUILDING, CROTONA PARK,
NEW YORK, May 4, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment:

DEAR SIR—Referring to my request made to the Board of Estimate and Apportionment on January 27, 1908, requesting an issue of Corporate Stock in the sum of \$225,000, for the purpose of bearing and paying the cost and expense of removing the Fordham station of the New York Central and Hudson River Railroad Company, and for the construction of bridge mentioned in section 1 of chapter 731 of the Laws of 1905, entitled: "An Act to provide for the widening of Pelham avenue, and for the construction of a bridge to carry Pelham avenue as so widened over the tracks of the New York and Harlem Railroad, in The City of New York, as amended by chapter 736 of the Laws of 1907."

I would respectfully suggest in lieu of the issue of the total amount referred to, that the Board of Estimate and Apportionment authorize the Comptroller to issue Corporate Stock in the sum of \$5,000 for the purpose of providing the funds for the preliminary work and the preparation of the plans, etc., for the work provided to be done in accordance with the above statutes.

Yours truly,

LOUIS F. HAFFEN,
President of the Borough of The Bronx.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COTPRTROLLER'S OFFICE,
May 22, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Hon. Louis F. Haffen, President of the Borough of The Bronx, in communication under date of May 4, 1908, requests the Board of Estimate and Apportionment to authorize the issue of Corporate Stock in the sum of \$5,000 for the purpose of providing funds for preliminary work and preparation of plans, etc., in the matter of widening Pelham avenue over the tracks of the New York and Harlem Railroad. I beg to report:

On January 7th of this year, President Haffen forwarded to the Board of Estimate and Apportionment, a request that the said Board authorize the Comptroller to issue Corporate Stock in the sum of \$225,000 for the purpose of bearing and paying the cost and expense of removing Fordham station of the New York Central and Hudson River Railroad Company, and for the construction of a bridge mentioned in section 1 of chapter 731 of the Laws of 1905, as amended by chapter 736 of the Laws of 1907, entitled:

"An Act to provide for the widening of Pelham avenue and for the construction of a bridge to carry Pelham avenue as so widened over the tracks of the New York and Harlem Railroad in The City of New York."

Regarding this application, report was made by me, bearing date February 15, 1908, in which, after stating, fully and in detail, the intent of the law and calling attention to the fact that this widening would result in covering what is now the open cut or subsurface railroad of the said railroad company, for a distance of some 800 feet south of the south line of Pelham avenue, I concluded my previous report as follows:

"Your attention is also called to the fact that the Act also provides that plans shall be prepared and accepted by the railroad company, and that an agreement shall be entered into between the said company and The City of New York in reference thereto.

"However, should you decide to act favorably upon this application before doing so, I would recommend that the matter be returned to the President of the Borough of The Bronx, in order to see that the plans are prepared and the agreement to be entered into, properly drawn."

At a meeting of the Board of Estimate and Apportionment, held on March 6, 1908, in conformity with the views expressed above, and on a report presented by the Comptroller, the matter was referred back to the President of the Borough of The Bronx, that plans might be prepared for the work and an agreement drawn, to be entered into with the New York Central and Hudson River Railroad Company.

It is for this preliminary work of preparation of plans, etc., that the \$5,000 now asked for by President Haffen is required. This work will, without doubt, sooner or later be proceeded with.

It is required, paragraph 4, chapter 731, Laws of 1905, as follows:

"Nothing herein contained, however, shall be construed to authorize the construction of such bridge or the acquisition of any rights for its construction until after The City of New York shall have entered into a contract with the New York Central and Hudson River Railroad Company, the lessee, and the New York and Harlem Railroad Company, the owner of the New York and Harlem Railroad Company, for the removal of the present Fordham station to the northerly side of said Pelham avenue; and The City of New York, through its Board of Estimate and Apportionment is hereby authorized, for the purpose of constructing the said bridge and the widening of said Pelham avenue to enter into a contract with the said New York Central and Hudson River Railroad Company, as lessee, and the said the New York and Harlem Railroad Company, as owner, for the removal of the said Fordham station and for the easement for the construction and maintenance across the said tracks of the said bridge, and the said contract shall provide the compensation which shall be paid to the said railroad companies for the removal by the said the New York Central and Hudson River Railroad Company of the said Fordham station and the easement to construct the said bridge across the said tracks."

Paragraph 5:

"The piers and abutments of the said bridge shall be located and the said bridge shall be constructed in accordance with plans to be approved, in the first instance, by the Chief Engineer of the said, the New York Central and Hudson River Railroad Company, to whom such plans shall first be submitted."

I therefore recommend that the Board of Estimate and Apportionment may authorize the Comptroller, pursuant to chapter 731 of the Laws of 1905, as amended by chapter 736 of the Laws of 1907, to issue Corporate Stock to the amount of \$5,000 for the purpose of providing funds for preliminary work and preparation of plans,

etc., in the matter of widening Pelham avenue over the tracks of the New York and Harlem Railroad Company, Borough of The Bronx.

Respectfully,

CHANDLER WITTINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of section 1, chapter 731 of the Laws of 1905, as amended by chapter 736 of the Laws of 1907, the Board of Estimate and Apportionment hereby approves of the issue of Corporate Stock of The City of New York to the amount of five thousand dollars (\$5,000) for preliminary work and preparation of plans, etc., in the matter of widening Pelham avenue over the tracks of the New York and Harlem Railroad Company, Borough of The Bronx, and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of said law, to issue Corporate Stock of The City of New York, in the manner provided by section 169 of the Greater New York Charter, to the amount of five thousand dollars (\$5,000), the proceeds whereof to be applied to the purposes aforesaid.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a report of the Select Committee, consisting of the Comptroller and the President, Board of Aldermen, recommending that the resolution adopted March 22, 1907, fixing the salaries of various positions in the Department of Finance, be amended, in so far as it relates to the grade of position of Examining Inspector, at \$1,650 per annum, for four (4) incumbents, by striking therefrom the number of incumbents.

Which was laid over for one week.

(On May 22, 1908, the Comptroller's request for this amendment was referred to said Select Committee.

At the meeting of June 5, 1908, the resolution amending resolution of March 22, 1907, failed of adoption, receiving eleven affirmative votes; section 226 of the Charter, requiring twelve affirmative votes for the adoption of a resolution when originally presented.)

The Secretary presented a report of the Comptroller recommending that the Secretary be authorized to drop from the payroll of his office as of date May 1, 1908, William J. Haggerty, a Stenographer and Typewriter, with salary at the rate of \$2,100 per annum, and to fill the vacancy thereby created from the eligible Civil Service list of Stenographer and Typewriter, at a salary not to exceed \$1,500 per annum.

Which was laid over for one week.

(This matter was referred to the Comptroller on May 8, 1908, and at the meeting of June 5, laid over for one week.)

The Secretary presented the following communication from the Board of Assessors requesting authority, pursuant to a resolution of the Board of Estimate adopted December 6, 1907, to make award on the claims of Patrick J. Murphy for damages caused by the change of grade of One Hundred and Seventy-seventh street, The Bronx, and of Bridget A. Curley, for damages caused by the change of grade of Hamilton avenue, Brooklyn, communication from the attorney for Mr. Patrick J. Murphy and report of the Comptroller, to whom, on May 15, said request was referred, recommending that such authority be granted:

OFFICE, BOARD OF ASSESSORS, }
No. 320 BROADWAY, }
NEW YORK, May 13, 1908. }

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment:

DEAR SIR—On December 6, 1907, the Board of Estimate and Apportionment adopted a resolution directing the heads of departments not to incur any new or additional indebtedness payable from funds provided by the issue of Corporate Stock heretofore authorized, without the further approval of that Board, and a copy thereof was transmitted to this office.

The direction has been construed to prohibit the making of awards for damages in cases arising before this Board under special statutes, caused by the erection of bridge approaches and other structures in the streets, and no such awards have been made since the passage of the resolution.

The Board has before it the claim of Patrick J. Murphy, under chapter 423, Laws of 1903, as amended by chapter 634, Laws of 1905, in which hearings were had and testimony taken between March 15, 1907, and October 11, 1907, when the case was closed so far as the taking of testimony is concerned. All that remains to be done, so far as this Board is empowered to act, is to make the award and forward a certificate thereof to the Comptroller.

The attorney representing the claimant has been pressing the Board to act on the claim, on grounds which are fully set out in a letter from him to the Board, dated May 6, copy of which is enclosed.

There is another case, that of Bridget A. Curley, claiming damages to property owned by her on Hamilton avenue, Brooklyn, and affected by a change of grade of that street due to the construction of the bridge over Gowanus Canal at Hamilton avenue, under chapter 224, Laws of 1905. Hearings in this matter were closed December 6, 1907, and we have been urged to make the award on the ground that the claimant is a poor widow who runs a small store on the property, and that she has been seriously inconvenienced by the damage for which the claim is made.

In the first case, that of Patrick J. Murphy, the claimant's expert witnesses swore to a damage of \$68,333.33, and the City's expert testified to a damage of \$38,376. The Board has not yet determined the amount of the award.

In the second case, that of Bridget Curley, the witness for the claimant testified to a damage of \$1,525, and the Assistant Corporation Counsel representing the City stated that he did not care to put on a witness. The Board has not yet made an award in this case.

The Board of Assessors feels that it should not make these awards so long as the resolution referred to is effective, and will do so only in case the Board of Estimate shall modify its direction, either generally or as to these specific cases. If the Board of Estimate feels that under the circumstances such modification should be made, they will be pleased to be so advised.

Respectfully,

ANTONIO ZUCCA, President.

HON. ANTONIO ZUCCA, Chairman, Board of Assessors:

SIR—I have been informed by examination of the CITY RECORD and the minutes of the Board of Estimate and Apportionment, that on December 6, 1907, a resolution was adopted which directed the heads of departments not to incur any new or additional indebtedness, payable from funds provided by the issue of Corporate Stock heretofore authorized, without the further approval of the Board.

You will no doubt remember that a notice of claim was filed by Patrick J. Murphy on June 20, 1906, petitioning your Board to hear his claim for damages caused by

the change of grade of One Hundred and Seventy-seventh street, in connection with the abolition, discontinuance and avoidance of certain grade crossings in The City of New York, under chapter 423 of the Laws of 1903, as amended by chapter 634 of the Laws of 1905, and that several hearings were had on the matter, continuing from March 15, 1907, to October 11 of that year, when the hearing was closed.

I do not think that it would be even necessary or proper for me to go into a detailed account of the damage, annoyance and inconvenience which Mr. Murphy has suffered by reason of this change of grade, except to say that from a prosperous, well-paying property, containing stores and apartments, the land and buildings have, for about three years last past, become almost useless. Since that time the property, for the most part, except one building which is occupied by the owner, has been vacant and useless, the income of the owner being reduced to nothing. There are mortgages on the property aggregating about \$60,000, which are all past due and upon which Mr. Murphy has been threatened with foreclosure. We have been able to avoid foreclosure and consequent loss of the entire property by Mr. Murphy for nearly a year, but he has now been finally notified that the mortgages must be paid on or before the 15th of May, the reason given being that the security, as the property now stands, is not sufficient to cover the mortgages, and, parenthetically, I may say that this is undoubtedly true. Mr. Murphy has made diligent effort to raise this money, but it is utterly impossible for him to find any one who will loan any money upon the property in its present condition, or even admit that it in any way approximates in value the amount for which it is now mortgaged. The amount of interest and taxes for the past three years has been about \$4,000 per annum.

The City is directly responsible for the position Mr. Murphy is now in, and ought to give him immediate and ample relief. The case was tried and closed eight months ago. If the mortgages are foreclosed Mr. Murphy will unquestionably and undoubtedly lose his property, as he is in no position to protect himself; and if he does, the fault, if not legally at least morally, will be upon the City.

I do not believe that your Honorable Board will willingly countenance such a condition of affairs if it is within its power to correct it, nor do I believe that the Board of Estimate would care for the continuance of such a state of affairs if they were informed of its existence.

I would therefore most respectfully request that your Honorable Board take immediate action upon this claim.

Please do not misunderstand this letter as a request to in any way influence your action upon the amount of the award, but simply as an appeal to your equitable consideration.

Yours very truly,
(Signed) MAURICE DEICHES.

CITY OF NEW YORK—DEPARTMENT OF FINANCE, }
COMPTROLLER'S OFFICE, }

June 2, 1908.

Hon. H. A. METZ, Comptroller:

SIR—Antonio Zucca, President of the Board of Assessors, in communication dated May 13, 1908, states that in view of the resolution adopted December 6, 1907, by the Board of Estimate and Apportionment directing the heads of Departments not to incur any new or additional indebtedness payable from funds provided by the issue of Corporate Stock heretofore authorized, without the further approval of that Board, the Board of Assessors feels that it should not make awards of the claims for damages of Patrick J. Murphy and Bridget Curley unless the Board of Estimate and Apportionment shall modify its direction, either generally or as to these specific cases.

From the statements in the communication and the attached papers, the two claims referred to appear to be of an urgent nature, and I think; that the Board of Estimate and Apportionment may properly grant permission to the Board of Assessors to make awards on the claims now before it of Patrick J. Murphy for damages caused by the change of grade of One Hundred and Seventy-seventh street, Borough of The Bronx, and of Bridget A. Curley for damages caused by the change of grade of Hamilton avenue, Borough of Brooklyn.

Respectfully,

CHANDLER WITTINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

The following was offered:

Whereas, The Board of Estimate and Apportionment at a meeting held December 6, 1907, adopted a resolution directing all heads of Departments, etc., not to incur any new or additional indebtedness payable from funds provided by the issue of Corporate Stock heretofore authorized, without the further approval of this Board;

Resolved, That the request of the Board of Assessors for authority to make awards on the claims now before it of Patrick J. Murphy for damages caused by the change of grade of One Hundred and Seventy-seventh street, Borough of The Bronx, and of Bridget A. Curley for damages caused by the change of grade of Hamilton avenue, Borough of Brooklyn, be and the same is hereby approved.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following report of the Chief Engineer submitting Certificates Nos. 1-A and 2-A, presented by the New York Central and Hudson River Railroad Company (chapter 425, Laws of 1903, as amended), showing the value of work done on the viaducts crossing the Grand Central Yard, between Forty-fifth and Fifty-fifth streets, and indicating the sums which the City should pay toward the expense of these structures. Certificate No. 1-A, relating to the viaduct, except that portion of Forty-fifth street exceeding 50 feet in width, and amounting to \$37,500. Certificate No. 2-A, relating to the portion of the Forty-fifth street viaduct over 50 feet in width, and amounting to \$1,333.38.

REPORT No. 54.

BOARD OF ESTIMATE AND APPORTIONMENT, }
OFFICE OF THE CHIEF ENGINEER, }

June 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment.

SIR—I beg to submit herewith Certificates Nos. 1-A and 2-A, which have been presented by the New York Central and Hudson River Railroad Company, showing the value of work done on the viaducts crossing the Grand Central Yard, between Forty-fifth and Fifty-fifth streets, inclusive, and the proportion of this amount which The City of New York is to pay, in accordance with the provisions of chapter 425 of the Laws of 1903, and the acts amendatory thereof, and the agreements which have been entered into pursuant to these acts. This agreement provides that whenever the value of the work amounts to the sum of \$50,000 or multiples thereof, the City shall pay to the Company 75 per cent. of the value of the work done, the remaining 25 per cent. being held until the completion of the viaducts, and the total amount which the City is to pay being limited to the sum of \$600,000.

Certificate No. 1-A relates to all the viaducts except that portion of Forty-fifth street exceeding fifty feet in width, and shows that material has been furnished and work done to the value of \$167,898.35. Reducing this to multiples of \$50,000, deducting 25 per cent. which is to be retained under the contract and the amount allowed under Certificate No. 1, the amount due the Company under this certificate is \$37,500.

Certificate No. 2-A relates only to that portion of Forty-fifth street which exceeds 50 feet in width, and shows that the total value of material furnished and work done is \$8,574.31. Deducting 25 per cent. to be retained under the contract and the amount allowed on Certificate No. 2, there is a balance due on the present certificate of \$1,333.38.

The statement has been carefully checked with the contract prices, the work has been inspected, and it is recommended that the vouchers herewith submitted covering the amounts above named be approved by the Board. An issue of the Corporate Stock covering the entire estimate amount which the City will have to pay has already been authorized.

Respectfully,
NELSON P. LEWIS, Chief Engineer.

The following resolution was offered:

Resolved, That in accordance with the provisions of chapter 425 of the Laws of 1903, as amended, and the agreement entered into between The City of New York and the New York Central and Hudson River Railroad Company, pursuant to said law, the Board of Estimate and Apportionment hereby accepts Certificates Nos. 1-A and 2-A, dated May 21, 1908, amounting to thirty-seven thousand five hundred dollars (\$37,500), and one thousand three hundred and thirty-three dollars and thirty-eight cents (\$1,333.38), respectively, being the City's share of the expense of constructing the viaducts across the Grand Central Yard between Forty-fifth and Fifty-sixth streets, in the Borough of Manhattan.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen, requesting an issue of Special Revenue Bonds, to the amount of \$50,000, for the purpose of replenishing the Budget appropriations for the Department of Water Supply, Gas and Electricity for the year 1908, together with a report of the Comptroller, to whom this matter was referred on April 3, 1908, recommending an issue of \$30,000 Special Revenue Bonds to meet a deficiency in the appropriation made to said Department, entitled Boroughs of Manhattan and The Bronx—Distribution, Water Registration, Permits and Revenue Collections: Salaries and Wages, Manhattan:

In the Board of Aldermen.

Resolved, That, in pursuance of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds in an amount not to exceed fifty thousand dollars (\$50,000), for the purpose of replenishing the Budget appropriations of the Department of Water Supply, Gas and Electricity for the year 1908.

Adopted by the Board of Aldermen, March 10, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, March 24, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK, |
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, |
May 25, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the communication dated February 21, 1908, addressed by the Commissioner of Water Supply, Gas and Electricity to the President of the Board of Aldermen, requesting the issue of Special Revenue Bonds to the amount of \$50,000 for the uses and purposes of the Water Register's Bureau, Borough of Manhattan, which communication was, on April 3, 1908, referred to you by the Board of Estimate and Apportionment for consideration and report, and by you assigned to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

For the past two years the Commissioner of Water Supply, Gas and Electricity has included in his departmental estimates sums which in his judgment were necessary to meet the purposes to which the Special Revenue Bonds now under consideration are to be applied, but the Board of Estimate and Apportionment failed to grant his requests. The following statement is self-explanatory:

Bureau of Water Register, Borough of Manhattan.

	Payroll of June 30, Preceding Year.	Departmental Estimate.	Budget Allowance.
1907.....	\$142,964 00	\$188,914 00	\$155,000 00
1908.....	149,614 00	206,814 00	155,000 00

From the foregoing figures it will be seen that the Budget allowances for 1907 and 1908 were considerably below the departmental estimates, and but slightly in excess of the salary cost of the preceding years, respectively.

In a lengthy communication which the Water Register, Borough of Manhattan, addressed to the Commissioner of Water Supply, Gas and Electricity, which appears in the CITY RECORD of February 27, 1908, pages 2379 and 2380, he sets forth minutely the reasons why, in his judgment, Special Revenue Bonds should be authorized in the amount which is requested.

Your Examiner is convinced that the work that has accumulated during the past two years by reason of the failure of the Water Register to obtain an adequate Budget allowance should be brought up to date as speedily as possible; otherwise the City will sustain a substantial loss through failure to collect large sums of money due for water taxes.

The installation in the Bureau of Water Register of the new form of ledger which has been designed for that purpose, consisting of 225 volumes, is a gigantic task. When it is known that there are 45,000 active meter accounts, not to speak of the vast number of regular rate accounts, which must be transferred to the new ledgers, some conception can be had of the volume of work which confronts that Bureau.

Your Examiner recommends that for the uses and purposes of the Bureau of Water Register, Borough of Manhattan, Special Revenue Bonds be authorized in the sum of thirty thousand dollars (\$30,000). This amount is deemed ample to meet all the requirements of that Bureau for the balance of the current year. If found to be insufficient an increased allowance can be made for the year 1909 in the next annual Budget.

Yours respectfully,
CHARLES S. HERVEY,
Supervising Statistician and Examiner.

Approved:
H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen, adopted March 10, 1908, to the extent of thirty thousand dollars (\$30,000), to meet a deficiency in the appropriation made to the Department of Water Supply, Gas and Electricity for the year 1908, entitled Boroughs of Manhattan and The Bronx—Distribution, Water Registration, Permits and Revenue Collections: Salaries and Wages, Manhattan, and that for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New

York Charter, to issue Special Revenue Bonds of The City of New York, to the amount of thirty thousand dollars (\$30,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following petition of the Black Stump Hook, Ladder and Bucket Company of Queens Borough, for an appropriation of \$1,000 for maintenance for the fiscal year beginning June 1, 1908, communication from the Fire Commissioner endorsing said request and report of the Comptroller, to whom this matter was referred on January 31, 1908, and June 5, 1908, respectively, recommending that the request be granted.

BLACK STUMP, BOROUGH OF QUEENS, NEW YORK CITY, |
FLUSHING POSTOFFICE, |
January 25, 1907.

The Honorable the Board of Estimate and Apportionment of The City of New York:

GENTLEMEN—The petition of Black Stump Hook, Ladder and Bucket Company No. 1 of Queens Borough, respectfully shows:

I. That your petitioner is a volunteer fire company, operating in the Third Ward of the Borough of Queens, at Black Stump, between Jamaica and Bayside, and was duly incorporated by a certificate duly approved by the Fire Commissioner and the Mayor of The City of New York and a Justice of the Supreme Court, filed November 6, 1906, in the office of the Secretary of State, at Albany, N. Y.; a certified copy of said certificate was filed November 10, 1906, in the Queens County Clerk's office.

II. That your petitioner, with complete equipment as a hook and ladder fire company, entered upon the performance of its duties on November 10, 1906, and has ever since operated and still operates as such in the protection of property and persons from fire, and has received from The City of New York, by your authority of December 6, 1907, all moneys due your petitioner for the period ending May 31, 1908, pursuant to section 722 of the Greater New York Charter.

III. That by some oversight your petitioner was not included in the Budget of appropriations adopted in 1907 for volunteer fire companies, and, therefore, no funds have been provided to be paid to your petitioner on June 1, 1908, as required by said section 722 of the Greater New York Charter.

IV. That your petitioner intends, in good faith, to continue its operations after June 1, 1908, and will need the legal allowance for such operation.

Wherefore, your petitioner prays that due provision be made by your Honorable Body for the payment on June 1, 1908, the legal annual allowance of \$1,000 to it as a volunteer hook and ladder company, as by the Charter provided.

And your petitioner will ever pray, etc.

Dated January 25, 1908.

Respectfully submitted,

BLACK STUMP HOOK, LADDER AND BUCKET COMPANY NO. 1
OF QUEENS BOROUGH,

By HENRY D. LOTT, Treasurer.

City of New York, County of Queens, ss.:

Henry D. Lott, being duly sworn, deposes and says, that he resides at Black Stump, Borough of Queens, New York; that his postoffice address is Flushing, New York; that he has read the foregoing petition and knows the contents thereof, which are true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes the same to be true.

That the reason why said petition is not verified by the petitioner, but by deponent, is that the petitioner is a membership corporation, and deponent is the treasurer thereof.

HENRY D. LOTT.

Subscribed and sworn to before me this 25th day of January, 1908.

[SEAL.] E. F. NIMMO,
Notary Public, Queens County, N. Y.

HEADQUARTERS, FIRE DEPARTMENT, CITY OF NEW YORK, |
NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET,
BOROUGH OF MANHATTAN, May 22, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment:

DEAR SIR—I am directed by the Fire Commissioner to forward herewith copy of communication addressed to Hon. George B. McClellan, Mayor, and Chairman of the Board of Estimate and Apportionment, under date of May 18, 1908, requesting the issue of Special Revenue Bonds in the sum of one thousand dollars (\$1,000), to pay the Black Stump Hook, Ladder and Bucket Company of Black Stump, for maintenance purposes for the fiscal year, beginning June 1, 1908.

Respectfully,

WILLIAM A. LARNEY, Secretary.

HEADQUARTERS, FIRE DEPARTMENT, CITY OF NEW YORK, |
NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET,
BOROUGH OF MANHATTAN, May 18, 1908.

Hon. GEORGE B. McCLELLAN, Mayor and Chairman, Board of Estimate and Apportionment:

SIR—A report has been received by me from the Deputy Fire Commissioner, Boroughs of Brooklyn and Queens, the same reading as follows:

BROOKLYN, May 6, 1908.

Hon. NICHOLAS J. HAYES, Fire Commissioner:

SIR—The departmental estimate for the year 1908 was prepared in August, 1907, and by direction of the then Fire Commissioner, the volunteer companies in the Villages of Whitestone, College Point and Flushing were omitted, with the view of extending the paid system to said territory. The Board of Estimate and Apportionment when acting upon the Budget made appropriations for the various companies within the territory mentioned, with the exception of the Black Stump Hook, Ladder and Bucket Company of Black Stump. I therefore suggest that the Board of Estimate and Apportionment be requested to authorize the issue of Special Revenue Bonds to the amount of one thousand dollars (\$1,000), to pay the said company, under section 722 of the Laws of 1901, for services for the fiscal year, beginning June 1, 1908.

Respectfully,

(Signed) CHARLES C. WISE,
Deputy Fire Commissioner,
Boroughs of Brooklyn and Queens.

In accordance therewith, I have the honor to request that the Board of Estimate and Apportionment, pursuant to the provisions of subdivision 7 of section 188 of the amended Greater New York Charter, authorize an issue of Special Revenue Bonds in the sum of one thousand dollars (\$1,000), to pay said company for maintenance purposes, for the fiscal year, beginning June 1, 1908.

Respectfully,

(Signed) NICHOLAS J. HAYES, Commissioner.

HEADQUARTERS, FIRE DEPARTMENT, CITY OF NEW YORK, |
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, |
June 4, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of a petition of Black Stump Hook, Ladder and Bucket Company No. 1 of Queens Borough, relative to the payment of said company of \$1,000, which was referred by the Board of Estimate and Apportionment to the Comptroller for consideration, and by you to the Bureau of Municipal Investigation and Statistics for examination, I beg to submit the following report:

The petitioner is an incorporated volunteer fire company, operating at Black Stump, Town of Flushing, Borough of Queens, its certificate of incorporation having been recorded in the office of the Secretary of State on November 8, 1906, and approved by the Fire Commissioner and Mayor.

Section 722 of the Greater New York Charter provides that there shall be paid annually on June 1, to the treasurer of each duly incorporated hook and ladder company in the Borough of Queens the sum of \$1,000. On December 6, 1907, Special Revenue Bonds to the amount of \$1,556.10 were authorized and paid to the Black Stump Hook and Ladder Company for its maintenance from the date of its incorporation to June 1, 1908. In submitting its estimate for 1908, the Fire Department, through oversight, omitted this company from its list of volunteer fire companies entitled to an appropriation, with the result that no allowance has been made in the Budget of 1908 for the maintenance of the company for the year beginning June 1, 1908, and application is now made for the payment of \$1,000, as provided by section 722 of the Charter.

In view of the fact that the petitioning company has complied with all the legal requirements, and is still performing fire service, I would respectfully recommend that the application be approved, as per attached resolution.

Yours respectfully,

CHARLES S. HERVEY,
Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following was offered:

Whereas, The Black Stump Hook, Ladder and Bucket Company No. 1, Borough of Queens, is duly incorporated and rendering fire service which entitles it to an appropriation for maintenance for the year beginning June 1, 1908; therefore be it

Resolved, That for the purpose of providing means for the payment to the Treasurer of the said Black Stump Hook, Ladder and Bucket Company No. 1, Borough of Queens, of the sum of one thousand dollars (\$1,000), for the year beginning June 1, 1908, required to be paid by section 722 of the Greater New York Charter, the Comptroller be and he is hereby authorized to issue, pursuant to the provisions of subdivision 7 of section 188 of the Greater New York Charter, Special Revenue Bonds of The City of New York, to the amount of one thousand dollars (\$1,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communications from the Chairman and Acting Chairman of the Executive Committee, Board of Trustees, New York Public Library, Astor, Lenox and Tilden Foundations, requesting an appropriation of \$69,703.71 for equipping and maintaining the following libraries, etc.:

Nos. 388 to 392 East Houston street, Manhattan.

Nos. 201 and 203 West One Hundred and Fifteenth street, Manhattan.

Nos. 1280 to 1292 Franklin avenue, The Bronx.

No. 9 West One Hundred and Twenty-fourth street, Manhattan.

—together with report of the Comptroller (to whom this matter was referred on March 20, 1908), recommending the issue of \$30,000 Corporate Stock for the purchase of original stock of books for the libraries located as follows:

Nos. 388 to 392 East Houston street, Manhattan.

Nos. 201 and 203 West One Hundred and Fifteenth street, Manhattan.

Nos. 1280 to 1292 Franklin avenue, The Bronx.

—also the issue of \$28,381.25 Special Revenue Bonds for the maintenance of the above mentioned libraries and the library located at No. 9 West One Hundred and Twenty-fourth street, Manhattan, and for the purchase of stock of books for the library located at No. 32 West One Hundred and Twenty-third street, Manhattan.

(On May 15, 1908, this matter was laid over.)

THE TRUSTEES OF THE NEW YORK PUBLIC LIBRARY,
ASTOR, LENOX AND TILDEN FOUNDATIONS,
March 7, 1908.

Hon. GEORGE B. McCLELLAN, Chairman, Board of Estimate and Apportionment:

SIR—On behalf of the Trustees of the New York Public Library, I have to transmit herewith estimates of amounts required for opening four new libraries—No. 30, at No. 388 East Houston street; No. 32, at No. 203 West One Hundred and Fifteenth street; No. 33, at Franklin avenue and One Hundred and Sixty-ninth street, and No. 37, at No. 9 West One Hundred and Twenty-fourth street. These estimates amount to \$69,703.71, and include the cost of equipping these libraries with a stock of books and all expenses arising from their maintenance during the periods stated in the accompanying table.

In the estimates for the expenses of the Circulation Department for the year 1908, reference was made to the probable need of the appropriations, but they were not included in those estimates, in accordance with instructions from the Comptroller's office.

On behalf of the Trustees, I have to request that appropriations of the sums requested may be provided promptly, in accordance with the provisions of chapter 296 of the Laws of 1905. This is desirable, in order that there may be no delay in opening these libraries for general use.

Respectfully yours,

JOHN L. CADWALADER, Chairman, Executive Committee.

Estimates of Amounts Required for New Branches No. 30, No. 32, No. 33 and No. 37.

	No. 30, East Houston Street.	No. 32, 115th Street.	No. 33, 169th Street.	No. 37, 124th Street.
June 1 to December 31.	May 15 to December 31.	July 1 to December 31.	June 15 to December 31.	
Original stock of books.....	\$10,000 00	\$10,000 00	\$10,000 00	\$5,000 00
Salaries	5,381 25	4,953 12	3,637 50	4,390 20
Books, binding, etc.	2,158 33	2,312 50	1,425 00	2,058 33
Supplies	729 16	781 25	525 00	677 08
Furniture and repairs of.....	87 50	93 75	75 00	81 25
Fuel, light, rent, repairs, etc.....	1,429 16	1,531 25	1,050 00	1,327 08
	\$19,785 40	\$19,671 87	\$16,712 50	\$13,533 94

JOHN L. CADWALADER, Chairman, Executive Committee.

THE TRUSTEES OF THE NEW YORK PUBLIC LIBRARY,
ASTOR, LENOX AND TILDEN FOUNDATIONS,
NEW YORK, June 4, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, New York City:

MY DEAR MR. MAYOR—At the meeting of the Board of Estimate and Apportionment held on May 15, 1908, there was presented for consideration a report from the Comptroller recommending the adoption of resolutions by the Board, as follows:

1. Authorizing the issue of Corporate Stock in the amount of \$30,000, for providing original stock of books for three new libraries, at East Houston street, One Hundred and Fifteenth street and One Hundred and Sixty-ninth street, the amount being determined upon the usual allowance for stock of books for new libraries of \$10,000 each.

2. Amounts for the maintenance of these three libraries and of the library known as the Harlem Branch, moving into a new building in West One Hundred and Twenty-fourth street, for the remainder of the calendar year, amounting in all to the sum of \$28,381.25. This amount was recommended to be found by the issuance of Special Revenue Bonds, redeemable from the tax levy of 1909.

At the meeting of the Board of Estimate and Apportionment the matter was laid over and has not since been considered, and I am informed that there was some opposition to the first, but none to the second, of the resolutions.

The library buildings referred to have been finished and are ready for use, but they can only be opened to the public when the proper supply of books is purchased, catalogued and put upon the shelves. It is, of course, not worth while to raise money for the maintenance of the libraries if there are no books in them.

I am therefore requested to call your attention to the matter, in the hope that it may again be brought to the attention of the Board of Estimate and Apportionment, and that both of the above resolutions may be considered and adopted at an early day.

Very respectfully yours,

G. L. RIVES,
Acting Chairman, Executive Committee.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
May 5, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the communication of Mr. John L. Cadwalader, Chairman of the Executive Committee, on behalf of the Trustees of the New York Public Library, Astor, Lenox and Tilden Foundations, under date of March 7, 1908, requesting an appropriation of \$69,703.71 for the purchase of stock of books for and maintenance during the year 1908 of four libraries to be conducted in Carnegie buildings which have been erected upon sites located as follows:

Site No. 30 at No. 388 East Houston street, Borough of Manhattan.

Site No. 32 at No. 203 West One Hundred and Fifteenth street, Borough of Manhattan.

Site No. 33 at Franklin avenue and One Hundred and Sixty-ninth street, Borough of The Bronx.

Site No. 37 at No. 9 West One Hundred and Twenty-fourth street, Borough of Manhattan.

—said communication having been presented at a meeting of the Board of Estimate and Apportionment held March 20, 1908, and by you referred to the Bureau of Municipal Investigation and Statistics for report, I beg to submit the following:

The request is based upon estimate of the amounts necessary for the cost of equipping three of these libraries with their first stock of books, one with increase of stock of books and their maintenance during the calendar year 1908, stated in the said communication as follows:

	No. 30, East Houston Street.	No. 32, 115th Street.	No. 33, 169th Street.	No. 37, 124th Street.
Original Stock of Books.....	\$10,000 00	\$10,000 00	\$10,000 00	\$5,000 00
Salaries	5,381 25	4,953 12	3,637 50	4,390 20
Books, Binding, etc.	2,158 33	2,312 50	1,425 00	2,058 33
Supplies	729 16	781 25	525 00	677 08
Furniture and Repairs of.....	87 50	93 75	75 00	81 25
Fuel, Light, Rent, Repairs, etc.....	1,429 16	1,531 25	1,050 00	1,327 08
	\$19,785 40	\$19,671 87	\$16,712 50	\$13,533 94

In the estimate submitted by the Trustees of the New York Public Library for the maintenance of the then existing branch libraries for the year 1908, there were included additional amounts representing the estimated per annum cost incident to the erection and occupancy of new Carnegie buildings, providing quarters for new branch libraries to be established and for branch libraries then maintained in rented quarters. The said requirement was not included in the budget allowance for the year 1908, it having been recommended by your Examiner that consideration of these requirements be deferred until made necessary by the erection and completion of said buildings.

Recommendation for Issue of Corporate Stock for Purchase of Original Stock of Books for These Libraries.

To carry out the purpose for which the buildings have been erected it becomes necessary, first, that provision be made for the cost of equipment of said branch libraries with new stock of books, and, second, that appropriate amounts be provided for maintenance of said branch libraries during the calendar year 1908.

The Carnegie Library buildings to be known as the East Houston Street Branch, the One Hundred and Fifteenth Street Branch and the One Hundred and Sixty-ninth Street Branch were erected upon property known as Carnegie Library Sites Nos. 30, 32 and 33, respectively, the acquisition of which having been authorized by resolution of the Board of Estimate and Apportionment under date of May 25 and July 6, 1906, and the purpose of such acquisition and subsequent erection of buildings thereon being to establish branch circulating libraries of the New York Public Library.

The requested appropriation for original stock of books is in amount ten thousand dollars (\$10,000) each. As this amount is in accordance with the custom of the Board of Estimate and Apportionment under the provisions of chapter 296 of the Laws of 1905, and as the buildings are now practically completed, I would, therefore, recommend that the sum of ten thousand dollars (\$10,000) each, or a total of thirty thousand dollars (\$30,000), be appropriated for the purchase of the original stock of books for the Carnegie Libraries, East Houston street, One Hundred and Fifteenth street and One Hundred and Sixty-ninth street branches of the New York Public Library, and that Corporate Stock be authorized to be issued to provide the funds for said purpose.

Recommendation for Issue of Special Revenue Bonds for Replenishment of Stock of Books for One Library.

The branch library now conducted at No. 32 West One Hundred and Twenty-third street was formerly the Harlem Library, incorporated in the year 1825 as the Harlem Library Association, which, under agreement dated November 19, 1903, was consolidated with the New York Public Library, Astor, Lenox and Tilden Foundations, and has since been maintained as a circulating branch of the New York Public Library. This library is to be housed in the Carnegie Library Building to be known as One Hundred and Twenty-fourth Street Branch, erected upon property situated at Nos. 9 and 11 West One Hundred and Twenty-fourth street, in the Borough of Manhattan, and known as Carnegie Library Site No. 37, the purchase

of which was authorized by resolution of the Board of Estimate and Apportionment July 6, 1906.

The requested appropriation for new stock of books, in amount \$5,000, is stated by the representatives of the New York Public Library to be for the replenishment of the present stock of books, which is not in keeping with the character of the new building and the requirements of the scope of the work contemplated by the increased facilities offered by such building.

In view of the provisions of law relative to the issue and sale of Corporate Stock to provide the "original stock of books for any library building so erected when no stock of books exists," it is the opinion of your Examiner that the cost of equipment of stock of books for this new building should be made through the issue and sale of Special Revenue Bonds rather than by the issue and sale of Corporate Stock. Under these considerations I would recommend that appropriation be made by the issue of Special Revenue Bonds for this purpose in the sum of five thousand dollars (\$5,000).

Requested Appropriation for Maintenance of Three Branch Libraries.

The following tables exhibit (a) the estimated per annum cost, (b) requested appropriation and (c) recommended appropriation, for the following libraries:

	Estimated Per Annum Cost.	Requested Appropriation.	Recommended Appropriation.
East Houston Street Branch—			
Salaries	\$9,225 00	\$5,381 25	\$4,612 50
Books, Binding, etc.	3,700 00	2,158 33	1,500 00
Supplies	1,250 00	729 16	700 00
Furniture and Repairs of	150 00	87 50	75 00
Fuel, Light, Repairs, etc.	2,450 00	1,429 16	1,000 00
Totals	\$16,775 00	\$9,785 40	\$7,887 50
One Hundred and Fifteenth Street Branch—			
Salaries	\$7,925 00	\$4,953 12	\$3,812 50
Books, Binding, etc.	3,700 00	2,312 50	1,500 00
Supplies	1,250 00	781 25	700 00
Furniture and Repairs of	150 00	93 75	75 00
Fuel, Light, Repairs, etc.	2,450 00	1,531 25	1,000 00
Totals	\$15,475 00	\$9,671 87	\$7,087 50
One Hundred and Sixty-ninth Street Branch—			
Salaries	\$7,275 00	\$3,637 50	\$3,031 25
Books, Binding, etc.	2,850 00	1,425 00	1,425 00
Supplies	1,050 00	525 00	525 00
Furniture and Repairs of	150 00	75 00	75 00
Fuel, Light, Repairs, etc.	2,100 00	1,050 00	1,000 00
Totals	\$13,425 00	\$6,712 50	\$6,056 25

The above recommendations are based upon the experiences of other branches now under operation in a similar class for the respective periods during which it is reported that these branch libraries will be opened.

Requested Appropriation for Additional Cost of Maintenance of the Harlem Branch Library in New Building (Carnegie), No. 9 West One Hundred and Twenty-fourth Street.

The maintenance of the Harlem Branch Library as now located at No. 32 West One Hundred and Twenty-third street was considered in the budget allowance of 1908 in the amount requested for salaries of Librarian and Assistants and wages of Janitor, a specific allowance for books and an amount for library and general maintenance expenditures. The Trustees estimate the annual cost of maintenance of the said branch library in the new building as \$15,755. This amount is reducible by the amount made available in the budget allowance of the year 1908, as also in certain items by that portion of the year during which time the branch library is maintained in rented quarters.

The following table exhibits (a) the estimated annual requirements, (b) the amount available from the budget allowance of 1908, (c) the recommended appropriation to provide for the increased requirements:

	Estimated Annual Requirements.	Amount Available Through Recommended Budget Allowance of 1908.	Recommended Appropriation.
Salaries	\$8,105 00	\$6,765 00	\$1,000 00
Books, Binding, etc.	3,800 00	2,720 00	500 00
Supplies	1,250 00	890 61	300 00
Furniture and Repairs of	150 00	50 00	50 00
Fuel, Light, Repairs, etc.	2,450 00	1,767 10	500 00
Totals	\$15,755 00	\$12,192 71	\$2,350 00

Salaries.

The estimated requirement for salaries, viz., \$8,105, is comparable with the expenditures made during the year 1907 in the maintenance of branch libraries of the same character. The added feature of the work of cataloguing the new books to be purchased to equip the said library, the preliminary work of installation and maintenance in new and larger buildings, will entail upon the library an additional expense, and it is the opinion of your Examiner that an additional amount will be required for the year 1908. I therefore recommend that allowance be made in the sum of \$1,000.

Books, Binding, etc.

The budget allowance for the year 1908 was on the basis of \$2,000 for the purchase of books, and it is estimated that for the purchase of periodicals and cost of binding there was available out of the total appropriation therefor the sum of \$720, making a total for books, binding, etc., of \$2,720. The allowance for books, viz., \$2,000, would appear to be ample, particularly in view of the fact that appropriation has been recommended for the purpose of acquiring a new stock of books, and that the said amount, \$2,000, now available is that amount which has been the custom to apportion to libraries of this class for the purchase of current books and replacement of stock.

From report made by representatives of the New York Public Library as to the present equipment of the said branch library, it would appear that many of the books will require rebinding in order to place them in a proper condition for transfer to the new building and subsequent circulation. It is the opinion of your Examiner that additional appropriation should be made for this purpose in the sum of \$500.

Supplies.

Under this title is classified library expenditures designated: Catalogue materials, printing, postage, stationery and sundries, and Janitors' supplies and cost of cleaning. The amount available through the budget allowance of 1908 was predicated upon the needs of a library in rented quarters, but now due to the increased facilities of the new building, and the increased scope of the work thereby, it would appear that the necessary expenditures would exceed the said appropriation. I would, therefore, recommend additional appropriation of \$300.

Furniture and Repairs Of.

I recommend additional appropriation of \$50.

Fuel, Light, Repairs, etc.

In view of the largely increased cost of heating and lighting the said Carnegie building over that of the quarters in which the branch library is now housed, I recommend additional appropriation of \$500.

I recommend additional appropriation of \$500.

The total appropriation recommended is, therefore, in the sum of \$2,350 for increased cost of maintenance for said library.

Summary of Recommended Appropriations.

Original Stock of Books for Carnegie Libraries—

East Houston Street Branch.....	\$10,000 00
One Hundred and Fifteenth Street Branch.....	10,000 00
One Hundred and Sixty-ninth Street Branch.....	10,000 00
Total.....	\$30,000 00

Maintenance of Carnegie Libraries—

East Houston Street Branch.....	\$7,887 50
One Hundred and Fifteenth Street Branch.....	7,087 50
One Hundred and Sixty-ninth Street Branch.....	6,056 25
Harlem Branch.....	2,350 00
Purchase of books (additional stock) for Harlem Branch.....	5,000 00

Total.....	\$28,381 25
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Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby appropriates the sum of twenty-eight thousand three hundred and eighty-one dollars and twenty-five cents (\$28,381.25) for maintenance for the year 1908, and for the purchase of stock of books for Carnegie libraries as follows:

Maintenance—

East Houston Street Branch, Nos. 388 to 392 East Houston street, Borough of Manhattan.....	\$7,887 50
One Hundred and Fifteenth Street Branch, Nos. 201 and 203 West One Hundred and Fifteenth street, Borough of Manhattan.....	7,087 50
One Hundred and Sixty-ninth Street Branch, Nos. 1280 to 1292 Franklin avenue, Borough of The Bronx.....	6,056 25
Harlem Branch, No. 9 West One Hundred and Twenty-fourth street, Borough of Manhattan.....	2,350 00
Stock of Books—	
Harlem Branch, No. 32 West One Hundred and Twenty-third street, Borough of Manhattan.....	5,000 00

\$28,381 25

— and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 7 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York to an amount not exceeding twenty-eight thousand three hundred and eighty-one dollars and twenty-five cents (\$28,381.25), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The matter of issuing \$30,000 Corporate Stock for the purchase of original stock of books, as recommended, was not considered.

The Secretary presented the following communications from the Board of Water Supply requesting approval, pursuant to chapter 724, Laws of 1905, of purchase of the following property:

Parcel 424, Section 9, Ashokan Reservoir, containing about one-half of an acre of land, with a dwelling house thereon, at a cost of \$4,900.

Parcels 29 and 39, Section 1, Ashokan Reservoir, containing 76.759 acres of land, a stone house and outbuildings, at a cost of \$7,500.

April 28, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment, No. 277 Broadway, New York:

SIR—We transmit to you herewith copy of report made to this Board by Commissioner Chadwick, under date of April 27, 1908.

This Board, on April 28, 1908, on receipt of the above mentioned report, duly adopted the following resolution:

"Resolved, That the Board of Water Supply, pursuant to the recommendation of Commissioner Chadwick, and in accordance with chapter 724 of the Laws of 1905 as amended, and subject to the approval of the Board of Estimate and Apportionment, hereby approves the purchase from A. Perry Loomis, for forty-nine hundred dollars (\$4,900) cash, of Parcel 424, Section 9, Ashokan Reservoir, containing about one-half acre of land, with a dwelling house thereon; and that when and if said purchase shall be approved by the Board of Estimate and Apportionment, the Corporation Counsel is hereby requested to prepare all necessary agreements and other instruments for the signatures of the Board of Water Supply and to take such other steps and proceedings as may be necessary and proper."

We respectfully request the approval of this purchase by your Board.

Respectfully,

BOARD OF WATER SUPPLY,
Per EDW. S. BROWNSON, Jr., Assistant Secretary.

Parcel 424. A. P. Loomis.

KINGSTON, N. Y., February 20, 1908.

A. F. BRITTON, Esq., New York Board of Water Supply, No. 299 Broadway, New York City:

MY DEAR MR. BRITTON—Referring to above matter and our conversation of February 19 with reference thereto I send herewith statement of the probable cost of a trial of the parcel and award therein in the ordinary course of proceedings.

The City's estimates are as follows:

General Appraisers Marsh and Burgher give the following values:

Land	\$650 00
Buildings	3,460 00
Total value	\$4,110 00

Building and plumbing experts, Dederick, Campbell and Cusack:

Buildings	\$3,730 37
Plumbing	240 79
	\$3,971 16

Basing a calculation upon the figures given by building experts we have as follows:

Estimated value of lot as per Marsh and Burgher.

Building and plumbing.

Add to this probable advance of 10 per cent. in award which would be very favorable to City by comparison with awards already made by other Commissions.

Costs of trial, Commissioners, witnesses' fees, and counsel fees, estimated.

Extra allowance to counsel for claimant 5 per cent. on award.

Say nine months' interest on award from October 4.

If the Commission should fix their award on Marsh and Burghers' estimate we should have.

Ten per cent. advance on award.

Estimated cost of trial.

Allowance to claimant's counsel.

Nine months' interest on award.

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The Curtis Athletic Field in Staten Island is within easy walking distance of the municipal ferry, and, for those pupils who can use it, will be of much greater benefit than an athletic field in Manhattan Borough would be, as it is larger and in the open country. The giving of free transportation to this field over the municipal ferry would cost the City practically nothing, as the pupils would use the ferry mostly at times when the boats run practically empty.

It would appear to me that it would be a public benefit if the Dock Commissioner would issue suitable passes for the above purpose, but so restricted as to prevent the improper use of the passes.

I would suggest that a pass be issued to the Principal of each school, good only for a Teacher accompanied by pupils, and not good for either the Teacher or the pupils separately, and good on trips from New York only between 3:15 and 5 p. m., on week days, except Saturday, and from 9 a. m. to 4 p. m., Saturdays, and on trips from Staten Island, good only between 4 and 7 p. m., week days, except Saturday, and on Saturday, between 12:30 and 7 p. m.

Respectfully,

CHANDLER WITHINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN,
CITY HALL, June 8, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment:

DEAR SIR—At the meeting of the Board of Estimate and Apportionment held May 8, the request of the President of the Borough of Manhattan that free transportation to and from the Curtis Field on Staten Island be provided for school children in the lower part of the Borough of Manhattan, was referred for consideration and action to a select committee consisting of the Commissioner of Docks and Ferries and the President of the Borough of Manhattan.

This committee has carefully considered the subject, and is of the opinion that the desired result could best be accomplished by authority being conferred upon the Commissioner of Docks and Ferries to provide such free transportation for the school children in such manner as he and the Principals of the various public schools may agree upon.

It is accordingly recommended that the Board of Estimate and Apportionment adopt a resolution requesting the Commissioners of the Sinking Fund to confer the necessary authority upon the Commissioner of Docks and Ferries.

The Curtis Field is now being used daily by pupils of the Manhattan public schools, and on this account it is respectfully requested that the matter be acted upon at the next meeting of your Board.

Very truly yours,

ALLEN N. SPOONER, Commissioner of Docks and Ferries.
JOHN F. AHEARN, President of the Borough of Manhattan.

The Secretary presented the following resolution of the Board of Aldermen recommending that the Laborers employed by The City of New York be paid not less than \$2.50 per diem, together with report of the Comptroller (to whom this matter was referred on March 20, 1908), recommending that the matter be referred to the various Departments employing Laborers, with the request that a statement be submitted with the departmental estimate for the year 1909, showing the number of Laborers employed receiving less than said rate, and the amount of money necessary for an increase of their salaries to this rate:

In the Board of Aldermen.

The Committee on Salaries and Offices, to which was referred, on March 3, 1908 (Minutes, page 1119), the annexed resolution in favor of establishing the minimum wage of Laborers in the City employ at \$2.50, respectfully

REPORTS:

That Alderman Colgan appeared before the Committee and urged a favorable report on this resolution. The Committee feels that in view of the greatly increased cost of living expenses this is a most reasonable request, but as such action must originate with the Board of Estimate and Apportionment, it recommends that this resolution be placed on file and a copy thereof be forwarded to the Board of Estimate and Apportionment.

Resolved, That all Laborers employed by the Municipal Government of Greater New York be paid not less than \$2.50 per day.

Adopted by the Board of Aldermen, March 10, 1908, a majority of all the members voting in favor thereof.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
June 1, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Regarding a resolution presented from the Board of Aldermen to the Board of Estimate and Apportionment on March 20, 1908, requesting that all Laborers employed in the Municipal Government of Greater New York be paid not less than \$2.50 a day, which was referred to the Comptroller and the President of the Board of Aldermen for consideration and report, and by you referred to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

An examination of the civil list shows that the men classed as Laborers in the different Departments of the Municipal Government on January 1, 1908, receiving \$2 a day numbered about 3,000, and those receiving \$2.25 a day 700. Among these 3,700 Laborers are not included 300 men employed in Departments by the hour, week or month whose wages do not average \$2.50 a day, nor 62 men employed by the Board of Water Supply in the country districts at \$2 a day, nor 82 men employed by the Department of Health at the Otisville Sanatorium, in Orange County, at \$480, etc., a year.

In presenting their estimates of the amounts required for the Budget of 1908 certain heads of Departments requested allowances to enable them to increase the wages of Laborers to \$2.50 a day. Such allowances were made, though not specifically so stated in the Budget. No doubt heads of Departments have complied with the tacit understanding that moneys allowed for this purpose should be so used, and that they have advanced the wages of Laborers to \$2.50 a day in those cases where allowances were made.

However, there are probably still 3,700 Laborers receiving less than \$2.50 a day. While in Bureaus of Highways some of the Laborers may not be employed more than 200 days a year, many others in Departments are paid for 365 days in the year. Assuming that Laborers average 300 days in the year, the amount of money required to increase the wages of all Laborers in municipal employ would be in round numbers a half million of dollars, as follows:

3,000 men, advanced from \$2 to \$2.50 (\$150 a year).....	\$450,000 00
700 men, advanced from \$2.25 to \$2.50 (\$75 a year).....	52,500 00
<hr/>	
	\$502,500 00

While recognizing the popularity of the proposition of the Board of Aldermen to increase the wages of these underpaid employees of the City, it would seem that the Board of Estimate and Apportionment should carefully consider a proposal involving the expenditure of half a million dollars for increase of wages, and the providing of money for the purpose by a "blanket" resolution covering all men classed as Laborers in the employ of the municipality.

I would respectfully suggest that the matter be referred to the various Department heads for consideration in the annual estimates for the Budget of 1909.

Yours respectfully,

CHARLES S. HERVEY,
Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following was offered:

Whereas, The passage of the resolution contained in the report of the Committee on Salaries and Offices of the Board of Aldermen, adopted March 10, 1908, providing that all Laborers employed in the Municipal Government of Greater New York be paid not less than \$2.50 a day, it appears, would at once call for an annual increase in wages amounting to about \$500,000, if favorable action were taken by the Board of Estimate and Apportionment.

Whereas, Action has already been taken by certain heads of Departments and provision been made for the payment of \$2.50 a day to Laborers.

Resolved, That the matter of increase of wages of Laborers to \$2.50 a day be referred to heads of Departments in which Laborers receive less than \$2.50 a day for consideration; that if the head of a Department, in the exercise of his prerogative, shall decide to grant an increase of pay to \$2.50 a day, he be requested to prepare a statement for submission to the Board of Estimate and Apportionment, showing the number of Laborers in his Department receiving less than \$2.50 a day and also the amount of money which will be required to provide for said increase, and to present the same for consideration with the estimates for the annual Budget for 1909.

Resolved, That the Secretary of the Board of Estimate and Apportionment be instructed to transmit a copy of these resolutions to the heads of Departments affected by this action.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$2,430.82 Special Revenue Bonds to meet a deficiency in the account of the Sheriff, Queens County, for the year 1907, entitled Maintenance of Queens County Jail, together with report of the Comptroller (to whom this matter was referred on April 24, 1908) recommending the issue as requested:

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and hereby is requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of twenty-four hundred and thirty dollars and eighty-two cents (\$2,430.82), the proceeds whereof to be applied to meet the deficit in the appropriation allotted to the Sheriff of Queens County for the year 1907, entitled Maintenance of Queens County Jail.

Adopted by the Board of Aldermen, March 24, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, April 7, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
June 9, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of a resolution of the Board of Aldermen, adopted March 24, 1908, as follows:

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and hereby is requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of twenty-four hundred and thirty dollars and eighty-two cents (\$2,430.82), the proceeds whereof to be applied to meet the deficit in the appropriation allotted to the Sheriff of Queens County for the year 1907, entitled Maintenance of Queens County Jail,"

—which was referred to the Comptroller by the Board of Estimate and Apportionment, and by you to this Bureau for investigation, I beg to report as follows:

It appears from examination made by me that bill rendered by Herbert S. Harvey, Sheriff of Queens County, for maintenance of Queens County Jail for the month of December, 1907, in amount \$2,073.94, remains unpaid owing to deficiency of appropriation account for said year. Said bill is for board, transportation and legal fees for receiving and discharging prisoners during the month of December, 1907.

In view of the fact of this outstanding liability I would recommend that this request be granted.

Yours respectfully,

CHARLES S. HERVEY,
Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted March 24, 1908, in relation to an appropriation of twenty-four hundred and thirty dollars and eighty-two cents (\$2,430.82) to meet a deficit in the appropriation made to the Sheriff of Queens County for the year 1907, for the account entitled Maintenance of Queens County Jail; and for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding twenty-four hundred and thirty dollars and eighty-two cents (\$2,430.82) redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Metropolitan Sewerage Commission, requesting an issue of Corporate Stock to the amount of \$75,000 pursuant to chapter 639, Laws of 1906, as amended by chapter 422, Laws of 1908, for expenses of said Commission, together with report of Comptroller (to whom this matter was referred on June 5, 1908), recommending said issue:

METROPOLITAN SEWERAGE COMMISSION OF NEW YORK,
No. 17 BATTERY PLACE,
NEW YORK CITY, May 26, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment, City Hall, New York:

SIR—By a recent amendment (chapter 422, Laws of 1908), to the act (chapter 639, Laws of 1906), providing for the creation of the Metropolitan Sewerage Commission of New York, approved by the Mayor on May 8, 1908, the funds for the use of this Commission are to be provided in the following manner:

"Corporate stock of the city of New York may be authorized to be issued by the board of estimate and apportionment without the concurrence or approval of any other board or public body in accordance with section one hundred and sixty-nine of the greater New York charter, in order to provide the means for carrying out the provisions of this act, but not to exceed the sum of seventy-five thousand dollars in

any one year. All payments from the sale of such corporate stock shall be made upon proper vouchers, having the authorization of the chairman and secretary or by the signature of a majority of the commission herein provided for, and in accordance with the laws, regulations and practice now in force for the payment of money by the comptroller of the city of New York."

In accordance with this law the Metropolitan Sewerage Commission requests the Board of Estimate and Apportionment to take such action as may be necessary to authorize the Comptroller to issue Corporate Stock in the amount of \$75,000 for the Commission's use.

If this request is granted the Commission proposes to push vigorously the work for which it was created. That work is to investigate the conditions of present and probable future pollution of New York Harbor and neighboring waters and devise a comprehensive plan or policy for protecting these waters against such defilement by sewage as will be injurious to public health and welfare.

In prosecuting its work, it will be necessary to make analyses, inspections, surveys and experiments. It will be necessary to study the location and conditions of sewage discharges, the force and direction of tidal currents, the capacity of the harbor waters to absorb sewage, the location and composition of solid deposits on the harbor bottom, and other problems.

At the present time there is practically no information to be had on these subjects. Investigations of the sanitary condition of the harbor have been instituted by the State and City of New York, but the sum of money available for this work has been wholly inadequate.

The Metropolitan Sewerage Commission, appointed in 1906 to make these investigations, has the legal power and authority necessary. Since the Commission was reconstituted, on January 10, 1908, it has been without public funds and has been compelled to prosecute its work at the private expense of its members. The present request for an appropriation is to permit the work to be done authoritatively, economically and within the two years of life remaining to the Commission. It is important that the investigations be begun early this summer so that the conditions shall be known during the hot weather months when they are most serious.

As to the need of regulating the ways in which the sewage of Greater New York and the other cities that deposit their sewage into New York waters should be disposed of, little need be said. No sanitary control whatever is exercised over this matter at present. The sewage is discharged in a haphazard manner wherever most convenient and without regard to consequences. The results of this policy are evident, and will become more so. The nuisances of Gowanus Canal, Newtown Creek and the Passaic River already exist. By the project of the Passaic Valley Sewerage Commission and Bronx Valley Sewer Commission, works are about to be built to discharge unprecedently large volumes of putrid sewage into upper New York Bay and the Hudson River within sight of Manhattan Island.

Respectfully,

(Signed) GEORGE A. SOPER, President.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, }
June 9, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the request of the Metropolitan Sewerage Commission for an issue of \$75,000 Corporate Stock, referred to the Comptroller by the Board of Estimate and Apportionment, and by you to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

The Metropolitan Sewerage Commission was created by chapter 639, Laws of 1906, which provided for the appointment by the Mayor of five Commissioners to investigate and consider means for protecting the waters of New York Bay and vicinity against pollution. The law creating the Commission provided for the disbursement of a sum not to exceed \$15,000 to pay the expenses of the Commission.

On June 29, 1906, an issue of \$5,000 Corporate Stock was authorized for this purpose. On March 1, 1907, a second issue of \$5,000 Corporate Stock was authorized for the same purpose. The Board of Aldermen having concurred with the action of the Board of Estimate and Apportionment in authorizing the issue of \$10,000 of the \$15,000 provided for by legislative enactment, the Commission, as constituted prior to January 10, 1908, received and disbursed \$10,000. This left an unissued balance of \$5,000 of the total amount provided by the Law of 1906.

On January 10, 1908, the Commission was reconstituted through reappointments and new appointments by his Honor, the Mayor. The members of the reorganized Commission are: George H. Soper, President; James H. Fuertes, Secretary; Charles Sooysmith, H. deB. Parsons and Linsley R. Williams. Messrs. Soper, Fuertes, Sooysmith and Parsons are Consulting Engineers. Mr. Williams is a physician.

When the Commissioners met to elect new officers and practically to begin anew the investigation of the pollution of the waters of the Harbor and immediate vicinity, they found that through the action of a majority of their predecessors in office, there were outstanding liabilities amounting to \$1,824.79 in excess of the sum appropriated for expenses. The compensation due to the Commissioners who held office prior to the reorganization of the Commission is estimated at \$4,000. The apparent liability of the Commission is, therefore, \$5,824.79 in excess of the appropriation heretofore authorized. It is \$824.79 in excess of the amount, \$15,000, provided by chapter 639, Laws of 1906, for the expenses of the Commission.

On April 24, 1908, the Board of Estimate and Apportionment adopted a resolution authorizing the issue of \$5,000 Corporate Stock, the third and final installment of the \$15,000 provided for. Up to the present time, the Board of Aldermen has failed to concur with said authorization. However, said issue of Corporate Stock now pending will not meet the liabilities of the Commission. The Commissioners now in office are not responsible for the outstanding obligations. For months they have paid their expenses out of their own pockets.

The request for an issue of \$75,000 Corporate Stock is made in pursuance of chapter 422, Laws of 1908, amending chapter 639, Laws of 1906, providing for the creation of the Metropolitan Sewerage Commission. The amendment reads:

"Corporate Stock of The City of New York may be authorized to be issued by the Board of Estimate and Apportionment without the concurrence or approval of any other board of public body, in accordance with section one hundred and sixty-nine of the Greater New York Charter, in order to provide the means for carrying out the provisions of this act, but not to exceed the sum of seventy-five thousand dollars in any one year. All payments from the sale of such corporate stock shall be made upon proper vouchers, having the authorization of the chairman and secretary or by the signature of a majority of the commission, herein provided for, and in accordance with the laws, regulations and practice now in force for the payment of money by the Comptroller of The City of New York."

The Commissioners are unanimously of the opinion that the \$75,000 asked for should be appropriated at the full amount. They hold that if the amount provided is divided up into several issues of stock, authorized at infrequent intervals, their work, plans and investigations will be hampered. In fact they cannot investigate the conditions of present and probable future pollution of New York Harbor and neighboring waters and devise a comprehensive plan or policy for protecting them against defilement by sewage for less than \$75,000, and as their term of office ends May 1, 1910, they assert that it is absolutely necessary the \$75,000 should be appropriated without further delay.

President Soper is confident that this amount will suffice and that no further appropriation will be necessary to enable the Commission to accomplish the result for which it was created. The enactment which provides for \$75,000 for the expenses of the Commission was indorsed by the Chamber of Commerce, Board of Trade and Transportation, Maritime Exchange and other commercial and civic organizations.

The importance of the work entrusted to the Metropolitan Sewerage Commission cannot be overestimated, especially when it is considered that at present there is no health or sanitary department of the Nation, State or City Governments that exercises jurisdiction over the discharge of sewage in the Harbor of New York. One of the objects of the Commission is to decide what kind of supervision and jurisdiction should be exercised and to what extent, and how the sanitary condition of the Harbor should be protected. The Passaic Valley Sewer, which will receive the sewage of Paterson, Passaic, Newark and other New Jersey centres of population is about to be built. It is expected to discharge enormous volumes of sewage in the upper Bay, near the Statue of Liberty. The Bronx Valley sewer, now being constructed, will discharge into the Hudson River, not far above the City limits. The total amount of sewage which now enters the Bay and tidal waters in the vicinity of New York City is estimated at 475,000,000 gallons per day.

Your Examiner is of the opinion that the request of the Metropolitan Sewerage Commission for an issue of \$75,000 Corporate Stock does not appear unreasonable when it is considered that this amount will be spent for investigations, surveys, experiments, analyses, etc., that should result in determining how the present pollution of our Harbor may be remedied and the vastly more important threatened contamination of the future averted. I would, therefore, recommend that the request of the Metropolitan Sewerage Commission be granted.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered by the Comptroller:

Resolved, That, pursuant to the provisions of chapter 639, Laws of 1906, as amended by chapter 422 of the Laws of 1908, the Board of Estimate and Apportionment hereby appropriates the sum of seventy-five thousand dollars (\$75,000), to meet the expenses of the Commission (known as the Metropolitan Sewerage Commission of New York), appointed to investigate and consider means for protecting the waters of New York Bay and vicinity against pollution, and that for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to said law and in the manner provided by section 169 of the Greater New York Charter, to issue Corporate Stock of The City of New York, to an amount not exceeding seventy-five thousand dollars (\$75,000).

The President, Borough of Brooklyn, presented the following communication and offered the resolution attached thereto as an amendment by way of a substitute for the resolution offered by the Comptroller:

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN,
BROOKLYN, June 11, 1908.

The Honorable the Board of Estimate and Apportionment:

GENTLEMEN—The Comptroller submits a resolution for adoption appropriating the sum of \$75,000 of Corporate Stock to meet the expenses of a new Metropolitan Sewerage Commission, on an application presented to the Board on May 26, stating that under the provisions of an amendment entitled "Chapter 422, Laws of 1908," applying to chapter 639, Laws of 1906, this large amount is necessary to make analyses, inspections, surveys and experiments, and in the study of the location and condition of sewage discharges, the force and direction of tidal currents, capacity of the harbor waters to absorb sewage, and the location and composition of solid deposits in the harbor bottom, and that at the present time there is practically no information to be had on these subjects.

The last Commission, appointed in 1906, had, I believe, the sum of \$15,000 for this specific purpose, and it is a fact that a large amount of valuable information is now in possession of this Commission and that their investigations show the degrees of pollution of the harbor waters, the sewage deposits, with movement of currents and other matters which are of immediate value to the several Borough Presidents entrusted with the problems of sewage disposal.

It is stated in the petition that investigation should be begun early this summer so that conditions shall be known during the hot weather months, when most serious, and it must be stated that a large amount of information has been accumulated during the summer seasons, all of which should be published for the use of the Borough Presidents before appropriating this great sum for an indefinite purpose.

The new act is peculiar. It authorizes an appropriation of \$75,000 for each of three years "by the Board of Estimate and Apportionment without the concurrence or approval of any other board or public body," and seems to be designed to centralize the control of all five Sewer Bureaus with this Commission. It is a fact that the old Commission has accumulated full conclusions as to the present conditions in the harbor and the necessity for remedial measures.

This Board, in April last, appropriated the sum of \$5,000, which should be sufficient to publish a limited number of pamphlets and maps showing the conclusions of the old Commission.

So far as expert advice on sewage disposal is concerned, the Borough Presidents have specialists engaged in all five Boroughs, and this Board has the advice of the Chief Engineer and of the expert selected by him, who is compensated at the rate of \$100 per day in passing plans for sewers and sewage disposal.

While the Mayor has appointed the members of both the old and the new Board, the matter of compensation and utilization of their work has been neglected. In view of this very important question, I ask your consideration and support of the following resolution in place of that presented by the Comptroller:

Resolved, That the Board of Estimate and Apportionment hereby authorizes the issue of \$15,000 in Corporate Stock, pursuant to chapter 639, Laws of 1906, as amended by chapter 422, Laws of 1908, to be expended as compensation for the members of the Metropolitan Sewerage Commission, appointed in accordance with the provisions of said chapter 639, Laws of 1906, at the rate therein provided when actually engaged in service as Commissioners thereunder, and for the purpose of publishing all useful records and maps accumulated by the said Commission: the balance of this appropriation to be expended by the present Metropolitan Sewerage Commission for such further investigations and reports as shall be required for the needs and purposes of sewage disposal, in accordance with the requirements of the several Borough Presidents of The City of New York.

Very truly yours,

BIRD S. COLER,
President, Borough of Brooklyn.

The Chair directed a roll call upon the amendment by way of a substitute as offered by the President, Borough of Brooklyn, which amendment was lost by the following vote:

Affirmative—The President of the Borough of Brooklyn—2.

Negative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, The Bronx, Queens and Richmond—14.

The resolution as originally offered by the Comptroller was then adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of The Bronx, Queens and Richmond—12.

Negative—The Presidents of the Boroughs of Manhattan and Brooklyn—4.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$30,000 Special Revenue Bonds to provide for the payment of fifteen additional Inspectors of Elevators and ten Clerks in the Bureau of Buildings, Borough of Manhattan, together with report of the Comptroller (to whom this matter was referred on April 3, 1908), recommending the issue of \$6,600 Special Revenue Bonds to provide for eight additional Inspectors of Elevators (\$4,800), and for three additional Clerks (\$1,800) for the last six months of the year 1908:

In the Board of Aldermen.

Resolved, That pursuant to the provisions of section 188 of the Greater New York Charter, as amended, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of thirty thousand dollars (\$30,000), for the purpose of providing for the payment of the salaries of fifteen additional Inspectors of Elevators and ten Clerks, in the Bureau of Buildings, Borough of Manhattan.

Adopted by the Board of Aldermen March 10, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, March 24, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,]
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,]
June 10, 1908.]

Hon. H. A. METZ, Comptroller:

SIR—Regarding a resolution presented from the Board of Aldermen to the Board of Estimate and Apportionment on April 3, 1908, requesting an issue of \$30,000 Special Revenue Bonds to meet the salaries of fifteen additional Inspectors of Elevator and ten Clerks in the Bureau of Buildings, Borough of Manhattan, which was referred to you for consideration and report, and by you referred to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

Superintendent of Buildings Edward S. Murphy informed your Examiner that there is a record in his Bureau showing the actual number of buildings using elevators and the number of elevators in each building, and that this record is up to date; also, that there is a record of the number of buildings and the number of elevators in each installed each year. On June 2, the Superintendent submitted to your Examiner the following statement as to the duties of Inspectors, the number of elevators in Manhattan, etc.:

"The duties of Inspectors of Elevators are to make a general inspection of all elevators in the Borough of Manhattan, this inspection to consist of examination of elevator machinery, cables, car, safety, overhead machinery, doors, locks and controlling device; to visit work under construction in the districts to which they may be assigned from time to time; to make tests of new elevators installed, consisting of examining and testing the safety device on the car, the lifting capacity of the car, the speed of the car and the general construction of the elevator.

"If on a general inspection a violation of the elevator rules and regulations is found to exist, the Elevator Inspector must file the necessary case, and see that the defective conditions are remedied without unnecessary delay.

"The Inspectors are also obliged to examine plans which have been filed in the Bureau of Buildings for new elevators or alterations to old elevators, each Inspector inspecting the plans for elevators in his district.

"When complaints are made concerning defective or dangerous elevators the Inspector is directed to make an examination. If a violation is found to exist, he filed a violation case against the elevator, and he is compelled to make frequent examinations of same to see that the requirements of the law are being complied with, and the defective or dangerous conditions remedied.

"There are 4,700 buildings in the Borough of Manhattan which contain elevators. Seventeen hundred of these buildings exceed 85 feet in height and require nightly inspection. If owners fail to see that the elevator reserved for firemen is kept in readiness for use, the responsibility falls on the Bureau of Buildings to enforce the Building Code requirement.

"These 4,700 buildings contain 7,000 elevators, and the law provides that these elevators shall be examined and tested at least once in every three months.

"In this Bureau there is an elevator docket which gives the number of buildings having elevators, and the number of elevators in each building. This docket is open for inspection at any time.

"In 1902 the elevator force consisted of twelve men, and the number of elevators in the Borough was 2,800. At this time (June 2, 1908), the number of elevators in the Borough of Manhattan is 7,000, and the elevator force still consists of twelve men, notwithstanding the increased volume of work."

The Superintendent further stated that since 1902, 4,200 elevators have been installed in Manhattan; 1,200 in 1906, 900 in 1907, and a smaller number in each of the years 1903, 1904 and 1905.

The Superintendent said that by nightly inspections he meant inspections at night of the "fire" elevators. He desired to assign two or three men to this duty, and have them make the rounds of high buildings as men are now assigned to theatres and big hotels.

The book known in the Bureau as the "elevator docket," exhibited to your Examiner, shows the following record, copied from the daily reports of Inspectors:

Record number.
Date examined.
Name of Inspector.
Location.
Stories high.
Owner.
Elevator man.
Residence.
Age.
Rate of speed.
Manufactured by.
Year put in use.
Power operated by. How transmitted.
Pounds carrying capacity.
Condition. Running year. Cables. Safety.
Attachments. In general.
What safety attachments are on car?
Is there a freight elevator in building?

Inspectors are required to fill in blanks covering the above points in the case of each building examined.

The following, taken from memorandum book of an Inspector by your Examiner, are samples of the daily reports required of Inspectors:

March 21 (Saturday)—

8.30 to 9.15—At office.
9.35 to 10.45—At No. 229 West Forty-second street and No. 253 West Forty-second street. Two elevators. O. K.

April 2, 1908—

8.30 to 9.15—At office.
9.40 to 10.50—At Nos. 19 to 23 West Forty-fourth street. Inspected one passenger elevator. O. K.
10.55 to 12.05—At No. 27 West Forty-fourth street. Inspected one passenger elevator. O. K.
12.10 to 12.50—At lunch.
1.00 to 5.00—At No. 43 West Forty-fourth street and No. 50 West Forty-fifth street. Inspected three passenger elevators. O. K.

May 23, 1908—

8.30 to 9.10—At office.
9.45 to 12.04—At Nos. 1541 to 1547 Broadway. Inspected two passenger elevators. See violations.
12.10 to 12.45—At lunch.
1.00 to 3.30—At No. 1520 Broadway. Inspected two passenger elevators. O. K.
3.45 to 5.00—At No. 496 Eighth avenue. Inspected one passenger elevator. O. K.

Above reports made by me on premises are true.

When an elevator is found to be in an unsafe condition, the Inspector fills in a blank describing the violation, which he deposits with the Superintendent of Buildings, who orders that the elevator be forthwith made safe, and may prevent its further use until proper repairs have been made to the same.

The Special Inspector also makes report to the Superintendent upon a blank form, of violations each week in his district. The Building Code provides that the regulations shall require that any repairs found necessary to any such elevators shall be made without delay by the owner or lessee of a building.

The Elevator Inspectors in the Bureau of Buildings report at the office at 8.30 a. m., and their working hours are from 9 to 5, including thirty to forty minutes for lunch.

The proposed salary of the Inspectors would be \$1,200 for the first year, \$1,350 for the second year, and \$1,500 for the third year and thereafter; of the Clerks, \$1,200 a year.

Section 102 of the Building Code provides that in every building exceeding 85 feet in height:

"At least one passenger elevator shall be kept in readiness for immediate use by the Fire Department, during all hours of the night and day, including Sundays and holidays."

The Superintendent is of opinion that the elevator reserved for Firemen in such buildings should be visited frequently by an Inspector to see that the same is in good working order and ready for use in case of emergency.

Superintendent Murphy stated that the men average about twenty inspections a week, including the short workday on Saturday and allowing for two weeks' vacation which the Inspectors are granted in each year. In his letter to the Board of Aldermen of March 10, 1908, he stated that the number of inspections in 1907 was 11,010, and that as a result of inspections, 440 elevators were found to be defective.

The Borough of Manhattan is divided into two sections. Fourteenth street is the dividing line, six Inspectors being detailed south and four north of that street. In addition, one Special Inspector is in charge of each section. The Specials are in charge of the other Inspectors, and make special inspections in the event of dispute with elevator constructors or owners of buildings, and also do general work.

The chief inspector of a Casualty Company which insures 1,800 of the elevators in New York City stated to your Examiner that its inspectors examine on the average about five elevators a day, or 150 a month. Occasionally the men work on Sunday, but on the average they are employed for six days a week about nine hours a day. After his first visit the inspector is not required to furnish all the details in the following blank, but on first examination of an elevator he must report on these points:

Assured
Business
Address
Location of elevator
Known as
Maker
Passenger, freight or sidewalk
Type
When put in use
Condition of running gear
Automatic stop
Gates and inclosures
Car safety and gear
Hoisting machinery
Brake
Governor, if any
Number, size and condition of cables—main hoisting
Counter weight from car
Power, how transmitted
Counter weight from drum
Number of landings, including lowest
Operating
Date last inspected and by whom
Carrying capacity
Condition of piston rods when last examined
Do passengers ride in this elevator
Pressure
If hand hoist, is there a platform
Condition of tank
Is there a regular attendant

The inspectors of the casualty companies carry tools ready for an emergency, and make repairs when necessary, if they find defects in elevators. The Inspectors of the Bureau of Buildings make no repairs. They report to the Superintendent, either that the elevators are in proper condition or that there is some defect which must be remedied by the owner or lessee of the building.

Inspections by casualty companies average about five a day by each inspector, the men making repairs and working nine hours, while inspections by the City average a little over three a day, the Inspectors having employed about eight hours and making no repairs. If the Borough were laid out in smaller districts it would seem that the Building Bureau Inspectors would have less ground to cover and might largely increase the number of inspections made daily by a more systematic distribution of the work.

The Superintendent claims that, whereas the Building Code requires the inspection of elevators at least once every three months, his present force is unable to make examinations as often as once in six months.

As the Building Code plainly provides that in the taller buildings a passenger elevator shall at all times be kept in readiness for use by the Fire Department, there appears to be no reason why the City ordinances should not be observed by owners or lessees of buildings. It would appear that monthly visits to "fire" elevators to discover if they were in readiness would be sufficient to guarantee the protection to life and property desired by all. Additional Inspectors recommended in this report to be allowed might perform this work in connection with their other duties.

Four Clerks are now employed in making a record of the Elevator Inspectors' daily reports and in the preparation of orders to be issued by the Bureau for the removal of violations of the Building Code found in defective elevators. Four additional Clerks are asked for for this work.

The Superintendent of Buildings, in his letter to the Borough President, which appears in the report of the Committee on Finance adopted by the Board of Aldermen on March 12, 1908, says:

"On account of the controversy that has arisen with reference to bills for emergency work which is done at the direction of this Bureau, it is very necessary that the time of the different workmen employed and a record of the material used be kept in all unsafe building emergency cases. For this purpose I will require at least six Clerks."

The Superintendent stated that at present Clerks are assigned from the office to act as Timekeepers and to keep a record of materials furnished, etc. In case of a big accident to a building six or eight men might be sent out on the job. When not so employed the six Clerks, or a part of the number, would be engaged at office work. During a rush of work in the office Elevator Clerks assist Clerks on other work, and vice versa.

Your Examiner is of opinion that with the increase in the number of inspections which may be accomplished by a more systematic distribution of the work in districts of reduced area, and the addition of eight Elevator Inspectors to the present force, two of these to be assigned to examination of "fire" elevators, the provision of the Building Code requesting inspections at least once in every three months may be complied with.

I therefore recommend that the resolution adopted by the Board of Aldermen on March 10, 1908, providing for the issue of Special Revenue Bonds to the amount of \$30,000 (which includes \$18,000 for compensation of Elevator Inspectors), for the purpose of providing for the payment of salaries of fifteen additional Inspectors of Elevators in the Bureau of Buildings, be approved to the extent that there be allowed the sum of \$4,800 for the compensation of eight additional Inspectors of Elevators for the six months of 1908, beginning July 1.

It would appear that the four Clerks now employed on the work of making a record of the daily reports of Elevator Inspectors and the preparation of orders showing violations of the regulations of the Bureau regarding elevators are a sufficient number for the performance of those duties, and I recommend that the application for four additional Clerks be not allowed.

In view of the fact that heretofore Clerks have been assigned from office duty to act as Timekeepers and to keep a record of materials furnished in unsafe building emergency cases, I recommend that, instead of six Clerks requested for this duty, the action of the Board of Aldermen be approved to the extent of allowing three Clerks for this work (the men to be employed in the office when not engaged at unsafe buildings), and that the sum of \$1,800 be allowed for the compensation of these three additional Clerks for the six months of 1908, beginning July 1.

Yours respectfully,

CHARLES S. HERVEY,

Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen, adopted March 10, 1908, to the extent of sixty-six hundred dollars (\$6,600), to pay the salaries of additional positions in the Bureau of Buildings, Borough of Manhattan, as follows:

8 additional Inspectors of Elevators, for six months of the year 1908, beginning July 1.....	\$4,800 00
3 additional Clerks, for six months of the year 1908, beginning July 1.....	1,800 00
	<u>\$6,600 00</u>

—and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding sixty-six hundred dollars (\$6,600), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Comptroller recommending the purchase of the following properties for the Manhattan approach to the Manhattan Bridge:

No. 8 Bayard street.....	\$35,000 00
No. 15 Chrystie street.....	47,000 00
No. 36 Chrystie street.....	42,000 00
Nos. 72 and 74 Henry street.....	<u>70,500 00</u>

—and further recommending that the Board authorize the Comptroller to pay interest on the last mentioned property, at the rate of 6 per cent. per annum, from the 8th day of October, 1907 (the date when title vested), until such time as the interests of the former owner of said premises, prior to the same being vested in the City, shall be acquired by the City:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE, }
June 9, 1908. }

Hon. HERMAN A. METZ, Comptroller:

SIR—The Board of Estimate and Apportionment, at a meeting held November 23, 1906, adopted a resolution authorizing the acquisition of the fee of lands selected by the Commissioner of the Department of Bridges as an approach to the Manhattan Bridge, lying between Monroe street and the Bowery, in the Borough of Manhattan, more particularly shown on a map filed by the Commissioner of the Department of Bridges in the office of the Register of the City and County of New York on the 20th day of February, 1905.

Among the parcels lying within the area so laid out and shown on the map so filed were four parcels, one known as No. 15 Chrystie street, one known as No. 36 Chrystie street, one known as No. 8 Bayard street and known by the numbers 72 and 74 Henry street. All of these four parcels of land have been offered to the City at private sale at prices which are fair and reasonable, and which, in the opinion of the Corporation Counsel's office and of this office, the City should accept. The title to three of the parcels hereinabove mentioned was vested in the City on the 1st day of June. The title to the premises Nos. 72 and 74 Henry street was vested in the City on the 8th day of October last. A small portion of the premises No. 72 Henry street, being the rear end of the lot forming a triangle 13.78 feet by 13.19 feet by 3.98 feet, is included in the area of a new street. There is no building on this triangle, and it is such a small amount that the entire cost of acquisition by condemnation proceedings would be borne by the Bridge Department. In other words, if the City acquired No. 72 Henry street for the Bridge Department, the amount of the award would, in my opinion, be as much without the cost of the triangle as with it. As I said above, the proposition having met with the approval of the Assistant Corporation Counsel in charge of the proceedings, I would respectfully recommend that the Board of Estimate and Apportionment approve of the acquisition of the following described premises at private sale for the amounts therein designated:

All that certain lot, piece or parcel of land, with the buildings thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, and shown on a map of the Department of Bridges as property required for the Manhattan approach to the Manhattan Bridge, numbered 38/12:

Beginning at a point on the northerly side of Bayard street distant 75.26 feet westerly from the intersection of the northerly side of Bayard street with the westerly side of Forsyth street; running thence northerly 75.11 feet; running thence westerly 25.21 feet; running thence southerly 75.09 feet to the northerly side of Bayard street, and running thence easterly along the northerly side of Bayard street 25.21 feet to the point or place of beginning; said premises being known by the number 8 Bayard street.

—and authorize the Comptroller to acquire all the right, title and interest in and to said premises above described, together with all the right, title and interest of, in and to any award which may be made in the proceedings now pending for the acquisition of said property; together with all the right, title and interest of, in and to the street in front thereof to the centre thereof, at a price not exceeding \$35,000.

And also—

All that certain lot, piece or parcel of land, with the buildings thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, and shown on a map of the Department of Bridges as property required for the Manhattan approach to the Manhattan Bridge, numbered 38/12:

Beginning at a point on the westerly side of Chrystie street 50 feet northerly from the intersection of the westerly side of Chrystie street with the northerly side of Bayard street; running thence westerly 77.67 feet; running thence northerly 24.94 feet; running thence easterly 77.67 feet to the westerly side of Chrystie street; running thence southerly along the westerly side of Chrystie street 25.04 feet to the point or place of beginning, said premises being known as No. 15 Chrystie street.

—and authorize the Comptroller to acquire all the right, title and interest in and to said premises above described, together with all the right, title and interest of, in and to any award which may be made in the proceedings now pending for the acquisition of said property; together with all the right, title and interest of, in and to the street in front thereof to the centre thereof, at a price not exceeding \$47,000.

And also—

All that certain lot, piece or parcel of land, with the buildings thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, and shown on a map of the Department of Bridges as property required for the Manhattan approach to the Manhattan Bridge, numbered 38/12:

Beginning at a point on the easterly side of Chrystie street distant 75.97 feet southerly from the intersection of the easterly side of Chrystie street with the southerly side of Canal street; running thence easterly 73.50 feet; running thence southerly 25 feet; running thence westerly 73.50 feet, and running thence northerly 25 feet to the point or place of beginning, said premises being known as No. 36 Chrystie street.

—and authorize the Comptroller to acquire all the right, title and interest in and to said premises above described, together with all the right, title and interest of, in and to any award which may be made in the proceedings now pending for the acquisition of said property; together with all the right, title and interest of, in

and to the street in front thereof to the centre thereof, at a price not exceeding \$42,000.

And also—

All that certain lot, piece or parcel of land, with the buildings thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, and shown on a map of the Department of Bridges as property required for the Manhattan approach to the Manhattan Bridge, numbered 38/10:

Beginning at a point on the southerly side of Henry street distant 86.50 feet easterly from the intersection of the southerly side of Henry street with the easterly side of Market street; running thence southerly 100.17 feet; running thence easterly 50.64 feet; running thence northerly 100.14 feet to the southerly side of Henry street 50.64 feet to the point or place of beginning, said premises being known by the numbers 72 and 74 Henry street.

—and authorize the Comptroller to acquire all the right, title and interest in and to said premises above described, together with all the right, title and interest of, in and to any award which may be made in the proceedings now pending for the acquisition of said property; together with all the right, title and interest of, in and to the street in front thereof to the centre thereof, at a price not exceeding \$70,500.

Inasmuch as the title to the last above described property was vested in the City on the 8th day of October, 1907, and the former owner of the premises has lost the rents thereof and has been compelled to pay interest and carrying charges thereon, I would respectfully recommend that the Board of Estimate and Apportionment, in addition to the payment of the last mentioned amount of \$70,500, authorize the Comptroller to pay interest on said amount at the rate of 6 per cent. per annum, from the 8th day of October, 1907, until such time as the interests of the former owner of said premises, prior to the same being vested in the City, shall be acquired by the City.

Respectfully submitted for approval,

MORTIMER J. BROWN,
Appraiser of Real Estate, Department of Finance.

Approved:

H. A. METZ, Comptroller.

Approved:

JOEL J. SQUIER, Assistant Corporation Counsel.

The following was offered:

Whereas, The Board of Estimate and Apportionment did heretofore, on the 23d day of November, 1906, adopt resolutions authorizing the acquisition of the fee of the lands selected by the Commissioner of the Department of Bridges as an approach to the Manhattan Bridge, lying between Monroe street and the Bowery, in the Borough of Manhattan, and being more particularly shown on a map filed by the Commissioner of Bridges in the office of the Register of the City and County of New York on the 20th day of February, 1905;

Whereas, Commissioners of Estimate and Appraisal have been appointed by the Supreme Court in the proceedings to acquire title to the said property, and the oaths of said Commissioners of Estimate and Appraisal were duly filed as required by law on the 26th day of February, 1907;

Whereas, This Board, on the 15th day of May, 1908, adopted a resolution vesting title in The City of New York on June 1, 1908, to the hereinafter described property, known as Nos. 15 and 36 Chrystie street and No. 8 Bayard street, and on the 4th day of October, 1907, adopted a resolution vesting title in the City on October 8, 1907, to parcel known as Nos. 72 and 74 Henry street; and

Whereas, The Comptroller of The City of New York has reported to this Board that the hereinafter described property may be acquired at private sale at a fair market value; therefore be it

Resolved, That this Board authorizes the Comptroller to enter into contracts for the acquisition of all the right, title and interest of the owners of said premises in and to said property, and in and to any award to be made by the Commissioners in the condemnation proceedings now pending for the acquisition of said property, at the amounts designated:

All those certain lots, pieces or parcels of land with the buildings thereon erected, situate, lying and being in the Borough of Manhattan, City of New York, and shown on a map of the Department of Bridges as property required for the Manhattan approach to the Manhattan Bridge, numbered 38-12 and 38-10, as follows:

Beginning at a point on the northerly side of Bayard street distant 75.26 feet westerly from the intersection of the northerly side of Bayard street with the westerly side of Forsyth street; running thence northerly 75.11 feet; running thence westerly 25.21 feet; running thence southerly 75.09 feet to the northerly side of Bayard street, and running thence easterly along the northerly side of Bayard street 25.21 feet to the point or place of beginning; said premises being known as No. 8 Bayard street; together with all the right, title and interest of the owners of said premises in and to the street in front thereof to the centre thereof, at a price not exceeding thirty-five thousand dollars (\$35,000).

Beginning at a point on the westerly side of Chrystie street 50 feet northerly from the intersection of the westerly side of Chrystie street with the northerly side of Bayard street; running thence westerly 77.67 feet; running thence northerly 24.94 feet; running thence easterly 77.67 feet to the westerly side of Chrystie street; running thence southerly along the westerly side of Chrystie street 25.04 feet to the point or place of beginning; said premises being known as No. 15 Chrystie street; together with all the right, title and interest of the owners of said premises in and to the street in front thereof to the centre thereof, at a price not exceeding forty-seven thousand dollars (\$47,000).

Beginning at a point on the easterly side of Chrystie street distant 75.97 feet southerly from the intersection of the easterly side of Chrystie street with the southerly side of Canal street; running thence easterly 73.50 feet; running thence southerly 25 feet; running thence westerly 73.50 feet; running thence northerly 25 feet to the point or place of beginning; said premises being known as No. 36 Chrystie street; together with all the right, title and interest of the owners of said premises in and to the street in front thereof to the centre thereof, at a price not exceeding forty-two thousand dollars (\$42,000).

Beginning at a point on the southerly side of Henry street distant 86.50 feet easterly from the intersection of the southerly side of Henry street with the easterly side of Market street; running thence southerly 100.17 feet; running thence easterly 50.64 feet; running thence northerly 100.14 feet to the southerly side of Henry street 50.64 feet to the point or place of beginning; said premises being known as Nos. 72 and 74 Henry street; together with all the right, title and interest of the owners of said premises in and to the street in front thereof to the centre thereof, at a price not exceeding seventy thousand five hundred dollars (\$70,500), and authorizing the Comptroller to pay interest on said amount at the rate of 6 per cent. per annum, from the 8th day of October, 1907 (date when title vested), until such time as the interests of the former owner of said premises, prior to the same being vested in the City, shall be acquired by the City.

—said contracts to be submitted to the Corporation Counsel for his approval as to form.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan, The Bronx, Queens and Richmond—14.

Negative—The President of the Borough of Brooklyn—2.

The Secretary presented the following communication from the Comptroller recommending the issue of \$42,317.22 Corporate Stock to replenish Fund for Street and Park Openings in the matter of opening Tenth avenue, from Thirty-eighth to Fifty-third street, and from Fort Hamilton avenue to Seventh avenue, Brooklyn.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,

June 5, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—I am advised by the Corporation Counsel that the report of the Commissioners of Estimate and Assessment, in the matter of opening Tenth avenue, from Thirty-eighth street to Fifty-third street and from Fort Hamilton avenue to Seventh avenue, in the Twenty-ninth and Thirtieth Wards, Borough of Brooklyn, was confirmed by an order of the Supreme Court, dated February 11, 1908, and entered in the office of the Clerk of the County of Kings, February 11, 1908.

The title to the lands, etc., taken in this proceeding became vested in The City of New York on September 4, 1900, pursuant to the provisions of a resolution of the Board of Public Improvements, adopted July 18, 1900.

The total amount of the awards is.....	\$160,874 74
Amount of taxed costs.....	11,465 80
Total.....	\$172,340 54

Pursuant to the provisions of a resolution of the Board of Estimate and Apportionment adopted September 21, 1906, twenty-five per cent. (25%) of the cost and expense of this proceeding is to be borne and paid by The City of New York, for which Corporate Stock to the amount of forty-two thousand three hundred and seventeen dollars and twenty-two cents (\$42,317.22) should be issued.

A resolution for that purpose is herewith submitted.

Respectfully,

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of section 174 of the Revised Greater New York Charter, the Comptroller be and hereby is authorized to issue Corporate Stock of The City of New York, in the manner provided by section 169 of the Revised Greater New York Charter, to the amount of forty-two thousand three hundred and seventeen dollars and twenty-two cents (\$42,317.22), the proceeds whereof to be applied to replenish the "Fund for Street and Park Openings" for this amount to be paid therefrom, in the matter of opening Tenth avenue, from Thirty-eighth street to Fifty-third street and from Fort Hamilton avenue to Seventh avenue, in the Twenty-ninth and Thirtieth Wards, Borough of Brooklyn, pursuant to the provisions of a resolution of the Board of Estimate and Apportionment, adopted September 21, 1906.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following transfers of appropriations were made upon the recommendation of the Comptroller:

A. \$3,900.01, as requested by the Commissioner of Parks, Boroughs of Manhattan and Richmond, from various accounts to other accounts for the year 1908.

THE CITY OF NEW YORK—DEPARTMENT OF PARKS,
BOROUGHS OF MANHATTAN AND RICHMOND,
THE ARSENAL, CENTRAL PARK.

May 22, 1908.

To the Board of Estimate and Apportionment, The City of New York:

DEAR SIRS—I beg to request your Honorable Board to make the following transfers in the Budget appropriations for 1908, to meet the demands of this Department:

From Maintenance of Parks, Boulevards, Drives and Street Trees, Equipment, Repairs and Renewal Supplies, to Playgrounds, Kindergartens, Bathhouses and Comfort Stations within the Parks—Equipment, Repairs and Renewal Supplies.....	\$3,000 00
From Superintendent's office to Commissioner's office.....	54 91
From Superintendent's office to Superintendent, Supplies and Repairs.....	845 10

The transfer to the playground supply account is absolutely necessary, and the transfer in the salary account is occasioned by the readjustment of the office force. No additional money is asked for herein.

Respectfully,

HENRY SMITH,

Commissioner of Parks, Boroughs of Manhattan and Richmond.

The following resolution was offered:

Resolved, That the sum of thirty-nine hundred dollars and one cent (\$3,900.01) be and the same is hereby transferred from the appropriations made to the Department of Parks, Boroughs of Manhattan and Richmond, for the year 1908, entitled and as follows:

Maintenance of Parks, Boulevards, Drives and Street Trees—Parks and Boulevards—Equipment, Repairs and Renewal Supplies.....	\$3,000 00
Administration—Salaries and Wages—Superintendent's offices.....	900 01
\$3,900 01	

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to said Department for the year 1908, entitled and as follows:

Playgrounds, Kindergartens, Bathhouses and Comfort Stations within the Parks—Equipment, Repairs and Renewal Supplies.....	\$3,000 00
Administration—Salaries and Wages—Commissioner's office.....	54 91
Administration—Salaries and Wages—Office of Superintendent of Supplies and Repairs.....	845 10
\$3,900 01	

—the amounts of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

B. \$5,000, as requested by the Board of Health, from various accounts for the year 1906, to the account entitled "Hospital Fund" for the same year.

DEPARTMENT OF HEALTH,
SOUTHWEST CORNER OF FIFTY-FIFTH STREET AND SIXTH AVENUE,
NEW YORK, May 28, 1908.

Hon. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, No. 280 Broadway:

SIR—At a meeting of the Board of Health of the Department of Health, held May 27, 1908, the following resolution was adopted:

Resolved, That the Board of Estimate and Apportionment be and is hereby requested to transfer the sum of five thousand dollars (\$5,000) from the appropriations made to the Department of Health for the year 1906, entitled and as follows:

Supplies and Contingencies, 1906.....	\$800 00
Disinfection, 1906	2,900 00
Support of Ambulance Service, 1906.....	1,200 00
Abatement of Nuisances, 1906.....	100 00
	\$5,000 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said Department for said year, entitled and as follows:

Hospital Fund, 1906.....	\$5,000 00
--------------------------	-------------------

—the amount of said appropriation being insufficient.

A true copy.

EUGENE W. SCHEFFER, Secretary.

The following resolution was offered:

Resolved, That the sum of five thousand dollars (\$5,000) be and the same is hereby transferred from the appropriations made to the Department of Health for the year 1906, entitled and as follows:

Supplies and Contingencies.....	\$800 00
Disinfection	2,900 00
Support of Ambulance Service.....	1,200 00
For Abatement of Nuisances.....	100 00
	\$5,000 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said Department for the year 1906, entitled "Hospital Fund (excluding payments to private hospitals)," the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

C. \$26,000, as requested by the Board of Education, from various accounts to other accounts for the years 1899, 1901, 1903, 1906, 1907 and 1908.

Resolved, That the Board of Estimate and Apportionment be and it is hereby respectfully requested to approve the following transfers:

From the Special School Fund for the year 1908, and from the items contained therein as follows:

Fuel, Borough of Manhattan.....	\$10,000 00
Fuel, Borough of The Bronx.....	3,000 00
Fuel, Borough of Queens.....	2,000 00

—which items are in excess of their requirements, to the items also contained within the Special School Fund for the year 1908 as follows:

Fuel, Borough of Brooklyn.....	\$14,000 00
Fuel, Borough of Richmond.....	1,000 00

—which items are insufficient for their purposes.

A true copy of resolution adopted by the Board of Education, May 27, 1908.

A. EMERSON PALMER,
Secretary, Board of Education.

Resolved, That the Board of Estimate and Apportionment be and it is hereby respectfully requested to approve the following transfers:

From the Special School Fund for the year 1907 and from the items contained therein entitled and as follows:

General Repairs, Borough of Brooklyn.....	\$2,500 00
Furniture and Repairs of, Borough of Queens.....	1,500 00

—which items are in excess of their requirements, to the items also contained within the Special School Fund for the year 1907 entitled and as follows:

General Repairs, Borough of Queens.....	\$2,500 00
General Repairs, Borough of Richmond.....	1,500 00

—which items are insufficient for their purposes.

A true copy of resolution adopted by the Board of Education, May 27, 1908.

A. EMERSON PALMER,
Secretary, Board of Education.

Resolved, That the Board of Estimate and Apportionment be and it is hereby respectfully requested to approve the following transfers:

From General School Fund, 1899, Boroughs of Manhattan and The Bronx

\$1,000 00

—which is in excess of its requirements, to

General School Fund, 1899, Borough of Richmond.....

1,000 00

—which is insufficient for its purposes.

From General School Fund, 1901, Boroughs of Manhattan and The Bronx

1,000 00

—which is in excess of its requirements, to

General School Fund, 1901, Borough of Richmond.....

1,000 00

—which is insufficient for its purposes.

From Special School Fund, 1903, Supplies, Borough of The Bronx.....

1,000 00

—which item is in excess of its requirements, to

General School Fund, 1903.....

1,000 00

—which is insufficient for its purposes.

From Special School Fund, 1906, Lectures, Board of Education.....

1,000 00

—which item is in excess of its requirements, to

General School Fund, 1906.....

1,000 00

—which is insufficient for its purposes.

A true copy of resolution adopted by the Board of Education, May 27, 1908.

A. EMERSON PALMER,
Secretary, Board of Education.

The following resolution was offered:

Resolved, That the following sums be and are hereby transferred from the appropriations made to the Department of Education for various years, entitled and as follows:

Special School Fund—

Borough of Manhattan, Fuel, 1908.....	\$10,000 00
Borough of The Bronx, Fuel, 1908.....	3,000 00
Borough of Queens, Fuel, 1908.....	2,000 00
Borough of Brooklyn, General Repairs, 1907.....	2,500 00
Borough of Queens, Furniture and Repair of, 1907.....	1,500 00
Board of Education, Salaries of Janitors in All Schools, 1907.....	3,000 00
Board of Education, Lectures, 1906.....	1,000 00
Borough of The Bronx, Supplies, 1903.....	1,000 00

General School Fund—

Boroughs of Manhattan and The Bronx, 1901.....	1,000 00
Boroughs of Manhattan and The Bronx, 1899.....	1,000 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to said Department for various years, entitled and as follows:

Special School Fund—

Borough of Brooklyn, Fuel, 1908.....	\$14,000 00
Borough of Richmond, Fuel, 1908.....	1,000 00
Borough of Queens, General Repairs, 1907.....	2,500 00
Borough of Richmond, General Repairs, 1907.....	1,500 00

General School Fund—

1907	3,000 00
1906	1,000 00
1903	1,000 00
Borough of Richmond, 1901.....	1,000 00
Borough of Richmond, 1899.....	1,000 00

—the amount of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

D. \$100, as requested by the President, Borough of Brooklyn, from the account entitled Supplies and Contingencies, Bureau of Sewers, for the year 1905, to the account entitled Salaries, Bureau of Sewers, for the same year.

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN,
BROOKLYN, May 26, 1908.

To the Honorable Board of Estimate and Apportionment, City Hall, Manhattan:

GENTLEMEN—You are hereby requested to transfer from the appropriation known as Supplies and Contingencies, 1905, to the appropriation known as Salaries, Bureau of Sewers, 1905, the sum of \$100.

I send herewith communication from the General Bookkeeper of this office explaining this request.

Yours very truly,
BIRD S. COLER,
President, Borough of Brooklyn.

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN,
BROOKLYN, May 25, 1908.

Hon. BIRD S. COLER, Borough President:

DEAR SIR—It is necessary, in order to pay the salary of an Inspector of Sewers, for work done in 1905, to make a transfer from the appropriation of the Bureau of Sewers known as Supplies and Contingencies, 1905, of \$100, to the appropriation known as Salaries, Bureau of Sewers, 1905.

This is in accordance with the orders of the Law and Adjustment Division of the Department of Finance.

Respectfully yours,
(Signed) THOMAS F. MORAN, General Bookkeeper.

The following resolution was offered:

Resolved, That the sum of one hundred dollars (\$100) be and the same is hereby transferred from the appropriation made to the President, Borough of Brooklyn, for the year 1905, entitled Bureau of Sewers—Supplies and Contingencies, the same being in excess of the amount required for the purposes thereof, to the appropriation made to said President, for the year 1905, entitled Bureau of Sewers—Salaries, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented communications as follows:

Resolution of the Board of Aldermen requesting an issue of \$3,677.10 Special Revenue Bonds to pay Stenographers for transcripts of testimony taken during the investigation of the office, President, Borough of The Bronx.

From L. N. Manley, attorney, submitting claim of Jacob Pfeffer (pursuant to chapter 601, Laws of 1907) for furnishing 150 tons of coal at \$6 per ton, upon the order of the Superintendent of Public Buildings and Offices, Borough of Queens, to the Queens County Court House.

Which were referred to the Comptroller.

The Secretary presented the following resolution of the Board of Aldermen requesting the issue of \$300 Special Revenue Bonds to meet expenses of the Army and Navy Union incident to the observance of Memorial Day, 1908, in the Borough of Brooklyn, together with report of the Comptroller (to whom this matter was referred on June 5, 1908), recommending the issue as requested:

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and hereby is requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of three hundred dollars (\$300), the proceeds whereof, in addition to the sum of seven hundred dollars (\$700), allotted in the Budget for 1908, shall be applied by the Army and Navy Union for appropriate Memorial Day observances in the Borough of Brooklyn.

Adopted by the Board of Aldermen May 12, 1908, three-fourths of all the members voting in favor thereof, having been first advertised as required by law.

Received from his Honor the Mayor, May 26, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
June 9, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In regard to the resolution of the Board of Aldermen, adopted May 12, 1908, requesting the Board of Estimate and Apportionment to authorize the Comptroller to issue Special Revenue Bonds to the amount of \$300, the proceeds to be applied by the Army and Navy Union for Memorial Day observances in the Borough of Brooklyn, referred to the Comptroller, and by you to this Bureau of Examination, I beg to report as follows:

The amount allowed the Memorial Committee of the Army and Navy Union in the Budget for 1908 was \$700. The resolution calls for an additional allowance of \$300, making a total proposed allowance of \$1,000. The Committee has submitted to your Examiner a list of apparently legitimate expenditure amounting to \$950, with the statement that others, the exact amounts of which are not yet known, will make a total expenditure by the Committee for Memorial Day observances of considerably more than \$1,000, the expenses being greater this year than they were in 1907, when they exceeded \$1,400.

It is therefore recommended that the resolution be approved and the Comptroller authorized to issue the bonds as requested.

Yours respectfully,

CHARLES C. HERVEY,
Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted May 12, 1908, in relation to an appropriation of three hundred dollars (\$300), to be expended by the Army and Navy Union for the observance of Memorial Day, 1908, in the Borough of Brooklyn; and for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding three hundred dollars (\$300), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following matters not upon the calendar for this day were considered by unanimous consent:

The Secretary presented the following communication from the President, Borough of Manhattan, requesting the transfer of \$24,000 from the account entitled Bureau of Public Buildings and Offices: Equipment, Repairs, Renewals and Supplies for the year 1908, to the account entitled Bureau of Public Baths and Comfort Stations: Equipment, Repairs, Renewals and Supplies, for the same year, together with report of the Comptroller (to whom, on May 15, 1908, this communication was referred), recommending the transfer as requested:

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN,
May 15, 1908.

Board of Estimate and Apportionment, New York:

GENTLEMEN—I respectfully request the transfer of \$24,000 from the appropriation of 1908, Bureau of Public Buildings and Offices, Equipment, Repairs, Renewals and Supplies, to the appropriation of Public Baths and Comfort Stations: Equipment, Repairs, Renewals and Supplies.

It appears in the segregation of the appropriations of this Department for 1908 and the creation of new titles for the expenditure of money that was heretofore expended for various purposes under one title the Finance Department has neglected to provide for coal for the Public Baths and Comfort Stations.

A portion of the coal contract which is now in force is being charged to the appropriation for Public Baths and Comfort Stations, and as the operation of the Public Baths and Comfort Stations during the year will require a large consumption of coal it is absolutely necessary that provision be made for it.

In former years the coal contract was charged to one general appropriation, which included all public buildings and offices and the baths and comfort stations. It was by the separation of this appropriation into several others of various titles that the item of coal was omitted from the appropriation set apart for Equipment, Repairs and Supplies for Public Baths and Comfort Stations, therefore necessitating this request.

Yours very truly,

JOHN F. AHEARN, President, Borough of Manhattan.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
June 10, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In regard to a communication presented from the Borough President of Manhattan to the Board of Estimate and Apportionment on May 15, 1908, requesting the transfer of \$24,000 from the account entitled Bureau of Public Buildings and Offices, Equipment, Repairs, Renewals and Supplies, for the year 1908, to the account entitled Bureau of Public Baths and Comfort Stations, Equipment, Repairs, Renewals and Supplies, for the same year, which was referred to you for consideration and report, and by you referred to the Bureau of Municipal Investigation and Statistics for examination, I beg to make the following report:

In his request made to the Board of Estimate and Apportionment the Borough President says:

"In former years the coal contract was charged to one general appropriation, which included all public buildings and offices and the baths and comfort stations. It was by the separation of this appropriation into several others of various titles that the item of coal was omitted from the appropriation set apart for 'Equipment, Repairs and Supplies' for public baths and comfort stations, therefore necessitating this request."

In the budget for 1908 allowance was made for coal in the fund provided for public buildings and offices, equipment, repairs, renewal and supplies, which included sufficient for public baths and comfort stations.

In view of the facts that no separate allowance was made for coal for public baths and comfort stations, and that coal for this purpose is now required to be charged against the account entitled "Bureau of Public Baths and Comfort Stations, Equipment, Repairs, Renewal and Supplies," I recommend that the request of the Borough President of Manhattan be granted.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of twenty-four thousand dollars (\$24,000) be and the same is hereby transferred from the appropriation made to the President of the Borough of Manhattan for the year 1908, entitled "Bureau of Public Buildings and Offices—Maintenance of Buildings and Offices, Equipment, Repairs, Renewal and Supplies," the same being in excess of the amount required for the purposes thereof, to the appropriation made to said President, for the year 1908, entitled "Bureau of Public Baths and Comfort Stations, Maintenance of, Equipment, Repairs, Renewal and Supplies," the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen, requesting an issue of \$30,000 Special Revenue Bonds to paint the Riverside drive viaduct, between One Hundred and Twenty-seventh and One Hundred and Thirty-fifth streets, Borough of Manhattan, together with report of the Comptroller (to whom on April 24, 1908, this matter was referred), recommending the issue of \$24,000 Special Revenue Bonds for this purpose:

In the Board of Aldermen.

Resolved, That, pursuant to subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds in the amount of thirty thousand dollars (\$30,000), the proceeds to be used for the purpose of painting the Riverside Drive Viaduct, between One Hundred and Twenty-seventh and One Hundred and Thirty-fifth streets, Borough of Manhattan.

Adopted by the Board of Aldermen March 24, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor April 7, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, }
June 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Regarding a resolution from the Board of Aldermen on March 24, 1908, requesting that the Comptroller be authorized to issue Special Revenue Bonds in the amount of \$30,000, the proceeds to be used for the purpose of painting the Riverside Drive Viaduct, between One Hundred and Twenty-seventh and One Hundred and Thirty-fifth streets, Borough of Manhattan, which was referred to the Comptroller by the Board of Estimate and Apportionment for consideration and report, and by you referred to the Bureau of Municipal Investigation and Statistics for examination. I beg to report as follows:

Your Examiner inspected the viaduct and found it in need of repainting. The structure has not received a coat of paint since it was turned over to the City by the contractor in 1901. Paint, although faded, is visible on the greater part of the viaduct. Blisters of the old paint rise here and there from the steel, the exposed surface having become corroded.

Twelfth avenue occupies the space under the viaduct for the greater part of the distance of about 2,000 feet, and there is considerable traffic on the avenue. The bases of about fifty steel pillars supporting the arches and roadway are in some instances in a filthy condition. The paint is worn off, and in its place appears a thick rust. Careless persons also throw paper and other rubbish into the openwork pillars. It appears that this rubbish is frequently set fire to, thus further damaging the pillars. In order to secure uniformity in the work of painting, it would seem advisable to apply an extra coat of paint to the pillars from the ground up for a distance of five or ten feet.

The crossbeams are in worse condition than the uprights and arches. In many places the paint is scaling off, and rust is taking its place. On the railing of the viaduct the paint is entirely worn off in many places and the steel badly rusted. The parallel rails have suffered most in this respect, as the water lays upon them after a storm.

In the Budget for 1908, there was allowed \$9,000 for repair and maintenance of the Riverside drive and the One Hundred and Fifty-fifth street viaducts. Of this \$6,000 was for salaries of Laborers paid for care of the viaducts and to remove such refuse as might accumulate on the structures. Up to June 1, 1908, there had been expended \$1,962.50 for salaries, and there will probably remain a balance in this account at the end of the year. None of the \$3,000 allowed for repairs and equipment had been expended up to June 1, and there remained a total balance in the Viaduct Fund of \$7,038.50 on that date.

Chief Engineer Tillson stated to your Examiner that Riverside Drive Viaduct had not been painted since the structure was turned over to the City by the contractor in 1901. He was unable to tell what the work of painting cost the contractor. In making the present estimate of \$30,000 for the work, he stated that he was guided, in a measure, by what it cost to paint a similar viaduct in 1899, taking into consideration the difference in dimensions, and also the increase in cost of labor and materials since that year. Riverside Drive Viaduct contained 5,700 tons of steel. It was proposed to apply three coats of paint to the structure, which it was estimated would cost by contract about \$30,000, on the basis of \$5 per ton for the work. The per ton of steel rate of estimating has been adopted as the most feasible on account of the many pieces of irregularly shaped steel used in the construction of the viaduct. The contract for painting the viaduct will include only the steel work, without reference to the brick arch at the south end of the structure or the stone abutments.

The Chief Engineer stated that the difference in cost of the work, if two coats of paint were applied, instead of three, would be about 20 per cent. As the amount asked for (\$30,000) is an estimate of the figure that will probably be demanded by the successful bidder on the contract, it may be assumed that it is a liberal sum.

Taking the condition of the viaduct as a whole, your Examiner is of opinion that two coats of paint, with a third coat for five or ten feet on the bases of the pillars, would be sufficient to restore the structure to a good condition, which can be maintained by an occasional coat of paint in the future. But seven years should not be allowed to elapse without an application of paint, if the steel is to be prevented from decay.

I therefore recommend that, instead of \$30,000, the sum of \$24,000 be allowed to the Borough President for the purpose of repainting the Riverside Drive Viaduct, and that the accompanying resolution be adopted by the Board of Estimate and Apportionment.

Respectfully,

CHARLES S. HERVEY,
Supervising Statistician and Examiner.

Approved:

H. A. Metz, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted March 24, 1908, to the extent of twenty-four thousand dollars (\$24,000) for painting the Riverside Drive Viaduct, Borough of Manhattan; and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding twenty-four

thousand dollars (\$24,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Comptroller presented communications, etc., as follows:

From the Board of Health requesting an appropriation of \$30,000, of which \$15,000 is for the Salary account and \$15,000 for the Supplies, etc., account for the Kingston Avenue Hospital (New Measles Pavilion), for the year 1908.

Resolution of the Board of Education amending its resolution of June 26, 1907, relative to the acquisition of school site on Roanoke avenue and State street, adjoining Public School 39 (Far Rockaway High School), Borough of Queens, in so far as relates to the description of said property, and requesting the Board of Estimate to amend its resolution of July 8, 1907, which authorized the condemnation of said property, accordingly, and further requesting that condemnation proceedings be discontinued in so far as it relates to a certain portion of said property.

From the Coroners, Borough of Brooklyn, requesting that the Coroners of said Borough be provided with two automobiles.

From the Commissioner of Street Cleaning recommending the purchase of a triangular piece of property 40 feet on Canal avenue and 73 feet on East Third street, Brooklyn, for stable purposes in connection with the property adjacent thereto.

Report of the Corporation Counsel, one of the Select Committee consisting of the President, Borough of Manhattan, and the Corporation Counsel, to which on May 22, 1908, was referred the report of the Comptroller relative to approving form of proposals of bids, or estimates, contract and specifications for furnishing and erecting steel file cases and other furnishings required for the office of the Clerk, New York County, in the Hall of Records, Borough of Manhattan (which matter was referred to the Comptroller on May 8, 1908), stating that it is the duty of the Commissioner of Records, New York County, pursuant to sections 2 and 3 of chapter 712, Laws of 1907, to submit detailed plans, etc., to the Board of Estimate and Apportionment, and that the President, Borough of Manhattan, does not acquire jurisdiction in the premises other than as a member of the Board of Estimate until after the plans, etc., have been approved.

From the Commissioner of Street Cleaning renewing his request of April 2, 1908, for replenishing supplies and equipment for said Department amounting to \$173,306 for the Borough of Manhattan; \$139,105 for the Borough of Brooklyn and \$30,258 for the Borough of The Bronx, also renewing his request of February 18, 1908, for authority (pursuant to resolution adopted by the Board of Estimate December 6, 1907), to advertise and award contracts for (1) erection of stable on City property at Coney Island, Brooklyn, and (2) construction of fifteen scows.

Which were referred to the Comptroller.

On April 24, 1908, the request of April 2, 1908, was referred to the Comptroller.

On March 6, 1908, the request of February 18, 1908, was referred to the Comptroller.

The following transfers of appropriations were made upon the recommendation of the Comptroller.

A. \$1, as requested by the Commissioner of Public Charities from the account entitled Salaries for the year 1906 to the account entitled Supplies and Contingencies for the same year.

DEPARTMENT OF PUBLIC CHARITIES,
FOOT OF EAST TWENTY-SIXTH STREET, }
June 2, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—I beg respectfully to request the transfer of one dollar (\$1) from the appropriation to this Department for the year 1906, entitled Salaries, the same being in excess of the amount required therefor, to the appropriation Supplies and Contingencies to this Department for the year 1906, the same being insufficient.

Respectfully yours,

ROBT. W. HEBBERD, Commissioner.

The following resolution was offered:

Resolved, That the sum of one dollar (\$1) be and the same is hereby transferred from the appropriation made to the Department of Public Charities for the year 1906, entitled Salaries, the same being in excess of the amount required for the purposes thereof, to the appropriation made to said Department for the year 1906, entitled Supplies and Contingencies, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

B. \$1,700, as requested by the President, Borough of Queens, from the account entitled Bureau of Highways—Labor, Maintenance and Supplies, for the year 1907 to the account, entitled Bureau of Street Cleaning—Sweeping, Carting, Final Disposition of Material, Including Cremation and Utilization; for the same year.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF QUEENS,
LONG ISLAND CITY, June 1, 1908.

Hon. GEORGE B. McCLELLAN, Mayor and Chairman, Board of Estimate and Apportionment:

DEAR SIR—I find that deficits exist in the fund entitled Sweeping, Carting and Final Disposition of Material, Including Cremation and Utilization, 1907, Bureau of Street Cleaning, and to that end would request that transfer be made as per accompanying resolution.

Yours respectfully,

LAWRENCE GRESSLER,
President of the Borough of Queens.

The following resolution was offered:

Resolved, That the sum of seventeen hundred dollars (\$1,700) be and the same is hereby transferred from the appropriation made to the President, Borough of Queens, for the year 1907, entitled Bureau of Highways—Labor, Maintenance and Supplies, the same being in excess of the amount required for the purposes thereof, to the appropriation made to said President for the year 1907, entitled Bureau of Street Cleaning—Sweeping, Carting, Final Disposition of Material, including Cremation or Utilization, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

\$2,900, as requested by the Police Department, from the account entitled Police Fund—Salaries of Police Commissioner, Deputy Police Commissioners and Chaplains, for the year 1908, to the account entitled Police Fund—Salaries of Clerical Force and Employees.

POLICE DEPARTMENT OF THE CITY OF NEW YORK,
No. 300 MULBERRY STREET.
May 25, 1908.

To the Honorable Board of Estimate and Apportionment:

GENTLEMEN—The following proceedings were this day directed by the Police Commissioner:

Whereas, The exigencies of the Police service urgently require the employment of ten additional Hostlers, and the sum required to pay such hostlers from June 1, 1908, to December 31, 1908—namely, 214 days at \$3 per day—will be \$6,420; and

Whereas, The Board of Estimate and Apportionment, in the appropriation for the Police Department for 1908 appropriated \$7,000 for increases in the salaries of Deputy Police Commissioners and for salaries of Police Chaplains, which increases the Board of Estimate and Apportionment have so far refused to make operative, and which increases could not now be made operative before June 1, 1908; and

Whereas, The pro rata proportion of said increases already appropriated, for the five months from January 1 to June 1, 1908, amount to about \$3,000; and

Whereas, The Board of Estimate and Apportionment appropriated for the Police Department for 1908, under the heading Police Fund—Salaries of Clerical Force, etc., about \$15,000 for increases of salaries, which increases of salaries the Board of Estimate and Apportionment have not so far permitted to be used, and since the proportionate amount of said increased appropriation for said increase of salaries from January 1 to June 1, 1908, cannot now be used otherwise, thus leaving a certain amount of appropriated money available amounting to not less than \$3,520; therefore it is

Ordered, That the Board of Estimate and Apportionment be and is hereby respectfully requested to authorize the employment of ten additional Hostlers, as above said; and is hereby respectfully requested to transfer the sum of \$2,900 for such purpose from the appropriation made to the Police Department for the year 1908, entitled Police Fund—Salaries of Police Commissioner, Deputy Police Commissioners and Chaplains, which is in excess, as above explained, of the amount required for the purposes and objects thereof, to the appropriation made to the Police Department for the year 1908, entitled Police Fund—Salaries of Clerical Force and Employees; also

Ordered, That the Board of Estimate and Apportionment be and is hereby respectfully requested, for the purposes above mentioned, to authorize the Police Commissioner to use the sum of \$3,520 of the appropriation made to the Police Department for the year 1908, entitled Police Fund—Salaries of Clerical Force and Employees.

—the said sums of \$2,900 and \$3,520 making a total of \$6,420, to be applied to the payment for the employment of ten additional Hostlers, as above stated, from June 1, 1908, to December 31, 1908, or 214 days at \$3 per day.

Very respectfully,

THEODORE A. BINGHAM, Police Commissioner.

The following resolution was offered:

Resolved, That the sum of twenty-nine hundred dollars (\$2,900) be and the same is hereby transferred from the appropriation made to the Police Department for the year 1908, entitled Police Fund—Salaries of Police Commissioner, Deputy Police Commissioners and Chaplains, the same being in excess of the amount required for the purposes thereof, to the appropriation made to said Department for the year 1908, entitled Police Fund—Salaries of Clerical Force and Employees, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Comptroller presented the following report relative to the request of the Public Service Commission for an issue of \$2,850,000 Corporate Stock for payment of contracts awarded for the construction of six (6) sections of the Fourth Avenue Subway, Borough of Brooklyn (which matter was referred to the Comptroller on June 5, 1908), also opinion of the Corporation Counsel relative thereto.

Which were ordered on file and printed in the minutes.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
June 11, 1908.

To the Honorable Board of Estimate and Apportionment:

GENTLEMEN—In the matter of the request of the Public Service Commission of the First Department, requesting the Board of Estimate and Apportionment to authorize the issuance of \$2,850,000 of Corporate Stock for the purpose of making payments on contracts awarded by the Public Service Commission on six sections of the Fourth Avenue Subway, which was referred to the Comptroller, I beg to report as follows:

The condition of the City as to its ability to incur further bonded indebtedness is well known. In connection with the statement I submitted to the Board of Estimate last week, showing what appropriations are necessary and will be called for by the various Departments, many of them, as those in the case of the Bridge Department for building bridges now under construction, in which large sums of money are already invested, interest and Sinking Fund charges upon which are being paid annually by the taxpayers, which cannot be put into service until additional appropriations are made to build them, it will be seen that even some of the most necessary appropriations will have to be materially cut to come within the amount which the City will have available for bond issuing purposes up to January 1, 1910.

There is no definite decision of the Courts in existence which makes it safe for us to assume that the amount now asked for, that is, \$2,850,000, will be all that need be considered as figuring in the debt limit, on account of the contracts aggregating \$16,000,000, on account of which this amount is now to be authorized. On the contrary, in the opinion of the Corporation Counsel, attached hereto, which is concurred in by Judge Dillon, it is an open question as to whether the Court will take such view. It is also doubtful whether the entire amount of the finished subway, which means the Fourth avenue route as laid out, including the Fort Hamilton and Coney Island branches, should not be considered immediately as part of the debt limit, even though contracts for sections thereof only are let, and only part payments made upon such sections.

In my opinion it would certainly be safer for the Board to see its way clear to authorize the entire amount instead of authorizing and spending approximately \$16,000,000, with an additional \$4,000,000 for real estate, which the sections now before us make necessary, taking the chance of having this amount tied up, costing interest and Sinking Fund charges, with the further chance that at such future time as the balance of the road is to be built, the City will be beyond its debt limit, thus making it impossible to build the remaining sections for years to come.

The provisions of the Rapid Transit Act and the many amendments leave this an open question, on which the Corporation Counsel was not ready to give an opinion within the short time at his disposal, and I suggest that this matter be referred to him again for final determination. Furthermore, there is no guarantee that this Board will be able within six months to vote another 20 per cent, within another six months a further 40 per cent, and between now and 1910 the remaining 20 per cent. of the entire amount which the Public Service Commission considers these contracts will call for.

You will recall that up to December 6, 1907, this Board authorized the issue of Corporate Stock for various purposes to an amount exceeding \$190,000,000, and on that

date it passed a resolution requesting the heads of departments not to enter into any contracts provided for by these appropriations until first submitting them again to the Board of Estimate and Apportionment.

It has been held that this request simply implied a moral obligation and was of no legal value. That this is so was proved by the fact that the President of the Borough of Brooklyn, without reauthorization from the Board, advertised for and received bids exceeding \$1,000,000 for the building of a relief sewer in Brooklyn, and would have awarded the contracts had he not been restrained by the courts. On the same basis every head of Department having an authorization of bonds, would be justified in advertising and entering into contracts at once for such amounts as will tie up, within the next few months, every dollar of the Corporate Stock margin available from the new assessment lists, and nearly \$150,000,000 in excess of it. Furthermore, the question arises as to what is to be done with the Fourth avenue subway after it is built. It is conceded that the complete route, excluding real estate that may have to be purchased, will cost at least \$28,000,000.

Assuming that it is built, there is no prospect of having it operated, and after consultation with competent railroad and transportation people I am informed that under existing laws there is no possible chance of securing an operator for the line on a basis that would even pay the interest on the investment, regardless of sinking fund provisions, and great doubt exists in the minds of many as to whether it would pay even the operating expense. If, therefore, the road is completed, the City must face the proposition of equipping and operating the line itself to make it even available for the use of the public. This will involve a further outlay of from \$20,000,000 to \$30,000,000 at least. Unless the City is ready to do this, any appropriation in the meantime is simply so much money tied up, to be considered in the City's borrowing capacity, for which interest and sinking fund charges must be included in the Tax Budget from year to year, and all local improvements, which are really the ones that make for the comfort of the residents in various sections of the City, and increase values of property, will have to wait.

The recent Legislature passed an amendment to the Constitution, exempting from the debt margin of the City bonds issued for rapid transit and dock purposes, which yield interest, sinking fund and maintenance charges. This amendment will have to be repassed by the next Legislature and voted upon by the people at the general election in 1909. If then passed, it will become a law on January 1, 1910, and the City will have available approximately \$100,000,000 for rapid transit purposes, and in my judgment nothing will be lost by waiting for this amendment and having in the meantime prepared a comprehensive rapid transit scheme which will enable the building of subways throughout the entire City, connecting all Boroughs and thus insuring its operation on a paying return to the City, even in case of municipal operation, at reasonable fare for the entire system.

The delay of possibly a year and a half at the utmost, because plans can be made immediately after November, 1909, and contracts let promptly on January 1, 1910, would be more than compensated for by the rapidity with which the work could be undertaken after the money is absolutely available, and all questions that now arise need not be considered. Furthermore, there are now available for immediate use track connections under the Flatbush avenue subway, which can be made to connect with the Manhattan Bridge and subways to be built in the future, for which the City paid, and while they are included in the contract of the Interborough Company, I have no doubt that arrangements could be made with the Interborough by which some arrangement could be effected so that these tracks could be made available for a Fourth avenue connection, independent of the Interborough, and the money thus saved for building Section Two, which involves the large outlay for real estate, could be applied for the benefit of Queens by acquiring or putting into operation in some way the Steinway tunnel, and also for relief in other sections of the City which would be immediately available.

The Public Service Commission, in my opinion, should be asked to take up this question with the Interborough, and also to report at the earliest possible date what prospect there is for having the subway loop in Manhattan, for which the City has spent \$9,000,000, and on which interest and sinking fund charges are being paid annually, made available for the purposes for which it was intended; that is, to provide an outlet into lower Manhattan for traffic from Brooklyn over the Williamsburg Bridge on a five-cent fare basis.

Respectfully,

H. A. METZ, Comptroller.

CITY OF NEW YORK—LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNSEL,
June 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—I beg to acknowledge your verbal request for an opinion in regard to the six contracts for the six sections of what is known as the Fourth Avenue Subway, submitted to the Board of Estimate and Apportionment by and on behalf of the Public Service Commission at the last meeting of said Board. Six separate letters were submitted to the Board of Estimate and Apportionment from the Public Service Commission, each one of which was accompanied by a proposed contract for a section or part of said subway above mentioned. By each letter the Board of Estimate and Apportionment was requested to consent to the accompanying contract, to prescribe a limit to the amount of bonds available for the purpose of said contract, and to direct the Comptroller to issue bonds of The City of New York for the purpose of providing the necessary means for the construction of the railroad and pipe galleries included in said contract, and request was made for the authorization of Corporate Stock to a certain amount for railroad construction, and a certain amount for pipe gallery construction, "those being the amounts which the Commission deems now necessary for the said contract and the progress of the work to require at the present time."

Each contract provides substantially for the completion of a certain section or portion of the road for a certain fixed sum within a certain time, payments to be made as the work progresses. The total aggregate cost of the construction provided for by the six contracts, amounts to \$15,885,381.20, and the total sum for which the authorization of Corporate Stock was requested as deemed necessary at the present time amounts to \$2,850,000.

The first question presented is in relation to the constitutional limitation on the debt incurring capacity of the City. A similar question was submitted to me by the Board of Estimate and Apportionment some time since at which time I was requested to secure also an opinion from ex-Judge Dillon. In the opinion submitted at that time, concurred in by Judge Dillon, we said:

"In substance, the first question, as we understand it, is whether a single, indissoluble contract for the construction of the entire road, for example, from the Battery to the north city line, to be completed in say five years, for an amount which in the aggregate with all other indebtedness of the City existing at the time of the making of the contract exceeds the constitutional limitation, will be valid if the stipulated payments for such work to be made by the City to the contractor at stated intervals shall be only for the amount of work done at that time, provided the amount of payments due for the work done and not paid for, together with all other indebtedness of the City existing at the time does not at any time exceed the constitutional debt limit. In our opinion it is not safe to assume that the Court of Appeals will hold that such a contract would be free from objection under the debt limit provisions of the constitution, although if the contract provides that the City may terminate it at any time without liability, and if the amount due at any time for work done not with all other indebtedness of the City exceed the constitutional debt limit, the Court may hold that such a contract does not violate the constitutional provision. Much may be said on both sides of the question. It is impossible for us to forecast what the ultimate decision of the Court of Appeals—the final arbiter of such a question—will be."

"On the one hand, it might be urged that the purpose of the debt limit provision in the Constitution is to prevent municipalities from making a contract for an improvement, the cost of which, together with other indebtedness, would exceed the debt limit, even though a technical common law debt might not arise at the time of the making of such contract. There are decisions in the courts of some States which tend to support this view. On the other hand, it might be urged that the debt limit provision of the Constitution has reference only to a debt properly so called, and that the making of a contract in advance of the performance of the work and in advance of anything becoming due under the contract is not of itself the incurring of a debt, and that no debt is incurred until some work has been done or material furnished, or until some payments are actually due under the contract. There are decisions which lend support to this view. In this conflict of decisions in somewhat similar cases, we re-

peat that it would not, in our judgment, be safe either for the City or for the contractor to assume that the Court of Appeals would hold that the making of such a contract as that above indicated for the entire work, would no create an indebtedness within the meaning of the debt limit provision of the Constitution for the contract price of the entire work."

The contracts in question contain no provision allowing the City to terminate them without liability, and they fall, I think, directly within the opinion above stated.

Another question arises under the provisions of section 37 of the Rapid Transit Act requiring the Board "to prescribe a limit to the amount of bonds available for the purposes of this section." The six contracts aforesaid provide, in addition to the total amount of \$15,886,381.20 above mentioned, that the City shall pay for extra work according to the reasonable value thereof, and that the City will acquire all such real estate and rights of way, etc., as may be needed for the purpose of constructing the railroad or pipe galleries, including necessary stations, entrances, approaches, etc. It appears from the papers submitted with these contracts, that the portions or sections covered by the contracts are parts only of certain routes or roads laid out or adopted by the Board of Rapid Transit Commissioners. By section 37 of the Rapid Transit Act it is provided:

"For the purpose of providing the necessary means for such construction, or equipment, or both, as the case may be, at the public expense, of any such road or roads, including galleries, ways, subways, and tunnels for subsurface structures, and the necessary means to pay for lands, property, rights, terms, privileges and easements, whether of owners, abutting owners, or others, which shall be acquired by the City for the purposes of the construction or the operation of such road or roads as hereinafter provided, * * * the Board of Estimate and Apportionment * * * from time to time, and as the same shall be necessary, and upon the requisition of said board of rapid transit railroad commissioners, shall direct the Comptroller, or other chief financial officer of said city, and it shall thereupon become his duty to issue the bonds of said city" * * *

"The amount of bonds authorized to be issued and sold by this section, shall not exceed the limit of amount which shall be prescribed by the board of estimate and apportionment or such other local authority having power to make appropriations of moneys to be raised by taxation; and no contract for the construction of such road or roads shall be made unless and until such board of estimate and apportionment * * * shall have consented thereto and prescribed a limit to the amount of bonds available for the purposes of this section which shall be sufficient to meet the requirements of such contract in addition to all obligations theretofore incurred and to be satisfied from such bonds."

Although the provisions of this section may not be entirely clear, there would seem to be at least a question as to whether the Board of Estimate and Apportionment in prescribing a "limit to the amount of bonds available for the purposes of this section," should not consider the cost of the entire road or route of which the particulars covered by the contracts are a part, as well as the amounts which may be required under such contracts in addition to the sums particularly specified therein.

The provisions of the Rapid Transit Act have been the subject of so many successive amendments that it would require a very careful examination before giving a definite opinion on this question, and the time at my disposal since the receipt of these papers has not been sufficient for this purpose. The papers were transmitted to me only yesterday, and I understand you desire this opinion to-day in order to make use of it in connection with the report you propose submitting to the Board of Estimate and Apportionment to-morrow. Prior to the amendments of 1904, the limit of the amount of bonds to be issued under this section was fixed by the Legislature in the statute itself. The amendment of that year left the matter of fixing the limit in amount to the Board of Estimate and Apportionment and added the clause that no contract should be made unless and until the Board had "consented thereto and prescribed the limit to the amount of bonds available for the purpose of this section." It is true that by section 34 of the Rapid Transit Act it is provided that contracts may be made for sections or portions of a road, but that is not necessarily inconsistent with the intention of the Legislature that before authorizing a contract for construction of a part or section, the Board of Estimate and Apportionment should prescribe and determine the limit of expenditure for the entire road. It may be that the Legislature intended that such limit should be prescribed before any part of the work was undertaken. However, as I said above, it would require much more time than I have had at my disposal to give you a definite answer to that question.

If the "limit to the amount of bonds available" is to be fixed with reference to the entire road, another question arises as to what evidence there is before the Board of Estimate and Apportionment to enable it to pass upon such question. Such examination as I have been able to give in the limited time at my disposal, has not disclosed that the papers submitted with these contracts contain information on this point, and as to whether or not the Board of Estimate and Apportionment has otherwise received the necessary information or data, I am not advised.

Yours respectfully,

(Signed) F. K. PENDLETON, Corporation Counsel.

The President, Board of Aldermen, moved that when the Board adjourn, it adjourn to meet Friday, June 19, 1908, at 10:30 o'clock in the forenoon.

Which motion was adopted.

After disposing of the public improvements calendar the Board adjourned to meet Friday, June 19, 1908, at 10:30 o'clock in the forenoon.

JOSEPH HAAG, Secretary.

BOARD OF REVISION OF ASSESSMENTS.

A meeting of the Board of Revision of Assessments was held in the Council Chamber, City Hall, on Thursday, June 25, 1908, at 11:05 o'clock a. m.

Present at Roll Call—N. Taylor Phillips, Deputy and Acting Comptroller, and Lawson Purdy, President of the Department of Taxes and Assessments.

On motion of the Assistant and Acting Corporation Counsel, the minutes of meeting of June 18, 1908, were approved as printed in the CITY RECORD.

BOROUGH OF MANHATTAN.

Alteration, etc., to Sewer in Eleventh Avenue and in Thirty-fifth Street.

The assessment list for alteration and improvement to sewer in Eleventh avenue, east side, between Thirty-fourth and Thirty-sixth streets, and in Thirty-fifth street, between Tenth and Eleventh avenues, with objections as follows: M. J. Mulqueen, attorney, for Geo. H. Keim et al.; Chas. D. Donohue, attorney, for Thomas Watson et al.; Eaton, Lewis & Roe, attorneys, for Sprague Electric Company; Hastings & Gleason, attorneys, for John Bush, and of J. G. Braun in person, were presented by the Deputy and Acting Comptroller, having been received from the Board of Assessors under date of June 19, 1908.

The Assessors reported that they had reduced the assessment 10 per cent. as determined by them at meeting of June 10, 1908.

No one appearing in opposition after notice, on motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members present voting in the affirmative.

Paving, etc., One Hundred and Forty-third Street.

The Deputy and Acting Comptroller presented the assessment list for paving with sheet asphalt on a concrete foundation, curbing and recuring One Hundred and Forty-third street, between Lenox avenue and the easterly line of Fifth avenue, and objections of Mary G. Pinkney and Julia M. Curtis, and copy of testimony taken, filed by John C. Shaw, attorney, received from the Board of Assessors under date of June 19, 1908.

Mr. Shaw, attorney, was heard in opposition to the assessment.

On motion of the President of the Department of Taxes and Assessments the assessment list was referred back to the Board of Assessors with instructions to reduce the assessment by 5 per cent. pro rata and to confirm the same as so reduced, all the members present voting in the affirmative.

Paving, etc., One Hundred and Forty-fourth Street.

The Deputy and Acting Comptroller presented the assessment list for paving with sheet asphalt on a concrete foundation, curbing and recuring One Hundred and Forty-fourth street, between Lenox avenue and the westerly line of Exterior street, along the Harlem River, and objections of Mary G. Pinkney, et al., filed by John C. Shaw, attorney, and copy of testimony taken, received from the Board of Assessors under date of June 19, 1908.

Mr. Shaw, attorney, was heard in opposition to the assessment.

On motion of the President of the Department of Taxes and Assessments, the assessment list was referred back to the Board of Assessors with instructions to reduce the assessment by 5 per cent. pro rata and to confirm the same as so reduced, all the members present voting in the affirmative.

At 11:20 o'clock a. m., Mr. George L. Sterling, Assistant and Acting Corporation Counsel, entered the meeting and took his seat in the Board.

BOROUGH OF BROOKLYN.

Paving Forty-first Street.

The assessment list for paving with asphalt Forty-first street, between Thirteenth and New Utrecht avenues, and objections of Katherine E. Yeaton and Emily L. Patterson in person, together with copy of report of W. R. Tenney, Assistant Engineer, Bureau of Highways, and abstract of testimony taken in the matter, were presented by the Deputy and Acting Comptroller, having been received from the Board of Assessors under date of June 19, 1908.

The Assessors reported that they had reduced the assessment 10 per cent. pro rata as determined by them at meeting of June 12, 1908.

Mr. John A. Patterson, representing Emily L. Patterson; Mr. F. L. Lackemacker, Katherine E. Yeaton and other property owners were heard in opposition to the assessment.

No others appearing in opposition after notice, on motion of the Assistant and Acting Corporation Counsel, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members voting in the affirmative.

Paving Greenwood Avenue.

The assessment list for paving with asphalt Greenwood avenue, between Coney Island avenue and Gravesend avenue, and objections of August Deblitz and others, filed by Hugo Hirsh, attorney, were presented by the Deputy and Acting Comptroller, having been received from the Board of Assessors under date of June 24, 1908.

No one appearing in opposition after notice, on motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members voting in the affirmative.

Paving East Fourth Street.

The Deputy and Acting Comptroller presented the assessment list for paving with asphalt, East Fourth street, between Vanderbilt street and Fort Hamilton avenue, and objections of C. D. Hill, filed by Hugo Hirsh, attorney, received from the Board of Assessors under date of June 24, 1908.

No one appearing in opposition after notice, on motion of the Assistant and Acting Corporation Counsel, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members voting in the affirmative.

Paving East Twenty-ninth Street.

The assessment list for paving with asphalt, East Twenty-ninth street, between Farragut and Glenwood roads, and objections of Michael J. Conroy, filed by Moore, Ashley & Linton, attorneys, were presented by the Deputy and Acting Comptroller, having been received from the Board of Assessors under date of June 24, 1908.

Mr. Albert W. Linton, attorney, was heard in opposition to the assessment.

On motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members voting in the affirmative.

Paving Rogers Avenue.

The assessment list for paving with asphalt, Rogers avenue, between Park place and Montgomery street, and objections filed by Reuben L. Haskell, attorney, for E. H. Bishop, et al.; Stephen W. Collins, attorney, for Abraham Martens and Theo. Thompson, and by Joseph H. Fargis, attorney, for College of St. Francis Xavier, copy of testimony taken in said matter, and statement of W. R. Tenney, Assistant Engineer, Department of Highways, were presented by the Deputy and Acting Comptroller, having been received from the Board of Assessors under date of June 24, 1908.

The Assessors reported that they had reduced the assessment 12½ per cent., as determined by them at meeting held June 22, 1908.

Mr. R. L. Haskell, attorney, and Mr. S. W. Collins were heard in opposition to the assessment.

No others appearing in opposition after notice, on motion of the Assistant and Acting Corporation Counsel, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members voting in the affirmative.

In Matter of Grading Lots.

The Deputy and Acting Comptroller presented the following:

Resolved, That the attention of the Board of Estimate and Apportionment be and the same hereby is called to the fact that a number of proposed assessments have recently been brought before this Board for confirmation for the work of grading lots in the Borough of Brooklyn and that this Board regards it as injudicious, as a general rule, to do work of this character with the expectation of levying an assessment therefor upon the owners of property in the vicinity. This Board believes that in many instances such assessments work an injustice to the owners of property proposed to be assessed and are also highly detrimental to the interests of the City in the matter of levying assessments therefor, because the Board has felt obliged in some cases to hold that the property was not benefited to the extent of the cost of the work so that a part at least of the expense had to be borne by the City. This Board is of opinion that work of this character should not be performed by any Borough President unless perhaps in some very extraordinary cases.

Resolved, also, That the Clerk of this Board be requested to forward a copy of this resolution and also of the resolution adopted by this Board October 18, 1906, in regard to the same matter, to the Board of Estimate and Apportionment, and that he be also directed to send a copy of each of said resolutions to the President of the Borough of Brooklyn for transmission to the various Local Boards for their action in cases involving less than \$2,000, coming under the jurisdiction of said Boards according to law.

—which, on motion, was adopted, all the members voting in the affirmative.

At 12 o'clock noon, Mr. Phillips, Deputy and Acting Comptroller, having been subpoenaed to appear in court at that hour, left the meeting, and Mr. Sterling, Assistant and Acting Corporation Counsel, assumed the duties of Chairman of the Board.

BOROUGH OF QUEENS.

Regulating, etc., Fifteenth Avenue.

The assessment list for regulating, grading, curbing and flagging Fifteenth avenue, from Broadway to Graham avenue, and objections of A. C. Hottenroth, filed by F. W. Hottenroth, attorney, and of Maria Wachter et al., filed by Joseph A. Flannery, attorney, were presented by the Assistant and Acting Corporation Counsel, having been received from the Board of Assessors under date of June 24, 1908.

Mr. F. W. Hottenroth and Mr. Joseph A. Flannery, attorneys, were heard by representatives in opposition to the assessment.

On motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members present voting in the affirmative.

BOROUGH OF THE BRONX.

Regulating, etc., Longfellow Avenue.

The assessment list for regulating, grading, curbing, flagging, laying crosswalks, erecting fences and building approaches, Longfellow avenue, between Westchester avenue and Boston road, together with a list of awards for damages by reason of change in grade, and objections of Dorothea Werner, City and County Contract Company, and others, filed by A. C. & F. W. Hottenroth, attorneys, and of Frederick Johannesen and others, filed by Hugo Hirsh, attorney, were presented by the Assistant and Acting Corporation Counsel, having been received from the Board of Assessors under date of June 24, 1908.

Messrs. Hottenroth, attorneys, were heard by representative.

No others appearing in opposition after notice, on motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members present voting in the affirmative.

Sewer in Featherbed Lane.

The assessment list for sewer in Featherbed lane, between Macombs road and Aqueduct avenue; Aqueduct avenue, between Featherbed lane and Macombs road, and objections of the Century Investing Company, filed by Egan & O'Reilly, counsellors, and of G. A. Brandt and John H. Meyer, in person, were presented by the Assistant and Acting Corporation Counsel, having been received from the Board of Assessors under date of June 24, 1908.

Mr. Egan, of Egan & O'Reilly, was heard in opposition to the assessment.

No others appearing in opposition after notice, on motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members present voting in the affirmative.

BOROUGH OF QUEENS.

Regulating, etc., Carver Street.

The assessment list for regulating, grading, curbing, recurring and flagging Carver street, from Newtown to Flushing avenue, and objections of William Adamec and others, filed by John R. McMullen, attorney, were presented by the Assistant and Acting Corporation Counsel, having been received from the Board of Assessors under date of June 24, 1908.

No one appearing in opposition after notice, on motion of the President of the Department of Taxes and Assessments, the objections filed against the assessment were overruled and the assessment list was confirmed, all the members present voting in the affirmative.

BOROUGH OF MANHATTAN.

Regulating, etc., (New) Elm Street.

The assessment list for regulating, grading, curbing and flagging (new) Elm street, from City Hall place to Great Jones street, and for reregulating, regrading, curbing and flagging Pearl street, from 200 feet west of (old) Elm to Centre street; Leonard street, from 100 feet west of Elm to Centre street; (old) Elm street, from Duane to Worth street; Catherine lane, from Elm street 100 feet west; and for paving (new) Elm street, from City Hall place to Great Jones street, together with a list of awards for damages caused by a change of grade, with applications for awards for damages caused by a change of grade, abstract of testimony taken in said matter, and objections filed against the assessment as follows:

M. Deiches, attorney, for New York Edison Company et al.; M. J. Mulqueen, attorney, for New York Life Insurance Company et al.; W. H. Martin, attorney, for J. A. Murray et al.; James A. Deering, attorney, for Rosa Hermann et al.; Joseph A. Flannery, attorney, for Eugene Higgins et al.; Dessar & Ridgway, attorneys, for John A. Weeks et al.; Man & Man, attorneys, for Wm. R. Walker et al.; Turner, Rolston & Horan, attorneys, for the Farmers' Loan and Trust Company et al., trustees; E. J. Tinsdale, attorney, for Charles H. Wessells et al.; T. H. & G. E. Baldwin, attorneys, for American Express Company et al.; J. W. & C. J. McDermott, attorneys, for Samuel Vernon Estate; Edward L. Parris, attorney, for Press Publishing Company; Agar, Ely & Fulton, attorneys, for Trustees of St. Patrick's Cathedral et al.; John C. Shaw, attorney, for Estate of William Astor et al.; Edward H. Hawke, Jr., attorney, for Estate of H. Heur et al.; H. G. Smith, attorney, for A. M. Bendham et al.; Alfred A. Gardner, attorney, for Interborough Rapid Transit Company; Edward W. Murphy, attorney, for W. H. Taylor et al.; James S. Lehmaier, attorney, for Trustees of Estate of Charles F. Zentgraf; L. H. Moos, attorney, for R. R. Fogel; Joseph H. Fargis, attorney, for S. E. Labatut et al.; Wetherthorn & Link, attorneys, for H. L. Fox et al.; H. Swain, attorney, for Edward T. Gates; Abel Crook, attorney, for H. C. Hallenbeck; Thomas & Oppenheimer, attorneys, for Jennie Simon; Dixon & Holmes, attorneys, for Estate of Samuel D. Babcock et al.; Francis S. Hutchins, attorney, for G. C. Boldt; Ellison, McIntyre & Davis, attorneys, for Tefft, Weller & Co., Marshall Field & Co., Browning, King & Co., Charles A. Baudouine et al., Trustees; I. V. Smith, Gertrude Dodd and Josephine Ahrens, objectors in person, were presented by the Assistant and Acting Corporation Counsel, having been received from the Board of Assessors under date of June 20, 1908.

The following named attorneys were heard in opposition to the assessment:

Messrs. Walter H. Martin, John C. Shaw, Raphael Tobias, representing Joseph A. Flannery; H. G. Smith; Henry H. Man, of Man & Man; Mr. Agar, of Agar, Ely & Fulton; M. J. Mulqueen; Mr. Picora, for Dessar & Ridgway; Maurice Deiches; Abel Crook, by J. A. Carney; and the following appeared: Turner, Rolston & Horan, by representative; Edw. H. Hawke, Jr., and F. C. Hutchins.

No others present desiring to be heard, the Assistant and Acting Corporation Counsel declared the hearing in the matter closed.

On motion of the President of the Department of Taxes and Assessments, the assessment list was referred back to the Board of Assessors with instructions to reduce the assessment pro rata by 25 per cent., and to confirm the same as so reduced, all the members present voting in the affirmative.

At 1:20 o'clock p. m., on motion of the President of the Department of Taxes and Assessments, the Board adjourned to meet on Thursday, September 10, 1908, at 11 o'clock a. m.

HENRY J. STORRS,
Chief Clerk, Board of Revision of Assessments.

MUNICIPAL CIVIL SERVICE COMMISSION.

New York, July 3, 1908.

I inclose herewith eligible lists for Inspector of Pipes and Castings, and Inspector of Hydrants, Stop Cocks and Shopwork, to be published in the CITY RECORD.

ELIGIBLE LIST FOR THE POSITION OF INSPECTOR OF PIPES AND CASTINGS.

Established June 23, 1908.

	Per Cent.
1. Anderson, Gustavus, No. 623 Fifty-eighth street, Brooklyn.	96.50
2. Chute, Edgar M., No. 915 Manhattan avenue, Brooklyn.	92.50
3. Phillips, Charles A., Cold Spring, Putnam County, New York.	89.00
4. Bonnaud, Louis E., No. 122 East Twenty-seventh street.	88.80
5. Kelly, Charles F., No. 110 East Ninety-sixth street.	88.60
6. Bohan, Thomas, No. 1914 East Thirteenth street, Brooklyn.	88.40
7. Gaynor, William P., No. 475 West One Hundred and Sixty-fifth street.	88.10
8. Dwyer, Thomas F., No. 176 West Tenth street.	88.00
9. O'Brien, James J., No. 229 East Eleventh street.	87.50
10. Dougherty, Joseph, No. 275 West One Hundred and Fortieth street.	87.00
11. Gordon, Frank J., No. 100 Hartson street, Syracuse.	86.50
12. Jones, John J., No. 521 West Forty-sixth street.	86.00
13. Brennan, John J., No. 75 Lynch street, Brooklyn.	86.00

14. Cashman, William, No. 138 West Twenty-ninth street.	85.10
15. Regan, Edward F., No. 616 East One Hundred and Sixty-first street.	84.80
16. Naylor, James J., No. 201 East Thirtieth street.	83.00
17. Drummond, Leo F., No. 148 West Seventy-sixth street.	82.50
18. Grace, John F., No. 9 Benkard avenue, Newburgh.	82.30
19. Greene, Bartholomew F., No. 310 East Nineteenth street.	82.00
20. McGowan, William B., No. 137 East Thirty-first street.	81.50
21. Lee, Harry, No. 49 Woodhull street, Brooklyn.	80.90
22. Daly, Charles C., No. 83 Woodhull street, Brooklyn.	80.90
23. Birmingham, Michael R., No. 80 Waverly street, Yonkers.	80.30
24. Knox, Andrew J., No. 421 East One Hundred and Twenty-second street, care of J. Hearn.	80.30
25. Price, George G., No. 539 West One Hundred and Fifty-fifth street.	80.10
26. Mitchell, William E., No. 36 Ross avenue, Jamaica.	80.00
27. Straat, Ernest M., No. 2770 Morris avenue, The Bronx.	79.60
28. Frank, Henry, No. 62 Henry street, Brooklyn.	79.60
29. Allen, Walter F., No. 177 Lawrence avenue, Parkville, Brooklyn.	79.00
30. Miller, James H., No. 92 Winthrop street, Brooklyn.	77.90
31. Barnes, Joseph F., No. 176 National avenue, Corona.	77.00
32. Davin, Ernest L., No. 224 East Eightieth street.	76.50
33. Martin, Thomas F., No. 3005 Bailey avenue, The Bronx.	76.50
34. Mahoney, Charles T., No. 234 Woodbine street, Brooklyn.	76.20
35. Murtagh, Walter J., No. 23 Fiske place, Brooklyn.	76.10
36. Robinson, John W., No. 126 Warwick street, Brooklyn.	75.90
37. Donahue, George J., No. 171 State street, Brooklyn.	75.50
38. Boxold, George P., No. 321 Twelfth street, Brooklyn.	74.90
39. McGowan, John F., No. 322 Barnes avenue, Van Nest.	74.70
40. Harkins, Charles H., No. 36 Third street, Brooklyn.	74.50
41. Flanagan, James S., No. 207 East Thirty-fourth street.	74.10
42. O'Sullivan, Stephen D., No. 307 East Fifty-seventh street.	73.50
43. Diven, William T., No. 538 Fifth street, Brooklyn.	72.60
44. Keating, Jerome B., No. 1386 Washington avenue, The Bronx.	71.70
45. Seidel, Herman, No. 124 Stockton street, Brooklyn.	71.60
46. Reed, Ernest L., No. 50 Patchen avenue, Brooklyn.	71.50
47. Gaynor, Joseph H., No. 475 West One Hundred and Sixty-fifth street.	70.00

ELIGIBLE LIST FOR THE POSITION OF INSPECTOR OF HYDRANTS, STOP COCKS AND SHOPWORK.

Established June 23, 1908.

	Per Cent.
1. Hartig, Joseph F. L., No. 633 Forty-fifth street, Brooklyn.	93.40
2. Dwyer, Thomas F., No. 176 West Tenth street.	93.00
3. Gaynor, William P., No. 475 West One Hundred and Sixty-fifth street.	90.40
4. Bonnaud, Louis E., No. 122 East Twenty-seventh street.	89.00
5. Nealy, John C., No. 1124 Flatbush avenue, Brooklyn.	89.00
6. Stull, Alfred J., No. 184 Van Alst avenue, Long Island City.	88.50
7. Bachmann, Henry J., No. 328 East Ninetieth street.	87.70
8. Travers, Vincent P., Jr., No. 908 Jennings street, The Bronx.	87.30
9. Winch, John C., No. 217 West Seventy-first street.	87.10
10. Grace, John F., No. 9 Benkard avenue, Newburgh.	87.00
11. Wilkinson, Edward, No. 111 East One Hundred and Second street.	86.50
12. Walsh, William J., No. 115 Third place, Brooklyn.	86.00
13. McSherry, Lawrence J., No. 1370 Gates avenue, Brooklyn.	85.50
14. Skinner, Frank W., No. 492 East Eleventh street, Brooklyn.	84.30
15. Weil, Siegfried F., No. 331 East Seventy-seventh street.	83.50
16. Williams, Charles S., No. 215 West Twenty-third street.	83.50
17. Nevin, Edward A., No. 414 East Eighty-second street.	83.20
18. Fendrich, Valentine, No. 428 Eighth street, Brooklyn.	83.00
19. Heinsen, Albert, No. 8798 Bay Ninth street, Brooklyn.	83.00
20. Reilly, Thomas L., No. 950 Union avenue, The Bronx.	83.00
21. Tucker, William, No. 166 Hale avenue, Brooklyn.	82.40
22. Watt, Peter, No. 270 Fifty-first street, Brooklyn.	80.10
23. Matthew, William, No. 115 Third place, Brooklyn.	80.00
24. Costello, Robert T., No. 259 East Thirty-third street.	79.90
25. Bohan, Thomas, No. 1914 East Thirteenth street, Brooklyn.	78.80
26. Knoll, Richard T., No. 1466 Second avenue.	78.00
27. Murray, Francis H., Sr., No. 5 Bleeker street.	77.10
28. Quinn, Joseph, No. 916 Manhattan avenue, Brooklyn.	76.40
29. Wilson, Walter L., No. 496 Robbins avenue, Brooklyn.	75.00
30. Doughty, Charles C., No. 100 West Fifty-fourth street.	73.90
31. Brown, Michael E., No. 147 West Eighty-fourth street.	73.70
32. McFall, Charles, No. 125 Evergreen avenue, Brooklyn.	73.60
33. O'Sullivan, Stephen D., No. 307 East Fifty-seventh street.	72.40
34. Binnegar, Julius A., No. 75 Ocean View avenue, Woodhaven, L. I.	72.40
35. Regan, John D., No. 513 West One Hundred and Forty-fifth street.	72.10
36. Brown, George J., No. 264 William street.	70.00

JNO. F. SKELLY, Assistant Secretary.

POLICE DEPARTMENT.

June 25, 1908.

The following proceedings were this day directed by the Police Commissioner: On reading and filing eligible list of the Municipal Civil Service Commission, dated June 22, 1908.

Ordered, That the following named persons be and are hereby employed as Hostlers in the Police Department, for duty in the Borough of Manhattan, with compensation at the rate of \$2.50 per day.

Melvin B. Palmer, No. 419 West Seventeenth street.

David C. Warren, No. 720 East Ninth street.

Joseph G. Hayes, No. 22 City Hall place.

John R. McKenna, No. 416 East Eighty-third street.

John Norton, No. 647 East Sixteenth street.

Anthony Clair, No. 379 Broome street.

William E. Roache, One Hundred and Seventy-seventh street and Fort Washington Park.

Patrick Ryan, No. 339 East Thirty-sixth street.

Martin D. Murtaugh, No. 109 East Ninety-sixth street.

On reading and filing communication from the Municipal Civil Service Commission, dated June 24, 1908,

Ordered, That Michael Morris, No. 545 East Eighty-fourth street, Manhattan, be and is hereby transferred from the Department of Street Cleaning to the Police Department of The City of New York, as Hostler, for duty in the Borough of Manhattan, with compensation at the rate of \$2.50 per diem.

Having investigated the financial condition of Annie O'Mahoney, and as a result of such investigation, and from the evidence now before me, being of the opinion that the said Annie O'Mahoney does not need for her support the pension heretofore granted her;

Now, therefore, under authority vested in me by section 356 of the Greater New York Charter, it is

Ordered, That the pension heretofore granted to Annie O'Mahoney on or about the 17th day of November, 1899, be and the same is hereby revoked as of the 31st day of May, 1908.

Granted.

Petition for pension of Annie M. Clarence, widow of Hugh P. Clarence, Patrolman, and pension of \$120 per annum awarded to Annie M. Clarence, widow, and \$60 per annum to William J. Clarence, minor.

Petition for pension of Elizabeth Flannery, widow of Thomas Flannery, pensioner, and pension awarded in the sum of \$120 per annum.

Petition for increase of pension of Henrietta Carpenter, widow of James M. Carpenter, and pension of \$60 per annum awarded for the benefit of Allen F. Carpenter, son of James M. Carpenter.

On File, Send Copy.

Report of Lieutenant in command of Boiler Squad, dated June 23, 1908, relative to engineers' licenses granted. For publication in the CITY RECORD.

Special Order No. 158, issued this day, is hereby made part of the proceedings of the Police Commissioner.

Special Order No. 158.

The following transfer is hereby ordered:

To take effect 8 p. m., June 26, 1908:

Patrolman.

Frederick Lohmeyer, from Thirty-ninth Precinct to Thirty-third Precinct.

The following temporary assignments are hereby ordered:

Surgeon.

Patrick J. Murray, to assume charge of Twenty-third Surgical District, in addition to his own district, during absence of Surgeon Walter B. Brouner, from 6 a. m., June 27, 1908, to 12.01 a. m., June 29, 1908.

Lieutenant.

Hugh J. Canlon, Eightieth Precinct, assigned to Ninety-ninth Precinct, during absence of Lieutenant John H. Cook on vacation, from 8 a. m., June 25, 1908.

Sergeants.

Alonzo P. Cooper, Twenty-sixth Precinct, assigned as Acting Lieutenant in precinct, during absence of Lieutenants at trial room, from 9 a. m., June 25, 1908.

Frank C. Stoney, Eighth Inspection District, assigned as Acting Lieutenant in district office, during absence of Lieutenant Thomas H. Mangin on vacation, and with leave, from 12.01 a. m., July 5, 1908.

Patrolman.

Benedict Ticho, Sixteenth Precinct, assigned to Harbor Precinct, duty on Staten Island ferryboats, from 8 p. m., June 26, 1908.

The following extensions of Temporary Assignments are hereby ordered:-

Patrolmen.

George C. Geibel, Ninth Precinct, and George A. Cooledge, Twenty-first Precinct, to First Inspection District, duty in plain clothes, for ten days, from 8 p. m., June 25, 1908.

Joseph M. Brown and Thomas M. Griffin, One Hundred and Forty-seventh Precinct, to Corporation Counsel's office, Manhattan, from 8 p. m., June 24, 1908, until 8 p. m., June 25, 1908.

Alfred Blass, Second Precinct, and James J. Phelan, Eighteenth Precinct, to District Attorney's office, New York County, for ten days, from 12 midnight, June 24, 1908.

The following temporary assignments are hereby discontinued:

Patrolmen.

Alexis Kleimeyer, Twenty-fifth Precinct, and James A. Haggerty, Thirty-ninth Precinct, to Twelfth Inspection District, from 10.25 a. m., June 24, 1908.

The following members of the Department are excused as indicated:

Surgeons.

Walter B. Brouner, Twenty-third Surgical District, for eighteen hours, from 6 a. m., June 27, 1908.

Charles E. Nammack, Fourth Surgical District, for eighteen hours, from 12 noon, June 28, 1908.

Captains.

John F. O'Connor, Tenth Precinct, for twelve hours, from 12 noon, June 25, 1908, with permission to leave city.

William H. Shaw, Fifteenth Precinct, for twelve hours, from 12 noon, June 26, 1908.

Joseph Burns, Twelfth Precinct, for twelve hours, from 8 a. m., June 27, 1908, with permission to leave city.

Martin Handy, Thirteenth Precinct, for twelve hours, from 10 a. m., June 26, 1908.

Stephen O'Brien, Twenty-second Precinct, for twelve hours, from 12 noon, June 25, 1908.

John J. Lantry, Twenty-ninth Precinct, for twelve hours, from 10 a. m., June 25, 1908.

Patrick Corcoran, Thirty-ninth Precinct, for twelve hours, from 8 p. m., June 26, 1908, with permission to leave City.

John D. Herlihy, Thirty-second Precinct, for twelve hours, from 11 a. m., June 24, 1908.

Lincoln Gray, Seventy-seventh Precinct, for twelve hours, from 9 a. m., June 26, 1908.

John F. Linden, Eightieth Precinct, for twelve hours, from 9 a. m., June 30, 1908.

Joseph C. Gehegan, Ninety-ninth Precinct, for twelve hours, from 2 p. m., June 27, 1908, with permission to leave City.

William Knipe, One Hundred and Sixty-second Precinct, for twelve hours, from 12 noon, June 26, 1908.

The following leaves of absence are hereby granted with full pay:

Surgeon.

Walter B. Brouner, Twenty-third Surgical District, for one day, from 12.01 a. m., June 28, 1908, to be deducted from vacation.

Captains.

James J. Shevlin, One Hundred and Fifty-fourth Precinct, for two days, from 12.01 a. m., June 26, 1908, with permission to leave City, to be deducted from vacation.

Stephen McDermott, Eighty-ninth Precinct, for eighteen days (vacation), from 12 noon, August 13, 1908.

John F. O'Connor, Tenth Precinct, for eighteen days (vacation); from 12.01 a. m., July 13, 1908.

John Becker, One Hundred and Fifty-fifth Precinct, for three days, from 12 noon, June 27, 1908, with permission to leave City, to be deducted from vacation.

The following leave of absence is hereby granted with half pay:

Patrolman.

John E. Hindes, One Hundred and Fourth Precinct, for one-half day, from 12 noon, June 24, 1908.

The following advancements to grades are hereby ordered:

Patrolmen.

To \$1,350 Grade.

Charles M. Taylor, One Hundred and Sixty-seventh Precinct, May 10, 1908.

John C. Chrestesen, One Hundred and Forty-ninth Precinct, June 17, 1908.

To \$1,350 Grade—June 16, 1908.

Edward C. Sullivan, Second Precinct.

John Lenahan, Eighteenth Precinct.

Thomas J. Carton, Twenty-second Precinct.

Robert McQuade, Fortieth Precinct.

William H. Fielding, Eighty-ninth Precinct.

John C. Boehm, One Hundred and Fifty-fourth Precinct.

Benjamin F. Foster, One Hundred and Sixtieth Precinct.

William F. Morgan, One Hundred and Sixty-first Precinct.

Frank B. Burdick, Traffic A Precinct.

Charles E. Muller, Traffic C Precinct.

Simon F. Crotty, First Court Squad.

John F. Archiopoli, Detective Bureau, Manhattan.

Henry Dittmer, Ninth Precinct.

Samuel W. E. Beckner, Twenty-first Precinct.

Patrick McMahon, Thirty-fifth Precinct.

John G. Kirk, Forty-third Precinct.

John V. O'Brien, One Hundred and Forty-fourth Precinct.

Charles A. Isaacson, One Hundred and Fifty-fourth Precinct.

Lawrence T. Olvany, One Hundred and Sixtieth Precinct.

Thomas B. Goodman, One Hundred and Sixty-fifth Precinct.

Thomas F. Wynne, Traffic C Precinct.

Louis G. Kreutzer, Traffic C Precinct.

Lewis J. Valentine, Brooklyn Borough Headquarters Squad.

Herman Meyer, Detective Bureau, Manhattan.

To \$1,250 Grade.

David Halpin, Seventeenth Precinct, June 16, 1908.

James P. Hickey, Sixth Precinct, June 16, 1908.

Charles A. Bunel, Detective Bureau, Brooklyn, June 17, 1908.

Michael J. Rouse, Twenty-sixth Precinct, June 17, 1908.

To \$1,150 Grade.

Thomas J. Bowes, Traffic C Precinct, April 14, 1908.

Charles H. Monsees, One Hundred and Fifty-fifth Precinct, May 10, 1908.

James J. McCormack, One Hundred and Sixty-seventh Precinct, May 23, 1908.

To \$1,000 Grade.

David F. Morrisey, One Hundred and Forty-seventh Precinct, April 4, 1908.

The following members of the Force, having been tried on charges before a Deputy Commissioner, the following fines are hereby imposed:

Lieutenants.

James H. Kane, Thirty-sixth Precinct, failed to promptly forward accident report to Central Office; fined three days' pay.

Maurice J. Coughlin, Bureau of Electrical Service, Manhattan, failed to report as ordered; under influence of intoxicants and unfit for duty; fined five days' pay.

Patrolmen.

William J. Unger, First Precinct, did not properly patrol; fined two days' pay.

William J. Unger, First Precinct, did not properly patrol; fined two days' pay.

Joseph P. Byrne, First Precinct, did not properly patrol; fined three days' pay.

Jeremiah A. Buckley, First Precinct, did not properly patrol; fined five days' pay.

Jeremiah A. Buckley, First Precinct, absent from post; fined five days' pay.

Basil G. Harper, Fifth Precinct, leaning and in conversation; failed to wear white gloves; fined one day's pay.

William C. McKenna, Fifth Precinct, absent from post; fined three days' pay.

Theodore Weber, Fifth Precinct, did not properly patrol; absent from relieving point; fined two days' pay.

John Ruddy, Fifth Precinct, absent from post; fined one day's pay.

Martin Cahill, Sixth Precinct, failed to enforce traffic regulations; fined one day's pay.

Joseph P. Hock, Sixth Precinct, did not properly patrol; fined three days' pay.

Malachy McGarry, Seventh Precinct, absent from post; fined one day's pay.

John O'Connell, Seventh Precinct, absent from post; fined one day's pay.

Daniel J. Foley, Seventh Precinct, absent from post; fined one day's pay.

John A. Logomarsini, Seventh Precinct, absent from post; failed to report same in memorandum book; fined one day's pay.

Nicholas W. Webb, Seventh Precinct, did not properly patrol; fined one day's pay.

Patrick McGee, Eighth Precinct, absent from post; failed to obtain permission; failed to make entry in memorandum book; fined one day's pay.

James Brennan, Ninth Precinct, failed to prevent or discover a burglary; fined one day's pay.

George E. Harwood, Ninth Precinct, absent from post; failed to make report; fined one day's pay.

John McKeon, Ninth Precinct, did not properly patrol; fined one day's pay.

James O'Donnell, Ninth Precinct, failed to prevent or discover a burglary; fined two days' pay.

Benjamin V. Brace, Fifteenth Precinct, absent from post; fined one day's pay.

Maurice J. Fein, Fifteenth Precinct, absent from post; fined three days' pay.

Julius Popp, Fifteenth Precinct, failed to get uniform clothing as ordered; fined one day's pay.

Noah Bruford, Sixteenth Precinct, absent from post; failed to properly relieve; fined one day's pay.

Henry C. Koster, Sixteenth Precinct, absent from special post; left post without being relieved; fined one day's pay.

Joseph A. Scott, Seventeenth Precinct, absent from post; fined one day's pay.

John Loye, Eighteenth Precinct, absent from school crossing; fined three days' pay.

Henry Keil, Eighteenth Precinct, absent from post; fined one day's pay.

William Meyer, Nineteenth Precinct, failed to respond to whistles for assistance; fined five days' pay.

James W. Cooney, Twenty-third Precinct, failed to prevent or discover a burglary; fined one day's pay.

George Hampshire, Twenty-third Precinct, absent from return roll-call; fined one day's pay.

Henry Baier, Twenty-fifth Precinct, absent from post; fined one day's pay.

Martin O'Connor, Twenty-sixth Precinct, absent from post; fined five days' pay.

William J. Longuet, Twenty-eighth Precinct, absent without leave; fined three days' pay.

John Dewey, Twenty-eighth Precinct, absent without leave; fined three days' pay.

Charles O'Rourke, Twenty-eighth Precinct, did not properly patrol; absent from relieving point; fined two days' pay.

Thomas J. Hickey, Twenty-eighth Precinct, did not properly patrol; fined three days' pay.

William E. Harris, Twenty-ninth Precinct, absent from post; fined one day's pay.

Michael P. Murphy, Thirty-second Precinct, failed to enforce traffic regulations; fined one day's pay.

James Walsh, Thirty-fifth Precinct, assaulted a citizen; failed to arraign prisoner; fined five days' pay.

Maurice F. Downey, Thirty-sixth Precinct, used vile and indecent language to citizen; fined four days' pay.

Henry L. Bliss, Thirty-sixth Precinct, allowed unauthorized persons to pass through police lines at parade; fined one day's pay.

William F. Brown, Thirty-sixth Precinct, did not properly patrol; absent from relieving point; fined two days' pay.

Frederick J. Freese, Fortieth Precinct, did not properly patrol; fined two days' pay.

Thomas E. Finn, Sixty-first Precinct, absent from post and relieving point; fined five days' pay.

Joseph Van Vort, Sixty-first Precinct, absent from post; fined one day's pay.

Benjamin F. Klein, Sixty-third Precinct, failed to prevent or discover a burglary; fined three days' pay.

William Sheehan, Sixty-third Precinct, failed to prevent or discover a burglary; fined three days' pay.

Daniel E. Keenan, Sixty-third Precinct, absent from post; fined five days' pay.

Daniel E. Keenan, Sixty-third Precinct, absent from post in liquor saloon; fined fifteen days' pay.

Charles Elterich, Sixty-third Precinct, absent from post; loitering and in conversation; fined one day's pay.

James P. Dempsey, Sixty-third Precinct, smoking in dormitory of station house; fined one day's pay.

John Mussehl, Sixty-third Precinct, loitering and in conversation; fined one day's pay.

Patrick Halligan, Sixty-fifth Precinct, absent from post; fined five days' pay.

Edward O'Loughlin, Sixty-fifth Precinct, absent from post; fined two days' pay.

George F. Mahoney, Sixty-eighth Precinct, did not properly patrol; absent from relieving point; fined five days' pay.

Theodore H. Spruck, Eightieth Precinct, absent from post; fined two days' pay.

Henry C. Leibfried, One Hundred and Eighty-fourth Precinct, sitting in shelter house; fined three days' pay.

Lawrence J. McMahon, Bureau of Electrical Service, Richmond, failed to announce Police Headquarters when answering telephone; fined one day's pay.

Louis Winters, Traffic Precinct C, did not properly patrol; failed to respond to whistles for assistance; fined five days' pay.

Daniel E. McKeever, Traffic Precinct C, absent from post; fined four days' pay.

The following members of the Force, having been tried on charges before a Deputy Commissioner, are hereby reprimanded:

Patrolmen.

Patrick Mangan, First Precinct.

William A. Mahoney, First Precinct.

Frederick P. Lander, Fifth Precinct.

Dennis O'Connell, Fifth Precinct.

James F. Hannon, Seventh Precinct.

James O'Connor, Seventh Precinct.

James O'Donnell, Ninth Precinct.

Michael Fannon, Twelfth Precinct.

James D. Cotter, Seventeenth Precinct.

William P. S. Kelly, Thirty-first Precinct.

Louis F. Angeline, Thirty-fifth Precinct.

George A. Lawton, Sixty-fifth Precinct.

John J. Thompson, First Precinct.

David J. Twomey, Second Precinct.

Alonzo C. Hubbard, Fifth Precinct.

Michael E. Farrell, Sixth Precinct.

William J. Barr, Seventh Precinct.

John McKeon, Ninth Precinct.

Richard G. Becker, Ninth Precinct.

William Waltman, Sixteenth Precinct.

James J. Donlin, Eighteenth Precinct.

John W. Kennedy, Thirty-fifth Precinct.

Richard Madden, Sixty-first Precinct.

Henry Gerber, Sixty-sixth Precinct.

Daniel J. Pendergast, Sixth Precinct.

William P. Schaefer, Ninth Precinct.

John Connolly, Tenth Precinct.

Maurice J. Fein, Fifteenth Precinct.

John F. Elliott, Sixteenth Precinct.

Michael Quillinan, Twenty-first Precinct.

George J. Kettler, Twenty-ninth Precinct.

William E. Bedell, Thirty-second Precinct.

George F. Maloney, Sixty-eighth Precinct.

Richard D. O'Connell, Seventy-ninth Precinct.

John J. Haverlin, Traffic Precinct B.

Harry J. Boylan, Eighth Precinct.

Albert F. Hayes, Ninth Precinct.

John J. Sweeney, Fifteenth Precinct.

Leo E. Curtin, Sixteenth Precinct.

Arthur G. Coulter, Sixteenth Precinct.

Theodore Hynicka, Twenty-third Precinct.

William E. Sheehan, Thirty-first Precinct.

John P. Murtha, Thirty-fifth Precinct.

John B. Barry (two charges), Traffic Precinct C.

Charles J. Campbell, Traffic Precinct B.

The following members of the Force having been tried on charges before a Deputy Commissioner, the complaints are hereby dismissed:

Lieutenants.

Ladislaus Stransky, Detective Bureau.

Charles A. Flay, Detective Bureau.

John J. McCarthy, Sixth Precinct.

Sergeant.

Henry N. Boerner, Eighth Precinct.

Patrolmen.

Henry Koenig, Second Precinct.

Joseph P. Laux, Sixth Precinct.

Noah Bruford, Sixteenth Precinct.

Charles Fried, Twenty-second Precinct.

Edward A. Murray, Twenty-second Precinct.

Timothy McCarthy, Twenty-fifth Precinct.

Jacob A. Arras, Twenty-ninth Precinct.

Peter McDermott, Forty-third Precinct.

John Larkin, Sixty-third Precinct.

Charles Bolderman, One Hundred and Eighty-fourth Precinct.

Charles J. Campbell, Traffic B.

Francis C. Trainor, Traffic C.

James C. Pritchard, Fifth Precinct.

Kyrie D. Clemmens, Sixth Precinct.

James F. Hannon, Seventh Precinct.

John F. Elliott, Sixteenth Precinct.

John J. Kerns, Twenty-third Precinct.

Peter W. Bertrand, Twenty-ninth Precinct.

Peter Flanagan, Jr., Thirty-ninth Precinct.

John W. Mann, Sixty-first Precinct.

James J. O'Neill, Sixty-third Precinct.

John B. Barry, Traffic C.

Louis Kogel, Traffic C.

The following member of the Force having been tried on charges before a Deputy Commissioner, and found guilty, sentences are suspended during good behavior:

Patrolman.

Louis Lorch, Ninth Precinct; charge: Neglect of duty.

The following Cleaner having been tried on a charge before a Deputy Commissioner, and found guilty, he is sentenced to be suspended for one day without pay:

Hugh Vaughan, Eighth Precinct; charge: Absent without leave.

The following Cleaner having been tried on a charge before a Deputy Commissioner, the complaint is hereby dismissed:

Hugh Vaughan, Eighth Precinct.

The following Special Patrolmen are hereby appointed:

To take effect June 24, 1908:

William M. O'Sullivan, for St. John's Guild, No. 103 Park avenue, Manhattan.

To take effect June 25, 1908:

Henry Bolte, for Ernst Sulzer, West Farms, N. Y.

John McMahon, for the Union Sulphur Company, No. 82 Beaver street, Manhattan.

Joseph J. Lynch, for Carlisle, Meilick & Co., No. 20 Broad street, Manhattan.

Charles Haas, for Rubber Goods Manufacturing Company, No. 42 Broadway, Manhattan.

THEO. A. BINGHAM, Police Commissioner.

POLICE DEPARTMENT.

June 26, 1908.

The following proceedings were this day directed by the Police Commissioner:

Ordered, That an extension of time until July 1, 1908, be and is hereby granted to F. T. Nesbit & Co., Inc., under contract executed March 2, 1907, for the construction of the new station house, prison and stable for the Twenty-third Precinct (formerly Nineteenth Precinct), situated on the south side of West Thirtieth street, 263 feet easterly from Seventh avenue.

Ordered to Be Paid.

From Pension Fund, time under suspension of Joseph Lang, \$3,401.62; Joseph P. Mulvey, \$702.54, and sick time of William H. Roberts and eleven others, \$780.23.

Granted.

Permission to John T. Pinder, Patrolman, Ninth District, to receive reward of \$20 from United States Navy for arrest of a deserter. With usual deduction.

Disapproved.

Applications of the following for appointment of Special Patrolmen: C. V. Fornes & Co., Nos. 425 and 427 Broome street, Manhattan, and others, for Robert H. Smith; Frazin & Oppenheim, No. 281 Sixth avenue, Manhattan, for James McCullen; Manhattan Eye, Ear and Throat Hospital, No. 210 East Sixty-fourth street, Manhattan, for Terence J. Byrnes and George F. McBride; Siegel-Cooper Company, Eighteenth and Nineteenth streets and Sixth avenue, Manhattan, for William C. Smith.

Concert License Denied.

Joseph Fallek, Park Theatre, No. 131 Avenue A, Manhattan. Deposit of \$150 to be refunded.

Runner License Granted.

William J. Anthony, No. 543 West Twenty-sixth street, Manhattan, from June 26, 1908, to June 26, 1909; fee, \$20; bond, \$300.

On File, Send Copy.

Report of Lieutenant in Command of Boiler Squad, dated June 24, 1908, relative to engineers' licenses granted. For publication in the CITY RECORD.

Special Order No. 159, issued this day, is hereby made part of the proceedings of the Police Commissioner.

Special Order No. 159.

The following member of the Force is hereby relieved and dismissed from the Police Force and Service and placed on the roll of the Police Pension Fund, and is awarded the following pension:

To take effect 12 midnight, June 25, 1908:

Patrolman.

Seymour Lyvere, Eighty-first Precinct, on Police Surgeons' certificate, at \$432 per annum. Appointed February 17, 1896.

The following transfers and assignments are hereby ordered:

To take effect 8 a. m., June 28, 1908:

Sergeant.

Edmund Brown, One Hundred and Seventieth Precinct, transferred to Central Office Squad, and assigned to duty in office of Fourth Deputy Commissioner.

To take effect 8 a. m., June 26, 1908:

Patrolmen.

Thomas T. Walsh, Twenty-second Precinct, transferred to Third Inspection District, and assigned to duty in plain clothes.

Grover D. Cleary, Second Precinct, transferred to Third Inspection District, and assigned to duty in plain clothes.

Harry J. Murtha, Third Inspection District, remanded from duty in plain clothes, and transferred to Second Precinct.

To take effect 8 p. m., June 26, 1908:

Patrolman.

Allen C. Landvoe, Thirty-sixth Precinct, transferred to Twenty-third Precinct, and assigned to clerical duty.

To take effect 8 p. m., June 27, 1908:

Patrolman.

John J. Gilles, Sixty-ninth Precinct, transferred to Sixty-third Precinct, and assigned to clerical duty.

The following temporary assignments are hereby ordered:

Inspector.

John H. Russell, Second Inspection District, assigned to command First Inspection District, in addition to his own district, during absence of Inspector Henry W. Burfeind, for eighteen hours, from 12 noon, June 28, 1908.

Lieutenants.

Cornelius F. Cahalane, Eightieth Precinct, assigned to command precinct, during absence of Captain John F. Linden on vacation, from 12 noon, July 23, 1908.

John Hogan, Traffic Precinct B, assigned to Traffic Precinct C, duty at Thirty-second street stable, from 4 p. m., June 26, 1908.

William C. Egan, Traffic Precinct C, assigned to Central Office Squad, duty in Chief Inspector's office, from 8 a. m., June 26, 1908.

James McAuley, One Hundred and Fifty-fourth Precinct, assigned to command precinct, during absence of Captain James J. Shevlin on vacation, from 12.01 a. m., June 26, 1908.

James F. Coleman, One Hundred and Sixty-second Precinct, assigned to command precinct, during absence of Captain William Knipe on vacation, from 12.01 a. m., June 28, 1908.

Frank J. Rohrig, Seventeenth Precinct, assigned to command precinct, during absence of Captain Donald Grant with leave, from 12.01 a. m., July 8, 1908.

Sergeant.

Patrick Cavanagh, Eighty-first Precinct, assigned as Acting Lieutenant in precinct, during absence of Lieutenant Joseph Cobb, for two days, from 12.01 a. m., June 26, 1908.

Patrolmen.

Joseph M. Brown and Thomas M. Griffin, One Hundred and Forty-seventh Precinct, assigned to Third Inspection District, duty in plain clothes, from 8 p. m., June 25, 1908.

William L. Ihnken, Eightieth Precinct, assigned to Detective Bureau, Richmond, for thirty days, from 8 a. m., June 26, 1908.

The following extensions of temporary assignments are hereby ordered:

Sergeant.

George W. Jackson, Twelfth Precinct, to Central Office Squad, duty in Fourth Deputy Commissioner's office, for thirty days, from 8 a. m., June 28, 1908.

Patrolmen.

Louis J. Price, One Hundred and Fifty-third Precinct; Philip Hoerter, One Hundred and Sixty-fifth Precinct, and Joseph Phillips, One Hundred and Sixty-sixth Precinct, to Eleventh Inspection District, duty in plain clothes, for ten days, from 2 p. m., June 28, 19

Doorman.

Patrick Murphy, One Hundred and Sixty-ninth Precinct, to One Hundred and Forty-third Precinct, duty as Acting Hostler, for five days, from 8 a. m., June 25, 1908.

The following temporary assignments are hereby discontinued:

Patrolmen.

John E. Fitzpatrick, Thirty-first Precinct, and William B. Weckesser, Twenty-eighth Precinct, to Third Inspection District, from 8 a. m., June 26, 1908.

The following members of the Department are excused as indicated:

Inspectors.

Henry W. Burfeind, First Inspection District, for eighteen hours, from 12 noon, June 28, 1908.

Patrick J. Harkins, Ninth Inspection District, for eighteen hours, from 12 noon, June 29, 1908.

Captains.

Patrick J. Cray, Ninth Precinct, for twelve hours, from 12 noon, June 28, 1908, with permission to leave city.

John McCauley, Nineteenth Precinct, for twelve hours, from 12 noon, June 28, 1908, with permission to leave city.

Frederick G. Carson, Thirty-sixth Precinct, for twelve hours, from 12 noon, June 26, 1908.

Herman W. Schlottman, Seventh Precinct, for twelve hours, from 8 a. m., June 26, 1908.

James H. Post, Sixty-first Precinct, for twelve hours, from 11 a. m., June 30, 1908, with permission to leave city.

George A. Aloncle, One Hundred and Sixty-first Precinct, for twelve hours, from 12 noon, June 26, 1908.

Isaac Frank, One Hundred and Sixty-fifth Precinct, for twelve hours, from 12 noon, June 27, 1908.

Henry Halpin, Two Hundred and Eighty-first Precinct, for twelve hours, from 12 noon, June 30, 1908.

Acting Captains.

Dominick Henry, Sixteenth Precinct, for twelve hours, from 12 noon, June 28, 1908.

Fred J. Mott, Harbor Precinct, for twelve hours, from 8 a. m., June 28, 1908, with permission to leave city.

The following leaves of absence are hereby granted with full pay:

Captains.

Lawrence J. Murphy, One Hundred and Seventy-third Precinct, for fifteen days, from 12.01 a. m., July 5, 1908, balance of vacation.

William H. Shaw, Fifteenth Precinct, for ten days, from 12 noon, July 16, 1908, with permission to leave city, to be deducted from vacation.

John Cooney, Thirty-first Precinct, for sixteen days, from 12.01 a. m., August 9, 1908, with permission to leave city, to be deducted from vacation.

The following leaves of absence are hereby granted with half pay:

Patrolmen.

Daniel J. Mullin, One Hundred and Forty-sixth Precinct, for one-half day, from 12 noon, June 25, 1908, with permission to leave city.

Peter J. Reilly, One Hundred and Fifty-sixth Precinct, for one-half day, from 12.01 a. m., June 30, 1908.

Henry Forst, One Hundred and Fifty-eighth Precinct, for one-half day, from 12 noon, June 27, 1908, with permission to leave city.

The following leaves of absence are hereby granted without pay:

Captain.

Donald Grant, Seventeenth Precinct, for thirty days, from 12.01 a. m., July 8, 1908.

Lieutenant.

Robert Williams, Two Hundred and Eighty-third Precinct, for three days, from 12.01 a. m., June 25, 1908.

Patrolmen.

Benjamin Jacobs, Sixteenth Precinct, for one day, from 12 noon, June 28, 1908. James J. Bell, Fourteenth Precinct, for one and one-half days, from 12 noon, June 25, 1908.

Matthew J. McGrath, Fourteenth Inspection District, for two months, from 12.01 a. m., June 26, 1908, with permission to leave city.

John J. Flanagan, Fourteenth Inspection District, for sixty days, from 12.01 a. m., June 26, 1908, with permission to leave city.

Martin J. Sheridan, Fourteenth Inspection District, for ninety days, from 12.01 a. m., June 26, 1908, with permission to leave city.

The following members of the Force having been tried on charges before a Deputy Commissioner, the following fines are hereby imposed:

Lieutenant.

Martin Gilmartin, Eighteenth Precinct, absent from desk, sitting in adjoining room with Sergeant; had cup of malt liquor on table beside him; fined thirty days' pay.

Sergeants.

Patrick Walsh, Eighth Precinct, absent from reserve duty; left Station House without permission; fined one day's pay.

William Saul, Eighth Precinct, absent from return roll-call; fined one day's pay.

William Saul, Eighth Precinct, did not properly patrol; was in citizens' clothes; fined two days' pay.

James P. Collins, Eighteenth Precinct, sitting in room adjoining main office of Station House with cup of malt liquor beside him; fined thirty days' pay.

Patrolmen.

Richard W. Abbott, Thirty-ninth Precinct, allowed prisoner to escape; fined five days' pay.

William H. Harford, Sixty-first Precinct, suffering from effects of some intoxicating agent; fined five days' pay.

William H. Harford, Sixty-first Precinct, absent from outgoing roll-call, reported sick; fined three days' pay.

James S. Minogue, Sixty-fifth Precinct, falsely reported to Lieutenant that he had rescued two men from a fire; fined thirty days' pay.

John Meislohn, Ninth Precinct, absent from post, in liquor saloon; fined fifteen days' pay.

Frank R. Leary, Traffic Precinct B, in conversation; handed bag containing fruit to Patrolman; fined five days' pay.

The following members of the Force having been tried on charges before a Deputy Commissioner, are hereby reprimanded:

Patrolmen.

James W. Armstrong, Second Inspection District.

John A. Logomarsini, Seventh Precinct.

The following members of the Force having been tried on charges before a Deputy Commissioner, the complaints are hereby dismissed:

Lieutenant.

Michael R. Kelly, Twenty-sixth Precinct.

Patrolman.

William Flood, Traffic Precinct B.

The following member of the Force having been tried on a charge before a Deputy Commissioner, he is hereby dismissed from the Police Force of The City of New York:

To take effect 5.55 p. m., June 25, 1908:

Patrolman.

William J. Unger, First Precinct. Charge: Neglect of duty.

The following amendments are hereby ordered:

Special Order No. 157, c. s., paragraph 4, to read Patrolman John S. Hammie instead of Patrolman John Hammond.

Special Order 157, c. s., paragraph 4, to read Lieutenant William J. McCarthy, Fifth Precinct, to command precinct, from 12 noon, July 6, 1908, instead of 12 noon, July 2, 1908.

So much of Special Order No. 145, c. s., paragraph 10, as appoints Frederick C. Maher a Special Patrolman for Brooklyn Rapid Transit Company, Brooklyn, is hereby rescinded.

The following Special Patrolman is hereby appointed:

To take effect June 25, 1908:

John Elterich, for St. John's Guild, No. 103 Park avenue, Manhattan.

The resignations of the following Special Patrolmen are hereby accepted:

Michael Kelly and John J. Masoner, employed by Interborough Rapid Transit Company, No. 13 Park row, Manhattan.

Thomas J. Fitzsimmons, employed by Interboro Bank of New York, No. 49 Wall street, Manhattan.

The appointment of the following Special Patrolman is hereby revoked:

Lorenzo J. Park, employed by Interborough Rapid Transit Company, No. 13 Park row, Manhattan.

THEODORE A. BINGHAM, Police Commissioner.

POLICE DEPARTMENT.

Sanitary Company (Boiler Squad), }
June 20, 1908. }

HON. THEODORE A. BINGHAM, Police Commissioner:

Sir—In compliance with orders relative to engineers' certificates issued by me under section 312 of chapter 410 of the Laws of 1882, as amended, the following report will show the names of the persons to whom licenses were issued, class of license and location for the same, during the twenty-four hours ending 12 midnight, June 20, 1908:

First Class.

John Pansenbeck, No. 17 West Sixtieth street.
Frederick Cronert, No. 320 Bridge street, Brooklyn.

Second Class.

August Schumacker, No. 219 Grand street.
Michael J. Lynch, No. 290 Vernon avenue, Brooklyn.
Samuel Broadhurst, No. 35 Bridgewater street, Brooklyn.

Third Class.

Michael Mainale, No. 245 East Two Hundred and Second street.
Albert McMillan, No. 102 East Seventy-second street.
Alexander Z. McLeod, No. 232 East Fortieth street.
Herman Ich, No. 31 Tenth street, C. P., Brooklyn.
Martin King, No. 52 Ninth street, Brooklyn.
Timothy Donavan, No. 120 Floyd street, Brooklyn.

Special.

Stephen A. Healey, No. 102 East Seventy-second street.
Bartholomew J. Mahoney, No. 503 West One Hundred and Thirty-ninth street.
Geo. E. Reed, Prospect avenue, Brooklyn.
Bernard Rockwell, Bay Ridge and Second avenue, Brooklyn.
Chas. McCleary, No. 190 Washington avenue, Brooklyn.

Respectfully submitted,

HENRY BREEN, Lieutenant in Command.

POLICE DEPARTMENT.

Sanitary Company (Boiler Squad), }
June 22, 1908. }

HON. THEODORE A. BINGHAM, Police Commissioner:

Sir—In compliance with orders relative to engineers' certificates issued by me under section 312 of chapter 410 of the Laws of 1882, as amended, the following report will show the names of the persons to whom licenses were issued, class of license and location for the same, during the twenty-four hours ending 12 midnight, June 22, 1908:

First Class.

Harry M. Martin, No. 182 Grand street.
Christian Pabst, No. 373 Pearl street.
Gustav Loth, Rockaway Beach, Brooklyn.
Wm. H. Harris, No. 773 Washington avenue, Brooklyn.
Samuel Swindells, Atlantic avenue and Chestnut street, Brooklyn.

Second Class.

John T. Arthur, No. 188 Front street.
Chas. F. Drummond, One Hundred and Seventy-third street and Harlem River.
Chas. S. Ferguson, foot of East One Hundred and Thirty-eighth street.
Jared C. Ferguson, No. 3 West Twenty-third street.
Jacob Kelly, Corlear and Water streets.
Bernard Kelly, No. 1701 Broadway.
John G. Turner, No. 320 Fifth avenue.
August Walther, No. 52 Meserole street, Brooklyn.
David J. Hart, Second avenue, Long Island City, Brooklyn.
George Dillon, foot of Washington avenue, Brooklyn.
Peter Moran, No. 276 Calyer street, Brooklyn.

Third Class.

Reuben H. Beebe, No. 56 Prince street.
Frank Basil, No. 416 West Twenty-sixth street.
John Bruno, No. 680 East One Hundred and Thirty-third street.
William Evans, No. 143 Liberty street.
Louis Forella, Hilton avenue, Westchester.
Wm. H. Fitzgerald, First avenue, Thirty-ninth and Fortieth streets.
Antonio Intreiri, No. 1481 Hoe avenue.
Michael Mulvery, Eastchester road, near Pelham avenue.
John Mathison, No. 6 Beaver street.
Paul Mehling, No. 171 Suffolk street.
Bernard McGrath, No. 463 First avenue.
John McNulty, No. 105 East Fifty-first street.
William A. Ritchie, No. 240 West street.
Thomas Rooney, No. 65 West Forty-fifth street.
Geo. L. Sherwood, No. 71 Wall street.
Henry J. Snow, No. 135 Broadway.
Thomas Ryan, No. 48 Scholes street, Brooklyn.
John Larkin, foot of Halsey street, Brooklyn.
Wm. H. Roeber, First avenue, C. P., Brooklyn.
John McNamara, No. 21 State street, Brooklyn.
Chas. Stiffin, No. 74 Irving street, Brooklyn.
Alexander J. Goldner, Ocean avenue and Woodhaven Junction, Brooklyn.
Patrick Burke, foot of North Twelfth street, Brooklyn.
Michael Connors, Fifteenth street and Hamilton avenue, Brooklyn.
John Cummings, Casino Beach, Brooklyn.

Vincent Glaser, Palatine avenue, Brooklyn.
John C. Lant, Van Brunt and Beard streets, Brooklyn.

Special.

James Coleman, No. 105 West One Hundred and Second street.
John F. Flanagan, Tompkinsville, S. I.
Frank J. Wolf, No. 940 DeKalb avenue, Brooklyn.
Joseph A. Schick, No. 124 DeKalb avenue, Brooklyn.

Respectfully submitted,
HENRY BREEN, Lieutenant in Command.

POLICE DEPARTMENT.

Sanitary Company (Boiler Squad), }
June 23, 1908. }

Hon. THEODORE A. BINGHAM, Police Commissioner:

Sir—In compliance with orders relative to engineers' certificates issued by me under section 312 of chapter 410 of the Laws of 1882 as amended, the following report will show the names of the persons to whom licenses were issued, class of license and location for the same, during the twenty-four hours ending 12 midnight, June 23, 1908:

First Class.

George Cunningham, No. 705 Madison avenue.
Jerry D. Hull, No. 2 Tompkins street.
Walter C. Medhurst, No. 52 William street.
James Trainor, No. 195 West Eleventh street.
Michael Elsesser, foot Court street, Brooklyn.
Henry Sanders, No. 260 Maujer street, Brooklyn.

Second Class.

John Grant, North Brother Island.
George F. Hultman, No. 513 West Twenty-second street.
Peter McGoldrick, No. 499 Water street.
Henry P. O'Reilly, No. 350 West Seventy-second street.
Michael J. Nolan, No. 412 East Thirty-first street.
Thomas H. Purcell, No. 15 Whitehall street.
Peter Lietch, No. 141 South Third street, Brooklyn.
Daniel Lyons, No. 98 Van Dyke street, Brooklyn.

Third Class.

John Beck, No. 1037 Fifth avenue.
Edwin F. Brownman, No. 672 Broadway.
John A. Bromiley, One Hundred and Forty-second street and Third avenue.
John Delaney, No. 7 West Fifteenth street.
Robt. E. Edwards, No. 897 Broadway.
William M. Hyer, Seventh avenue and One Hundred and Sixteenth to One Hundred and Seventeenth street.
Jaleel B. Houghtaling, New Brighton, Staten Island.
Samuel B. Hughes, No. 36 Great Jones street.
Patrick Hayes, Pier 37, North River.
Frederick H. Itjen, No. 6 Beaver street.
Reinold J. Moline, No. 766 Broadway.
William C. Morrison, Twenty-third street and Broadway.
Owen J. O'Malley, No. 15 West Third street.
Peter F. Murphy, One Hundred and Thirty-seventh street and Madison avenue.
Samuel Murdock, One Hundred and Thirty-first street and old Broadway.
James McKenna, One Hundred and Forty-fifth street and Harlem River.
James McCourt, Elm Park, Staten Island.
Moses O'Connor, No. 112 Washington street.
Arthur B. Park, No. 349 West Twelfth street.
John F. Pound, foot East Eighty-second street.
William J. Rounds, No. 315 Fourth avenue.
William L. Roehr, No. 306 East One Hundred and Twenty-eighth street.
George Sweeney, No. 215 West Thirty-third street.
Gustave Strobel, No. 3415 Third avenue.
Rudolph F. Tannermann, No. 449 West Forty-first street.
Martin Van Slyke, Nos. 2 to 16 Worth street.
Herman Ziegler, No. 165 Duane street.
Michael Brady, No. 201 Richard street, Brooklyn.
George Fulton, No. 556 Kent avenue, Brooklyn.
John Coakley, No. 116 Broad street, Brooklyn.
Patrick L. Malone, No. 33 Stevens street, Brooklyn.
Wm. H. Barker, No. 211 Vernon avenue, Brooklyn.
Wm. McQueen, foot Gold street, Brooklyn.
John Lockwood, Benson avenue, Brooklyn.
James McLoughlin, Jay street, St. George, Staten Island.
Fred Curnuch, Prospect Park, Brooklyn.
James McDonald, No. 768 Flatbush avenue, Brooklyn.
Harry B. Parry, No. 63 First street, Brooklyn.

Special.

August Brigioli, No. 113 Liberty street.
John D. Scannell, No. 503 West One Hundred and Thirty-ninth street.
Chas. G. Morse, No. 159 Graham avenue, Brooklyn.

Respectfully submitted,

HENRY BREEN, Lieutenant in Command.

POLICE DEPARTMENT.

July 6, 1908.

I forward herewith for publication in the CITY RECORD the following list of deaths, retirements, etc., from June 20 to June 27, 1908:

June 20.

Employed as Patrolmen on Probation—

Ambrose Hearn.
Edward C. Parry.
Alfred T. Wing.
William R. Wittenberg.
John Peters.
Ralph B. Ness.
Hugh E. McHugh.

June 22.

Employed as Stenographer on Probation—

Nathan Behrin, \$2,000 per annum.

Employed as Plumber—

Henry C. Loonie.

Employed as Cleaner—

Thomas J. Dolan.

June 24.

Employed as Patrolmen—

John J. Donnelly.
Joseph M. Gaffney.
Frederick W. Knopfle.
Louis W. Martin.
Thomas Paynter.
Vincent E. Valentine.
Thomas Cahill.
Edward W. Dwyer.
August A. Gennerich.

Dismissed from Employment as Patrolman on Probation—
Denis J. Byron.

Retired—

Lieutenant Charles A. Flay, Thirty-first Precinct, to take effect 12 midnight, June 22, 1908.

June 25.

Employed as Hostlers—

Melvin B. Palmer.
John R. McKenna.
William E. Roache.
David C. Warren.
John Norton.

Patrick Ryan.
Joseph G. Hayes.
Martin D. Murtaugh.
Anthony Clair.

Transferred from Street Cleaning Department to Police Department as Hostler—
Michael Morris.

Death Reported—

Lieutenant William Maxon, One Hundred and Sixty-sixth Precinct, June 22, 1908.

Respectfully,
THEO. A. BINGHAM, Police Commissioner.

BOROUGH OF THE BRONX.

BUREAU OF BUILDINGS.

I herewith submit a report of operations of the Bureau of Buildings, Borough of The Bronx, for the week ending June 27, 1908.

Plans filed for new buildings (estimated cost, \$224,650)	33
Plans filed for alterations (estimated cost, \$21,882)	21
Unsafe cases filed.....	21
Violation cases filed.....	47
Unsafe notices issued.....	60
Violation notices issued.....	61
Complaints lodged with the Bureau.....	6
Number of pieces of iron and steel inspected.....	752

P. J. REVILLE, Superintendent of Buildings.

DEPARTMENT OF DOCKS AND FERRIES.

New York, March 31, 1908.

The following communications were received, action being taken thereon as noted, to wit:

From the City Clerk (76257)—Giving notice of a hearing to be held by the Committee on Salaries and Offices of the Board of Aldermen relative to fixing a grade of Hydrographer for three incumbents, at \$1,800 per annum. Filed.

From the Comptroller—

1 (76150). Transmitting copy of claim filed by the Standard Gas Light Company of The City of New York claiming ownership of water-front between One Hundred and Third and One Hundred and Fourth streets, Harlem River, and further claiming that by reason of the City improving the premises under a new plan layout the company was deprived of the use of the premises. Matter referred to the Corporation Counsel to protect the interests of the City in the premises, the City claiming ownership of the area in question.

2 (76136). Stating a claim has been filed by James T. O'Donnell as owner of the boat "Tyronnell" in the sum of \$1,083, alleged to be due for damage to the boat by reason of a collision with the municipal ferryboat "Queens" on January 27, 1908, and requesting information in relation thereto. Answered that the insurance on the ferryboats covers claims for damages by collision and that if claim is sent to this Department, it will be submitted to the insurance company for adjustment.

From the Department of Health (76132)—Requesting itemized statement of claim of this Department for \$10,276.87 for constructing an embankment on the north and east sides of North Brother Island. Statement forwarded.

From the Department of Water Supply, Gas and Electricity (76155)—Requesting consent to the transfer of John McDonald from the position of Marine Stoker in this Department to a similar position in that Department. Consent granted.

From the Commissioner of Public Works, Borough of Manhattan (76156)—Requesting permission to construct a sewer across the marginal street area in One Hundred and Forty-first street, between Lenox avenue and the Harlem River, Borough of Manhattan. Permit granted, work to be done under supervision of Engineer-in-Chief of this Department.

From the Artificial Ice Company (76045)—Requesting permission to transfer its suction pipe from its present location south of Fifty-third street, East River, to a location through the bulkhead and under the pier foot of said street. Privilege granted to transfer the pipe to the desired location under the supervision of the Engineer-in-Chief, any damage to the bulkhead and pavement to be repaired by the company at its cost and expense, rental for the privilege of maintaining the pipe at the foot of Fifty-third street, to be at the rate of \$300 per annum, payable quarterly in advance to the Cashier, the permit continuing during the pleasure of the Commissioner and terminating April 30, 1908.

From W. E. Heiden (76095)—Requesting permission to maintain boathouse 30 by 60 feet in dimensions, southerly of Two Hundred and Fifth street, North River. Privilege granted to continue during the pleasure of the Commissioner until April 30, 1908, rental to be at the rate of \$100 per annum, payable quarterly in advance to the Cashier.

From George T. Provost, Jr. (76175)—Requesting permission to occupy a plot of ground at Broad Channel, Jamaica Bay, Borough of Queens. Privilege granted to occupy Lot 15 of Block 17, an area of about 2,000 square feet, to commence as of March 15, 1908, and to continue during the pleasure of the Commissioner until May 1, 1912, rental to be at the rate of \$24 per annum, payable in advance to the Cashier.

From Stephen Golding (76196)—Requesting permission to occupy a plot of ground at Broad Channel, Jamaica Bay, Borough of Queens. Privilege granted to occupy Lot 41 of Block 30, an area of about 1,050 square feet to commence April 1, 1908, and to continue during the pleasure of the Commissioner until May 1, 1912, rental to be at the rate of \$12.60 per annum, payable in advance to the Cashier.

From Albert Wilson (76141, 76046)—Asking that his interest in Lots 1 and 2 of Block 2, at Broad Channel, Jamaica Bay, Borough of Queens, be transferred to J. Hardwick. Privilege granted to Hardwick to occupy the space in question to commence May 1, 1908, and to continue during the pleasure of the Commissioner until May 1, 1912, rental to be at the rate of \$25.38 per annum, payable in advance to the Cashier.

From the American Ice Company (75896)—Requesting permission to erect two single story frame sheds with a single story office building, ice platform, tally house, and scales, and a two-story frame stable, on the pier foot of Twenty-fourth street, Brooklyn. Advised that the plans for the stable must be approved by the Building Department of Brooklyn before permit therefor will be granted; permit granted for the erection of the remaining structures under the supervision of the Engineer-in-Chief in accordance with plans submitted as amended; the structures to remain only during the pleasure of the Commissioner.

From the New York and Rockaway Beach Transportation Company (75994)—Requesting permission to widen approach to pier foot of Thompson avenue, Rockaway Beach, Jamaica Bay, Borough of Queens. Permit granted, work to be done in accordance with plans submitted as amended and under the supervision of the Engineer-in-Chief.

From the Baltimore and Ohio Railroad Company (76034)—Requesting permission to rebuild pier known as Pier 6, at St. George, Borough of Richmond. Permit granted, work to be done in accordance with plans submitted as amended and under the supervision of the Engineer-in-Chief.

From the American Dock and Trust Company (76130, 76088)—Requesting permission to widen and extend Pier 2, and the freight shed thereon, at Tompkinsville,

Borough of Richmond. Permit granted for the widening and extension of the pier in accordance with plans submitted and under the supervision of the Engineer-in-Chief; advised that before permit for addition to the shed will be granted, the company must file an agreement to the effect that in the event of the City at any time acquiring the property no additional item of value will be claimed by the company or its successors in view of the erection of the addition to the freight shed, beyond the actual cost of the work, less depreciation.

From Clinton Stephens (76110)—Requesting permission to build a close pile bulkhead and fill in with mud in rear of same at Classon Point, Long Island Sound, Borough of The Bronx. Permit granted, work to be done under the supervision of the Engineer-in-Chief.

From the Knickerbocker Canoe Club (76154)—Requesting permission to construct a crib to act as a foundation for a runway near the foot of One Hundred and Sixty-seventh street, North River. Permit granted, work to be done under supervision of Engineer-in-Chief.

From Burns Bros. (76182)—Requesting permission to repair water pipe leading to bulkhead between One Hundred and Thirty-third and One Hundred and Thirty-fourth streets, North River. Permit granted upon the usual conditions, work to be done under the supervision of Engineer-in-Chief.

From Thomas Stokes & Sons, Inc. (76311)—Requesting permission to open asphalt pavement foot of Thirtieth street, North River, for the purpose of repairing Croton water main at that point. Permit granted upon the usual conditions, work to be done under supervision of Engineer-in-Chief.

From the Central Railroad Company of New Jersey (76197)—Requesting permission to place a signboard on fender tongue adjacent to transfer bridge at its Lincoln avenue terminal, Harlem River, Borough of the Bronx. Permit granted, work to be done under supervision of Engineer-in-Chief, in accordance with plans submitted, sign to remain during the pleasure of the Commissioner.

From Bernard Rolf (76263)—Requesting an extension of time on Contract No. 1022, for the construction of the Thirty-ninth street ferry terminal, Borough of Brooklyn. Extension granted to and including March 28, 1908.

From Brown & Fleming Contracting Company (75932)—Requesting an extension of time on Contract No. 829, Class I, for cobble. Extension granted to and including February 25, 1908.

From the Cedarciff Stone Company (76158)—Requesting a credit account for wharfage with this Department. Granted.

From the Pennsylvania Railroad Company (76203, 76204)—Requesting letters from the Department to the effect that the company has paid all rentals due under lease of franchise and wharf property between Twenty-third and Twenty-fourth streets, North River, which expired December 31, 1905, and under lease of franchises at Cortlandt and Desbrosses streets, North River, expiring April 30, 1908. Answered that the Department records show rental to have been paid in full.

From Lathan & Son (76188)—Offering a steam yacht for sale. Filed.

From the New York and Albany Transportation Company (76160)—Requesting that the Department drive two dozen fender piles along the inshore end, northerly side of Pier 53, North River. Answered that an application from the company for permission to drive the piles at its own expense will receive consideration.

From the Bradley Contracting Company (76149)—Requesting permission to erect a hopper on dock at Delancey street, East River. Answered that the premises are under the jurisdiction of the Bridge Department, and application should therefore be made to that Department.

From the Peekskill and New York Day Line (76147)—Asking that the Department drive two spring piles on north side outer end of pier foot of Canal street, North River. Engineer-in-Chief directed to drive the piles and report the cost for collection.

From the Church Temperance Society (76135)—Requesting permission to place a lunch wagon on the northerly side of West Twenty-second street, North River. Answered that the location is to be reserved for the accommodation of traffic.

From H. G. Rouse (76134)—Requesting permit to place ice bridge at south side of One Hundredth street, Harlem River. Denied.

From Frank Gerth (76115)—Requesting permission to maintain moving picture tent on upland between West One Hundred and Twenty-ninth street and One Hundred and Thirtieth street, North River. Denied.

From the Montgomery-Dotter Ice Company (74120, 76067)—Requesting permission to use and occupy the southerly side of the pier foot of East One Hundred and Nineteenth street, Harlem River. Denied.

From the New York and New Jersey Telephone Company (76012)—Requesting permission to place poles at Grassy Point road, Broad Channel, Jamaica Bay, Borough of Queens. Answered if it is desired to place the poles in the streets as laid out on Department's map and about two feet from the lot lines there will be no objection to the granting of the permit.

From J. W. Wainwright (75671)—Requesting permission to build a pile platform pier near the foot of Centre street, Sea Side, Jamaica Bay, Borough of Queens. Corporation Counsel requested to advise as to propriety of granting the permit in view of the dispute relative to the title to properties along Jamaica Bay.

From the Dillman Fireproof Construction Company (75023)—Requesting permission to erect a temporary shed between One Hundred and Twenty-second and One Hundred and Twenty-third streets, Harlem River. Filed, the company not having complied with Department's request for proper plans.

From the Engineer-in-Chief—

1 (76164). Recommending the issuance of an order for the preparation of plans and specifications for the construction of a new tug similar to the Department's tug "Brooklyn." Engineer-in-Chief ordered to prepare plans, specifications and form of contract for a new tug.

2 (76172). Reporting that an employee of the Department of Street Cleaning has cut away one of the main transverse braces of the dumping board on pier foot of Sixtieth street, East River, and recommending that said Department be requested to restore the brace at once. Request forwarded as recommended.

3 (76229). Reporting continued illness of John Hanifin, Machinists' Helper, due to injuries received in the performance of his duty and recommending that he be continued on the payroll. Approved, Hanifin to remain on payroll for an additional period of four weeks at the rate of \$15 per week, beginning March 26, 1908.

4 (76313). Submitting specifications and form of contract for repairing the asphalt pavement on North and East Rivers water-front. Ordered printed as Contract No. 1136.

5 (76307, 76318). Reporting the destruction by fire on March 30, 1908, of Pier (new) 32, and platform westerly thereof, East River, and recommending the issuance of an order for the necessary rebuilding of said westerly platform. Order issued to Engineer-in-Chief to rebuild portion of platform about 60 feet wide, measured easterly from the point of intersection of the inner westerly side of platform and the bulkhead wall and running parallel out to the present southerly extremity.

6 (76310). Recommending the issuance of an order for the detailing of a gang of Dockbuilders to assist the Fire Department in tearing up decking, etc., on Pier (new) 32, East River, in connection with extinguishing the fire thereat. Order issued to Engineer-in-Chief.

7 (Bureau Order 5540). Returning order to supervise removal of platform southerly of Pier 45, North River, and erection of new platform northerly of said pier, etc., by the Clyde Steamship Company, the company having removed the southerly platform but not desiring to erect the northerly one. Filed.

From the Superintendent of Ferries—

1 (76189). Reporting that on March 20, 1908, the tug "C. C. Clarke," of the New York Central and Hudson River Railroad Company, struck and damaged the dolphin at outer end of easterly ferry rack, Whitehall terminal of the Thirty-ninth street, Brooklyn, ferry. Auditor notified to make claim for loss.

2 (76061). Recommending that R. H. Mayland, operating a chime bell machine at the St. George terminal of the Staten Island ferry, be allowed to connect said machine with the electric wires at the terminal. Granted.

In accordance with Municipal Civil Service Commission's certification (76276, 75840), the following were reinstated as Dockbuilders, with compensation at the regular rate for the position:

Daniel Ahern.
Jacob Benz.
Edward F. Brady.
George H. Brower.

John Campbell.
William H. Carroll.
Cornelius Coleman.
John H. Collins.

James Fagan.
John Finnerty.
Loris Flecker.
Patrick Flynn.
Michael Harrigan.
Andrew Hendrickson, Jr.
John Hofgren.

Jacob Hufnagel.
Albin Johnson.
David H. Link.
James J. McCarthy.
John J. McEntee.
Charles W. McGill.
Jacob Simermeyer.

The Municipal Civil Service Commission was advised that the Department desires to amend its request of March 25, 1908, and asks that authority be granted for the transfer of Horace B. Loomis from the position of Assistant Engineer in the Aqueduct Commission to the position of Transitman and Computer in this Department.

A communication (76259) was received from the Comptroller advising that on March 10, 1908, there was deposited to the credit of the Dock Fund the sum of \$4,897,690, the principal amounting to \$4,700,000 and the premium to \$197,690, and the sum of \$20,841.23, the principal amounting to \$20,000 and the premium to \$841.23 Filed.

The Auditor reported that the following were audited and forwarded to the Finance Department for payment:

1. Payroll of the Municipal ferry force for the month ending March 31, 1908, amounting to \$54,269.
2. Payrolls of Commissioner's office, Construction force, Repair and Maintenance force and Officers and Appointees for the month ending March 31, 1908, amounting to \$31,721.42.

The Cashier reported—

1. That the revenues from the Staten Island ferry privileges for the month of March, 1908, amounted to \$8,251.53.
2. That the revenues from the Thirty-ninth street, Brooklyn, ferry privileges for the month of March, 1908, amounted to \$145.40.
3. That the Staten Island ferry receipts for the month of March, 1908, amounted to \$43,147.25.
4. That the Thirty-ninth street, Brooklyn, ferry receipts for the month of March, 1908, amounted to \$12,102.32.

The following Department orders were issued:

No.	Issued To and For.	Price.
23784.	P. H. Nannery, 50 days' use of horse, harness and driver, per day	\$3 25
23785.	P. J. Nilsson, 50 days' use of horse, harness and driver, per day..	3 25

The Deputy Commissioner (76665) reported that he has forwarded to Mather & Co., insurance adjusters, the bill of James Shewan & Sons for repairs to ferryboat "Castleton," made necessary by the boat's striking a submerged obstruction on February 3, 1908. Filed.

In accordance with the recommendation of the Engineer-in-Chief (76323), the International Mercantile Marine Company, the Cunard Steamship Company and the Compagnie Generale Transatlantique were requested to submit plans, specifications and estimate of cost relative to their requirements in heating, lighting and power for sheds on piers in the Chelsea section, North River.

ALLEN N. SPOONER, Commissioner.

BOROUGH OF QUEENS.

COMMISSIONER OF PUBLIC WORKS.

In accordance with the provisions of section 1546 of chapter 466 of the Laws of 1901, I transmit herewith the following report of the transactions of the office of the Commissioner of Public Works, Borough of Queens, for the week ending April 18, 1908.

Public Moneys Received During the Week.

For restoring pavement over street openings.....	\$159 00
For sewer connections	200 00
Total.....	\$359 00

Requisitions Drawn on Comptroller.

Bureau of Highways.....	\$11,029 91
Bureau of Street Cleaning.....	4,621 44
Bureau of Public Buildings and Offices.....	1,649 52
Total.....	\$17,300 87

Permits Issued.

To open streets to tap water pipes.....	40
To open streets to repair water connections.....	17
To open streets to make sewer connections.....	21
To open streets to repair sewer connections	3
To place building material on streets.....	11
Special permits	19
To cross sidewalks.....	14
For subways, steam mains and various connections.....	4
For railway construction and repairs.....	6
To repair sidewalks.....	19
For sewer connections	20
For sewer repairs	5
For other purposes.....	4
Total.....	183

Bureau of Highways.

Paved Streets.

Square yards of granite pavement repaired.....	993
Square yards of trap rock pavement repaired.....	1
Square yards of cobble pavement repaired.....	107
Loads of sand used in repairs.....	49
Loads of stone hauled.....	123

Macadamized Streets.

Square yards of macadam pavement repaired.....	10,948
Square yards of macadam pavement cleaned.....	7,060
Square yards of macadam pavement resanded.....	10,805
Square yards of macadam road picked up.....	4
Square yards of macadam pavement sanded and screened.....	3,305
Square yards of broken stone spread.....	150
Square yards of dirt wings honed.....	10,977
Square yards of dirt wings cleaned.....	1,900
Loads of screenings used.....	391
Loads of screenings hauled.....	28
Loads of broken stone used.....	295
Loads of broken stone hauled.....	55
Loads of sand used.....	398
Loads of worn out material hauled away.....	496

Unpaved Streets.	
Square yards of roadway graded.....	1,210
Square yards of roadway filled in.....	165
Square yards of roadway crowned and repaired.....	25,992
Square yards of sidewalks graded.....	246
Loads of dirt hauled away.....	529
Loads of dirt put on.....	859
Loads of ashes put on.....	36
Flagging, Curbing, etc.	
Linear feet of curb reset.....	225
Linear feet of wooden curb reset.....	150
Gutters.	
Linear feet of gutters cleaned.....	61,494
Linear feet of gutters formed.....	6,323
Loads of dirt hauled away.....	1,036
Square feet of gutters crowned.....	1,090
Viaducts and Bridges.	
Linear feet of rail used on bridge.....	45
Culverts.	
Feet of planks used building culverts.....	1,088
Feet of pipe used building culverts.....	259
Trees and Weeds.	
Loads of dead limbs hauled away.....	5
Miscellaneous.	
Loads of dirt used filling in washouts.....	220
Loads of dirt removed from sidewalks.....	130
Square yards of trench graded for pipes.....	30
Cubic yards of trench dug out.....	538
Cubic yards of retaining wall built.....	54
Loads of building stone hauled and used.....	11
Square yards of roadway ploughed.....	1,440
Bureau of Sewers.	
Number of basins built.....	1
Linear feet of sewer cleaned.....	12,468
Number of basins cleaned.....	154
Linear feet of sewer examined.....	10,100
Linear feet of sewer flushed.....	13,200
Number of basins examined.....	101
Number of basins repaired.....	2
Number of basins flushed.....	49
Linear feet of sewer repaired.....	42
Number of manholes flushed.....	39
Number of manhole covers put on.....	1
Number of manhole heads and covers reset.....	1
Number of manholes cleaned.....	56
Square yards of pavement relaid.....	6
Open drains cleaned, feet.....	2,280
Culvert and stone drains cleaned and repaired, feet.....	248
Materials Used—	
Cement, barrels.....	2½
Brick.....	250
Pipe, feet.....	18
Loads removed from basins and drains.....	392
Street Sweepings, Garbage, etc., Collected and Disposed of.	
Ashes, loads.....	2,635½
Sweepings, loads.....	1,143½
Rubbish, loads.....	422¾
Garbage, loads.....	362½
Miles of street swept.....	75
Bureau of Topographical Surveys.	
Damage Maps—Fourth avenue, Emma street, Harmon street, Lafayette street, Tesla street, Hill street, High street, Star avenue, Hamilton place, Himrod street, DeKalb avenue, Bradley avenue, Hancock street, Munson street, Kelly avenue, Hallet street, Woolsey avenue.	
Profiles—Hill street.	
Map of public park at Congress street, Leavitt street, Myrtle avenue.	
Rule Maps—Cypress avenue, Second street.	
Benefit Maps—Payntar and Central avenues.	
Copying of old maps and records at County Clerk's office, Jamaica.	
Calculation and plotting of field work.	
Plane Table Survey—Far Rockaway, Arverne and Rockaway Beach.	
Monumenting—Long Island City, Newtown, Corona, Richmond Hill and Woodside.	
Traverse and Level Work—Far Rockaway and Rockaway Beach.	
Triangulation.	
Bureau of Public Buildings and Offices.	
Painting, plastering, carpenter work, plumbing, repairs to tin roofs, leaders, etc., and cleaning.	
Statement of Laboring Force Employed Week Ending April 18, 1908.	
Bureau of Highways.	
Foremen, Assistant Foremen, Mechanics and Laborers.....	538
Teams.....	17
Horses and carts.....	73
Bureau of Sewers.	
Foremen, Assistant Foremen, Drivers, Sounders, Mechanics and Laborers....	170
Horses and carts.....	20
Bureau of Street Cleaning.	
District Superintendent, Foremen, Assistant Foremen, Mechanics, Helpers, Drivers, Laborers and Clerks.....	124
Teams and trucks.....	29
Horses and carts.....	92
Bureau of Public Buildings and Offices.	
Clerks, Foremen, Engineer, Firemen, Stokers, Carpenters, Plumbers, Pipe Fitters, Tinsmith, Helpers, Painters, Laborers, Cleaners, Janitors, Mason, Helpers and Attendant.....	66
Bureau of Topographical Surveys.	
Engineer in charge, Assistant Engineer, Laborers, Sounders, Rodmen, Drivers, Foremen, Assistant Foremen, Draughtsmen, Transitmen, Computers, Riggers, Axemen and Flaggers.....	229
Horses and wagons.....	4

ALFRED DENTON,
Commissioner of Public Works, Borough of Queens.

Approved:
Lawrence Gresser, President of the Borough of Queens.

BOROUGH OF QUEENS.

COMMISSIONER OF PUBLIC WORKS.

Sir—In accordance with the provisions of section 1546 of chapter 466 of the Laws of 1901, I transmit herewith the following report of the transactions of the office of the Commissioner of Public Works, Borough of Queens, for the week ending April 25, 1908:

Public Moneys Received During the Week.

For restoring pavement over street openings.....	\$319 54
For shed permits	290 00
Total	\$609 54

Requisitions Drawn on Comptroller.

Bureau of Highways.....	\$15,891 70
Bureau of Street Cleaning.....	7,311 03
Total	\$23,202 73

Permits Issued.

To open streets to tap water pipes.....	56
To open streets to repair water connections.....	20
To open streets to make sewer connections.....	32
To open streets to repair sewer connections.....	7
To place building material on streets.....	20
Special	43
To cross sidewalks	19
For subways, steam mains and various connections.....	11
For railway construction and repairs.....	1
To repair sidewalks	35
For sewer connections	29
For sewer repairs	6
For other purposes	4
Total	283

Bureau of Sewers.

Linear feet of sewer cleaned.....	8,550
Number of basins cleaned.....	135
Linear feet of sewer examined.....	4,050
Linear feet of sewer flushed.....	11,920
Number of basins examined.....	102
Number of basins repaired.....	4
Number of basins flushed.....	50
Linear feet of sewer repaired.....	308
Number of basin heads reset.....	2
Number of manhole heads and covers set.....	1
Number of manholes flushed	85
Number of manhole covers put on.....	2
Number of manholes cleaned.....	105
Open drains cleaned, feet.....	2,220
Culvert and stone drains cleaned and repaired, feet.....	235
Box and pipe drains cleaned and repaired, feet.....	60
Material Used—1½ barrels cement, 300 brick, 2 pounds spikes, 14 feet of planks, 20 pounds nails.	
Loads removed from basins and drains.....	
Loads of stone used.....	4
Loads of sand used.....	7

Street Sweepings, Garbage, etc., Collected and Disposed of.

Ashes, loads	2,630
Sweepings, loads	1,162½
Rubbish, loads	436¾
Garbage, loads	400¼
Miles of street swept.....	75

Bureau of Topographical Surveys.

Damage Maps—Harman street, Fairview avenue, Hill street, Halsey street, Emma street, Stockholm street, DeKalb avenue, Hancock street, Bradley avenue, Greene avenue.	
Profiles—Hancock street, High street, Hill street, Bradley avenue, Greene avenue.	
Rule Maps—Greene avenue.	
Final Maps—Central avenue.	
Copying old maps and records at County Clerk's office, Jamaica.	
Calculation and plotting of field work.	
Plane Table Survey—Far Rockaway.	
Monumenting—Long Island City, Newtown, Corona, Richmond Hill, Woodside.	
Traverse, Location and Level Work—Far Rockaway and College Point.	
Triangulation.	

Bureau of Public Buildings and Offices.

Statement of Laboring Force Employed Week Ending April 25, 1908.	
Bureau of Highways.	

Foremen, Assistant Foremen, Mechanics and Laborers.....	537
Teams	17
Horses and carts	75

Bureau of Sewers.

Foremen, Assistant Foremen, Drivers, Sounders, Mechanics and Laborers..	170
Horses and carts	20

Bureau of Street Cleaning.

District Superintendent, Foremen, Assistant Foremen, Mechanics, Helpers, Drivers, Laborers and Clerks.....	125
Teams and trucks	29
Horses and carts	87

Bureau of Public Buildings and Offices.

Clerks, Foremen, Engineer, Firemen, Stokers, Carpenters, Plumbers, Pipe Fitters, Tinsmith, Helpers, Painters, Laborers, Cleaners, Janitors, Mason, Helpers and Attendant.....	67
Horses and wagons	4

Bureau of Topographical Surveys.

Engineer in Charge, Assistant Engineer, Laborers, Sounders, Rodmen, Drivers, Foremen, Assistant Foremen, Draughtsmen, Transitmen, Computers, Riggers, Axemen and Flaggers.....	231
Horses and wagons	4

ALFRED DENTON,

Commissioner of Public Works, Borough of Queens.

Approved:
Lawrence Gresser, President of the Borough of Queens.

DEPARTMENT OF HEALTH.

Week Ending Saturday, 12 M., June 27, 1908.

Boroughs.	Population State Census 1905.	Estimated Population Middle of Year 1908.	Deaths.									
			1907.	1908.	*Corrected, 1908.	Births.	Marriages.	Still-births.	1907.	1908.	*Corrected, 1908.	
Manhattan	2,112,697	2,292,804	751	676	633	1,175	614	85	17,55	15,38	14,40	
The Bronx	271,629	327,553	108	119	113	101	51	10	18,28	18,95	18,00	
Brooklyn	1,358,891	1,492,970	427	440	424	606	205	59	15,38	15,38	14,82	
Queens	198,241	232,580	51	62	56	119	26	6	12,05	13,91	12,56	
Richmond	72,846	76,688	27	34	29	27	13	1	18,68	23,13	19,73	
City of New York	4,014,304	4,422,685	1,364	1,331	1,255	2,208	909	161	16,60	15,70	14,80	

* Non-residents and infants under one week old not included.

† The presence of several large institutions, the great majority of whose inmates are residents of the other Boroughs, increases considerably the death-rate of this Borough.

Cases of Infectious and Contagious Diseases Reported.

	Week Ending—												
	Apr. 4.	Apr. 11.	Apr. 18.	Apr. 25.	May 2.	May 9.	May 16.	May 23.	June 6.	June 13.	June 20.	June 27.	
Tuberculosis Pulmonalis	531	570	446	439	482	518	403	420	332	440	400	428	406
Diphtheria and Croup	300	368	436	344	425	394	400	397	344	268	353	377	286
Measles	1,778	1,877	1,040	1,891	1,652	1,668	1,513	1,555	1,238	1,322	1,031	841	658
Scarlet Fever	997	985	1,005	929	855	908	1,173	1,053	635	498	513	410	360
Small-pox	166	166	108	153	158	136	134	144	213	171	122	108	116
Varicella	166	166	108	153	158	136	134	144	213	171	122	108	116
Typhoid Fever	28	23	19	33	36	32	25	32	45	35	38	58	58
Whooping Cough	29	12	13	14	27	32	37	24	26	25	25	48	17
Cerebro-Spinal Meningitis	9	14	7	12	12	8	13	12	9	7	7	7	3
Total	3,928a	4,015b	3,676c	3,815d	3,648e	3,696f	3,708g	3,637h	2,829i	2,776k	2,486l	2,258m	1,904n

a. Includes 4 cases of measles from Ellis Island.

b. Includes 5 cases of measles and 2 scarlet fever from Ellis Island.

c. Includes 8 cases of measles, 1 small-pox, 1 scarlet fever from Ellis Island.

d. Includes 12 cases of measles, 1 diphtheria, 3 scarlet fever and 1 varicella from Ellis Island.

e. Includes 6 cases of measles and 1 varicella from Ellis Island.

f. Includes 7 cases of measles from Ellis Island.

g. Includes 6 cases of measles from Ellis Island.

h. Includes 6 cases of measles and 2 varicella from Ellis Island.

i. Includes 30 cases of measles and 3 varicella from Ellis Island.

k. Includes 4 cases of measles, 2 scarlet fever and 1 varicella from Ellis Island.

l. Includes 8 cases of measles from Ellis Island.

m. Includes 4 cases of measles from Ellis Island.

n. Includes 4 cases of measles, 3 scarlet fever and 1 varicella from Ellis Island.

Deaths by Principal Causes, According to Locality and Age.

Boroughs.	Contagious Diseases Detailed Elsewhere	Malaria	Diseases.	Whooping Cough.		Tuberculosis Pulmonalis.	Cerebro-Spinal Meningitis.	Bronchitis.	Diarrheal Diseases under 5 Years.	Pneumonia.	Broncho Pneumonia.	Suicides.	Homicides.	Accidents.	Under 1 Year.	Under 5 Years.	Under 5 Years.	5-65 Years.	65 Years and Over.
				Males.	Females.														
Manhattan	39	1	2	76	1	4	75	70	29	41	6	2	61	172	243	361	72		
The Bronx	13	1	2	31	1	4	71	69	3	1	3	3	4	21	28	30	14		
Brooklyn	25	2	47	47	1	4	71	69	25	21	4	1	25	110	157	215	68		
Queens	4	3	7	7	2	2	1	1	1	1	1	1	5	14	18	35	9		
Richmond	3	3	7	7	2	2	1	1	1	1	1	1	5	7	8	17	9		
Total	84	2	4	168	2	9	164	156	59	65	14	4	96	324	454	705	172		

Deaths According to Cause, Age and Sex.

	Total Deaths.	Deaths in Corresponding Week of 1907.	Males.	Females.	Under 1 Year.		1 Year and Under 2.		2 and Under 5.		Under 5 Years.		5-15.		15-25.		25-45.		45-65.		65 and Over.	
					Under 1 Year.	1 Year and Under 2.	2 and Under 5.	Under 5 Years.	5-15.	15-25.	25-45.	45-65.	65 and Over.	5-15.	15-25.	25-45.	45-65.	65 and Over.	5-15.	15-25.	25-45.	45-65.
* Total, all causes....	1,331	1,364	690	641	324	67	63	454	71	88	293	253	172									
1. Typhoid Fever	7	6	5	2	2	1	1	1	1	1	1	1	1									
2. Malaria	2	1	2	1	1	1	1	1	1	1	1	1	1									
3. Small-pox	1	1	1	1	1	1	1	1	1	1	1	1	1									
4. Measles	19	34	9	10	6	7	5	18	1	1	1	1	1									
5. Scarlet Fever	30	29	10	11	5	12	17	13	1	1	1	1	1									
6. Whooping Cough	4	12	2	2	4	4	4	4	1	1	1	1	1									
7. Diphtheria and Croup	28	41	12	16	4	3	15	22	6	1	1	1	1									
8. Influenza	1	1	1	1	1	1	1	1	1	1	1	1	1									
9. Other Epidemic Diseases	8	10	2	6	4	4	3	2	4	4	4	4	4									
10. Tuberculosis Pulmonalis	168	142	103	63	2	2	2	4	2	4	34	90	30	8								

Borough.	Wards.	Sickness.						Deaths Reported.							
		Typhoid Fever.	Small-pox.	Measles.	Scarlet Fever.	Diphtheria and Croup.	Tuberculosis Pulmonalis.	Typhoid Fever.	Small-pox.	Measles.	Scarlet Fever.	Diphtheria and Croup.	Tuberculosis Pulmonalis.	Pneumonia.	Broncho-Pneumonia.	All Causes.
Richmond.	First	..	..	8	1	1	1	..	..	..	1	3	1	1	15
	Second	1	..	3	1	1	2	1	..	..	..	2	..	..	6
	Third	..	..	4	2	..	..	..	..	..	1	..	..	..	2
	Fourth	..	..	1	..	..	..	..	..	..	..	..	..	..	..
	Fifth	..	..	16	4	3	4	1	..	..	1	7	1	1	34
Total.		2	..	16	4	3	4	1	..	..	1	7	1	1	34

Week of June 20, 1908 (Correction).

Richmond.	Wards.	Typhoid Fever.	Small-pox.	Measles.	Scarlet Fever.	Diphtheria and Croup.	Tuberculosis Pulmonalis.	Typhoid Fever.	Small-pox.	Measles.	Scarlet Fever.	Diphtheria and Croup.	Tuberculosis Pulmonalis.	Pneumonia.	Broncho-Pneumonia.	All Causes.	
		First	Second	Third	Fourth	Fifth	Total	10	3	..	1	..	1	..	3	..	8
	First	..	..	10	3	..	..	..	..	..	..	..	..	..	..	..	..
	Second	..	..	1	7	..	1	..	..	..	..	..	..	..	..	..	..
	Third	..	..	2	4	5	1	..	..	..	..	..	..	..	..	..	..
	Fourth	..	..	4	..	..	..	..	..	..	..	..	..	..	..	..	..
	Fifth	..	..	4	1	..	1	..	..	..	..	..	..	..	..	..	..
	Total	..	..	21	15	5	3	..	..	..	..	..	..	..	..	..	..

Chemical Analysis of Croton Water, June 24, 1908.

	Results Expressed in Parts by Weight in One Hundred Thousand.	Results Expressed in Grains Per U. S. Gallon of 231 Cubic Inches.	Appearance	
			Color	Odor (Heated to 100° Fahr.)
Chlorine in Chlorides	..	..	Slightly turbid.	Slightly yellow.
Equivalent to Sodium Chloride	..	..	Decided vegetable.	..
Phosphates (P ₂ O ₅)	..	..	0.140	0.082
Nitrogen in Nitrites	..	..	0.231	0.134
Nitrogen in Nitrates	..	..	None.	None.
Free Ammonia	..	..	0.0240	0.0140
Albuminoid Ammonia	..	..	0.0050	0.0029
Hardness equivalent to Carbonate of Lime	Before boiling	..	0.0140	0.0082
	After boiling	..	2.73	1.59
Organic and volatile (loss on ignition)	..	..	2.08	1.22
Mineral matter (non-volatile)	..	..	3.00	1.74
Total solids (by evaporation)	..	..	4.90	2.86
		..	7.90	4.60

Temperature at hydrant, 64° Fahr.

Chemical Analysis of Ridgewood Water, June 22, 1908.

	Results Expressed in Parts by Weight in One Hundred Thousand.	Results Expressed in Grains Per U. S. Gallon of 231 Cubic Inches.	Appearance	
			Color	Odor (Heated to 100° Fahr.)
Chlorine in Chlorides	..	..	Slightly turbid.	Slightly yellow.
Equivalent to Sodium Chloride	..	..	..	..
Phosphates (P ₂ O ₅)	..	..	0.100	0.041
Nitrogen in Nitrites	..	..	1.811	1.056
Nitrogen in Nitrates	..	..	None.	None.
Free Ammonia	..	..	0.240	0.1399
Albuminoid Ammonia	..	..	0.0014	0.0082
Hardness equivalent to Carbonate of Lime	Before boiling	..	0.0120	0.0060
	After boiling	..	3.51	2.04
Organic and volatile (loss on ignition)	..	..	3.51	2.04
Mineral matter (non-volatile)	..	..	2.00	1.69
Total solids (by evaporation)	..	..	7.80	4.55
		..	10.70	6.24

Temperature at hydrant, 66° Fahr.

Bacteriological Examination of Croton Water, June 24, 1908.

Colonies developed from 1 c. c. at 37° C.=.28.
 Colonies developed from 1 c. c. at 24° C.=.124.
 Bacilli of colon group present in 1 c. c. not present in 1/10 c. c.
 Microscopical Examinations are not made at this laboratory.

LAW DEPARTMENT.

The following schedules form a brief extract of the transactions of the office of the Corporation Counsel for the week ending June 20, 1908, as required by section 1546 of the Greater New York Charter.

Note—The City of New York, or the Mayor, Aldermen and Commonalty of The City of New York is defendant, unless otherwise mentioned.

SCHEDULE "A."
Suits and Special Proceedings Instituted.

Court.	Register and Folio.	When Commenced.	Title of Action.	Nature of Action.
Supreme...	B 385	June 15, 1908	Continental Insurance Co. (ex rel.) vs. Commissioners of Taxes and Assessments	Certiorari to review assessment on relator's bank shares for 1901.
Supreme...	B 425	June 15, 1908	Continental Insurance Co. (ex rel.) vs. Commissioners of Taxes and Assessments	Certiorari to review assessment on relator's bank shares for 1902.
Supreme...	C 346	June 15, 1908	Continental Insurance Co. (ex rel.) vs. Commissioners of Taxes and Assessments	Certiorari to review assessment on relator's bank shares for 1903.
Supreme...	Sup. R. Co. 71 335	June 15, 1908	Wason, Edith I.....	Personal injuries, fall, deck of ferry-boat "Richmond," condition of same, \$10,000.
Supreme...	71 336	June 15, 1908	Willets, John T., vs. Jacob Fuschel et al...	To foreclose mortgage.
*Sup., K. Co.	71 337	June 15, 1908	Rourke, Lillian V. (ex rel.), vs. Herman A. Metz	Mandamus to compel payment of certain sum.
Supreme...	71 338	June 15, 1908	New York Edison Co. (No. 26).....	For electrical power furnished bridge house and tower signal, 145th st. and Lenox ave., \$2,271.54.
Supreme...	E 452	June 15, 1908	Continental Insurance Co. (ex rel.) vs. Department of Taxes and Assessments	Certiorari to review assessment on relator's bank shares for 1905.
Supreme...	F 321	June 15, 1908	Continental Insurance Co. (ex rel.) vs. Department of Taxes and Assessments	Certiorari to review assessment on relator's bank shares for 1906.
Supreme...	G 302	June 15, 1908	Continental Insurance Co. (ex rel.) vs. Department of Taxes and Assessments	Certiorari to review assessment on relator's bank shares for 1907.

"Prevailing Rate of Wages" Actions.

Court.	Register and Folio.	When Commenced.	Title.	Department.	Amount.
Supreme...	71 363	June 19, 1908	Brady, John.....	Charities.....	\$2,370 00

ENGINEER—John E. Judge, Attorney.

SCHEDULE "B."					
Judgments, Orders and Decrees Entered.					
People ex rel. William F. O'Brien vs. E. J. Butler; People ex rel. Consolidated Gas Company vs. J. L. Wells et al.—Entered Appellate Division orders confirming orders of Special Term with costs to defendants.					
People ex rel. Michael Healey vs. T. A. Bingham; People ex rel. Joseph A. Waserman vs. same—Entered Appellate Division orders dismissing writs of certiorari and affirming proceedings of defendants.					
People ex rel. Townsend Wandell et al. vs. F. A. O'Donnell et al. (1904 and 1905)—Order entered reducing assessment on relators' property to \$44,000.					
William H. Wright and another—Order entered directing that exceptions be heard at Appellate Division in the first instance.					
In re Samuel Fisher (and fourteen similar proceedings)—Entered orders denying motions to strike names from enrollment books.					
People ex rel. Roosevelt Hospital vs. F. Raymond et al—Entered Appellate Division order reversing Special Term order vacating assessment and quashing writ of certiorari with costs; filed enrollment on Appellate Division order of reversal for \$202.80 costs.					
People ex rel. Pennsylvania, New York and Long Island Railroad Company vs. F. A. O'Donnell et al.—Order entered granting defendants' motion to confirm referee's report.					
People ex rel. Charles F. Bandel vs. T. Darlington et al.—Appellate Division order entered affirming order granting peremptory writ of mandamus.					
New England Navigation Company vs. T. F. O'Connor—Entered order discontinuing action without costs.					
People ex rel. Coney Island Land and Dock Company vs. F. A. O'Donnell et al. (1904, 1905, 1906 and 1907)—Orders entered granting relator's motion to confirm referee's report.					
People ex rel. Abraham Cohen vs. E. J. Butler—Order entered granting relator's motion to tax defendant's costs.					
People ex rel. Robert L. Morrell vs. F. Raymond et al.—Entered order reducing assessment on relator's real property for 1906 from \$307,000 to \$275,000.					
Lake Gleneida—Entered order on remittitur from Court of Appeals affirming order confirming report of Commissioners of Appraisal. Entered judgment on order of remittitur for \$113.14 costs in favor of The City of New York.					
William B. Dinning vs					

People ex rel. Bryant Building Company vs. L. Purdy et al.—Order entered referring cause to Joseph P. Morrissey, Esq.
 People ex rel. James R. Roosevelt et al. vs. L. Purdy et al.; People ex rel. Eleanor K. Jay vs. same—Orders entered referring causes to Thomas E. Rush, Esq.
 People ex rel. Frederick Rauch vs. T. A. Bingham—Entered Appellate Division order affirming order denying motion for mandamus without costs.
 Louis Napoleon Levy vs. B. S. Coler et al.—Entered ordered discontinuing action without costs.

Sadie Brennan—Entered judgment in favor of the defendant dismissing the complaint and for \$113 costs.

Abraham Goldstein; Fannie Goldstein—Entered orders changing venues to New York County.

Emilie R. Dow; Katie Haas—Entered orders discontinuing actions without costs.
 Margaret Kelly—Entered Appellate Division order affirming order setting aside verdict in favor of plaintiff; entered judgment on Appellate Division order of affirmance for \$82.32 costs in favor of defendant.

Judgments Were Entered in Favor of the Plaintiffs in the Following Actions.

Date.	Name.	Register and Folio.	Amount.
April 10, 1908	McCann, Daniel	56 307	\$2,634 14
June 5, 1908	Burns, William M.	38 308	5,100 00
June 5, 1908	Coyle, Edward J.	38 309	1,200 00
June 5, 1908	Coyle, James	38 316	500 00
June 5, 1908	Gladwin, Charles Clinton	41 269	1,100 00
June 5, 1908	Roy, Charles H.	38 311	2,100 00
June 5, 1908	Stark, Nora I., infant, etc.	38 313	5,100 00
June 5, 1908	Steller, George	38 114	2,100 00
June 5, 1908	Stark, John M.	38 317	600 00
June 5, 1908	Varcoe, William R., administrator	39 115	1,600 00
June 5, 1908	Yonon, Samuel	39 314	1,600 00
June 13, 1908	Barrett Manufacturing Company	68 48	904 26
June 17, 1908	Heatherton, Margaret L.	70 100	750 00

SCHEDULE "C."

Record of Court Work.

Queens Borough Corporation; Kissena Park Corporation; Frederick G. Randell—Submitted at Appellate Division. Decision reserved. T. Connolly for the City. "Judgments and orders affirmed with costs."

Uvalde Asphalt Paving Company—Argued at Appellate Division. Decision reserved. T. Connolly for the City.

Deraisnes Engine Company; Deraisnes Hose Company—Motions to dismiss appeals argued at Appellate Division. Decision reserved. E. S. Malone for the City. "Motion denied."

Knickerbocker Trust Company vs. Brooklyn Ferry Company of New York et al.—Motion to compel Receiver to abolish ferry service maintained by defendant argued before Kelly, J. Decision reserved. L. H. Hahlo for the City. "Motion denied."

Mary Moselli—Tried before Lynn, J., and a jury, in Municipal Court. Complaint dismissed. J. W. Goff, Jr., for the City.

People ex rel. Lispenard Stewart et al. vs. T. L. Feitner et al.—Reference proceeded and adjourned. R. M. deAcosta for the City.

People ex rel. Leo Schlesinger vs. F. A. O'Donnell et al.—Tried before Truax, J. Decision reserved. G. H. Folwell for the City.

People ex rel. Leo Schlesinger vs. F. Raymond et al. (1906); People ex rel. Same vs. L. Purdy et al. (1907). Tried before Truax, J. Reference ordered. G. H. Folwell for the City.

People ex rel. George Kemp Real Estate Company vs. F. A. O'Donnell et al.—Motion to confirm referee's report argued before Dowling, J. Decision reserved. W. H. King for the City.

Julius Sagebiel vs. City of New York et al.—Tried before Platzek, J., and a jury; juror withdrawn. J. A. Stover for the City.

Pietro Traverso—Tried before Fitzgerald, J., and a jury. Verdict for plaintiff for \$150. F. X. McQuade for the City.

Adolph Morris and another—Motion to resettle order argued before Blanchard, J. Decision reserved. F. Martin for the City.

People ex rel. John E. Marsh as executor vs. F. A. O'Donnell et al.—Tried before Truax, J. Decision reserved. R. M. deAcosta for the City.

People ex rel. Brooklyn, Queens County and Suburban Railroad Company vs. G. W. Priest et al.; People ex rel. Brooklyn Heights Railroad Company vs. Same (1905 and 1906)—Reference proceeded and adjourned. C. A. Peters for the City.

People ex rel. Third Avenue Railroad Company vs. G. W. Priest et al.—Reference proceeded and closed. C. A. Peters for the City.

In re Josephine Henschel—Motion for order directing Register to discharge mortgage submitted to Blanchard, J. Decision reserved. C. A. O'Neil for the City.

City of New York vs. New York Mutual Gas Light Company—Demurrer argued before Greenbaum, J. Decision reserved. F. B. Pierce for the City.

Stapleton Ferry Terminal (Re Staten Island Railway Company)—Motion for payment of interest on award argued before Kelly, J. Decision reserved. F. J. Byrne for the City.

People ex rel. Lispenard Stewart et al. vs. T. L. Feitner et al.—Reference proceeded and adjourned. R. M. deAcosta for the City.

Minnie R. Tannenbaum—Motion for reargument of appeal submitted at Appellate Division. Decision reserved. T. Connolly for the City.

People ex rel. Apostleship of Prayer vs. L. Purdy et al.—Submitted at Appellate Division. Decision reserved. D. Rumsey for the City.

People ex rel. Carroll L. Mosher vs. F. Crowell; People ex rel. Israel Benjamin vs. A. J. O'Keefe et al.—Argued at Appellate Division. Decision reserved. T. Connolly for the City.

Laura J. Sechler, an infant, etc., vs. R. Walsh—Tried before Greenbaum, J. Decision reserved. J. F. O'Brien for the City.

Mary M. Pedrich, as administratrix—Tried before Fitzgerald, J., and a jury. Verdict for plaintiff for \$500. C. F. Collins for the City.

People ex rel. Jamaica Water Supply Company vs. L. H. Stearns et al.—Reference proceeded and closed. C. A. Peters for the City.

Rudolph Maisch—Argued at Appellate Division. Decision reserved. J. D. Bell for the City.

People ex rel. Thomas Leonard vs. T. A. Bingham; Mary Ann Kelly; Louis Gottlieb—Submitted at Appellate Division. Decision reserved. J. D. Bell for the City.

Edward F. Gaetjens, an infant; Leo Oetjens, an infant—Argued at Appellate Division. Decision reserved. P. E. Callahan for the City.

Rose C. Hoye vs. J. T. Oakley—Submitted at Appellate Division. Decision reserved. E. H. Wilson for the City.

Abraham Goldstein; Fannie Goldstein—Motion to change venue to New York County argued before Kelly, J. Decision reserved. S. K. Probasco for the City. "Motion granted."

Hearings Before Commissioners of Estimate in Condemnation Proceedings.

Brooklyn Bridge; Piers 32 and 33, East River, dock; Pier 36, East River, dock; Fifteenth to Eighteenth street, North River, dock, one hearing each. C. D. Olen-dorf for the City.

Rapid Transit (Fort George), three hearings; Bridge No. 3 (Manhattan approach), two hearings; Subway Loop Proceeding No. 1, one hearing. J. J. Squier for the City.

Subway Loop Proceeding No. 5, three hearings. H. W. Mayo for the City.

SCHEDULE "D."

Contracts, etc., Drafted, Examined and Approved as to Form.

Department.	Contracts Approved as to Form.	Contracts Examined and Returned for Revision.	Advertisements Approved as to Form.
Board of Education	27	1	1
Park Department	9	1	8
Borough Presidents	7	..	3
Dock Department	3	1	3
Department of Charities	2	..	2
Department of Bridges	2	..	..
Street Cleaning Department	2	..	..
Police Department	1	..	1
Department of Water Supply, Gas and Electricity	1	1	..
Department of Correction	1	..	1
Trustees, College of The City of New York	1
Total	56	4	21

Bonds Approved.

Finance Department	11
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Leases Approved.

Sinking Fund Commissioners	7
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Agreements Approved.

Borough Presidents	1
Board of Water Supply	1

Total	2
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SCHEDULE "E."

Opinions Rendered to the Various Departments.

Department.	Opinions Rendered.
Finance Department	20
Borough Presidents	4
Board of Estimate and Apportionment	4
Department of Taxes and Assessments	3
Department of Water Supply, Gas and Electricity	3
Fire Department	2
Board of Education	2
Police Department	1
Board of Water Supply	1
Department of Bridges	1
Department of Buildings	1
Park Department	1
Sinking Fund Commissioners	1
Total	44

FRANCIS K. PENDLETON,
Corporation Counsel.

CHANGES IN DEPARTMENTS, ETC.

DEPARTMENT OF DOCKS AND FERRIES.

July 3—The Commissioner has transferred Daniel Sullivan No. 2 from the position of Dock Laborer to that of Stoker, with pay at the rate of 43 $\frac{3}{4}$ cents per hour while employed, to take effect Saturday, July 4, 1908.

George W. Patterson, formerly employed as a Stationary Engineman, died on the 2d inst. His name has been dropped from the list of employees.

BOARD OF EDUCATION.

June 25—At a meeting of the Board of Education held on the 24th inst. action relative to appointments, transfers, etc., was taken as follows:

The salaries of the following named employees were fixed at the amounts indicated:

Bureau of Supplies.

Catherine Webb, Stenographer and Typewriter, \$1,200.

Genevieve A. Burns, Stenographer and Typewriter, \$900.

Abigail G. Sheehan, Stenographer and Typewriter, \$750.

Thomas Armstrong, Clerk, \$420.

City Superintendent's Office.

Mary B. Herlihy, Typewriting Copyist, \$1,350.

Hattie Witt, Stenographer and Typewriter, \$1,200.

Georgestine Atkins, Stenographer and Typewriter, \$1,500.

Lola E. Patton, Stenographer and Typewriter, \$1,500.

Clarence E. Dow, Stenographer and Typewriter, \$1,500.

Morris High School.

Minnie Keil, Clerk, \$1,200.

Washington Irving High School.

Ethel Gittoe, Stenographer and Typewriter, \$1,050.

The action of the Committee on Buildings in appointing the following named persons, on the dates and at the rates of compensation mentioned, was approved and ratified:

Henry McArdle, No. 312 East One Hundred and Fortieth street, The Bronx, first grade Clerk, \$300 per annum; June 10, 1908.

Alan K. More, No. 1986 Bathgate avenue, Junior Draughtsman, \$17.50 per week; June 8, 1908.

Joseph H. F. Branson, No. 782 Madison street, Brooklyn, Junior Draughtsman, \$17.50 per week; June 8, 1908.

The action of the Committee on Buildings in placing Alexander Simpson, Inspector of Heating and Ventilating, in charge of the heating and ventilating division of the Bureau of School Buildings, Borough of Brooklyn, and increasing his compensation from \$30 to \$36 per week, was approved and ratified.

The action of the Committee on Buildings in increasing the salary of James L. Brush, Jr., Draughtsman, from \$30 to \$32.50 per week, was approved and ratified.

The action of the Committee on Buildings in changing the compensation of Louis Buisson, Plumber's Apprentice, from \$2 per day to \$12 per week was approved and ratified.

The action of the Committee on Buildings in appointing as Typewriting Copyist on June 16, 1908, Jane M. Reid, of No. 17 Kelly avenue, Woodside, Borough of Queens, at a salary of \$600 per annum, was approved and ratified.

The salary of Mrs. Lizzie Mouhot, Cook at the Brooklyn Truant School, was increased from \$30 per month, without maintenance, to \$40 per month, without maintenance, to take effect September 1, 1908.

The action of the Committee on Care of Buildings in increasing the compensation attached to the position of Janitor of Public School 41, Borough of Manhattan, from \$1,716 to \$2,424 per annum, taking effect April 15, 1908, was approved and ratified.

The action of the Committee on Care of Buildings in fixing the salaries of the following named Cleaners at the amounts set opposite their names, taking effect June 1, 1908, was approved and ratified:

Vito Frascella, Public School 188, Manhattan, present salary, \$480; proposed salary, \$540.

Agnes O'Keefe, Public School 188, Manhattan, present salary, \$360; proposed salary, \$420.

Owen Kenny, Public School 188, Manhattan, present salary, \$540; proposed salary, \$600.

William J. Caroll, Manual Training High School, present salary, \$540; proposed salary, \$600.

Norah O'Connor, Public School 1, Queens, present salary, \$420; proposed salary, \$480.

Ella Stine, Public School 81, Queens, present salary, \$420; proposed salary, \$480.

Wayman Lee, Public School 83, Queens, present salary, \$540; proposed salary, \$600.

Michael E. Kent, Bryant High School, present salary, \$480; proposed salary, \$540.

Herbert L. Carll, Bryant High School, present salary, \$480; proposed salary, \$540.

The action of the Committee on Care of Buildings in increasing the compensation attached to the position of Janitor of the High School of Commerce, Borough of Manhattan, from \$4,716 to \$4,992 per annum, taking effect May 1, 1908, was approved and ratified.

A resolution adopted June 10, 1908, was amended so as to show the transfer of Charles B. Wright, Stoker, from Public School 6, Queens, to Public School 28, Queens, at a compensation of \$792 per annum, taking effect June 1, 1908.

The action of the Committee on Supplies in appointing Miss Mae M. Gaffney, of No. 433 East One Hundred and Sixty-second street, The Bronx, as Typewriting Copyist in the Bureau of School Buildings, the appointment taking effect June 22, 1908, and the compensation to be at the rate of \$600 per annum, was approved and ratified.

It was decided to continue the services of Frank MacDavitt, temporary Clerk (cataloguer), employed in the Bureau of Audit and Accounts, for a period of three months from June 15, 1908, at the rate of \$50 per month.

DEPARTMENT OF BRIDGES.

July 3—The compensation of Charles P. Herr, No. 111 Nassau avenue, Brooklyn, Machinist, is fixed at \$1,200 per annum, to date from July 1, 1908.

The compensation of James Flaherty, Haskin street near Throggs Neck, Fort Schuyler road, near Eastern boulevard, The Bronx, Ship Carpenter, is fixed at 56 1/4 cents per hour, to date from July 5, 1908.

DEPARTMENT OF PARKS.

Borough of The Bronx.

July 3—Discharge of Frederick V. Lehne, Ryer avenue, between One Hundred and Eighty-first and One Hundred and Eighty-second streets, Automobile Engineer.

July 2—Appointment of Edward O'Hare, No. 1353 Webster avenue, Driver with wagon and team, at a compensation at the rate of \$4.50 per diem, to take effect July 4, 1908.

BOARD OF WATER SUPPLY.

July 3—The Board of Water Supply has made the following appointment:

Michael R. Stack, No. 81 East One Hundred and Fourteenth street, Inspector of Masonry, \$4.50 per day; June 29.



OFFICIAL DIRECTORY.

STATEMENT OF THE HOURS DURING which the Public Offices in the City are open for business and at which the Courts regularly open and adjourn, as well as the places where such offices are kept and such Courts are held, together with the heads of Departments and Courts.

CITY OFFICES.

MAYOR'S OFFICE.

No. 5 City Hall, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 820 Cortlandt.

GEORGE B. McCLELLAN, Mayor.

Frank M. O'Brien, Secretary.

William A. Willis, Executive Secretary.

James A. Rierdon, Chief Clerk and Bond and Warrant Clerk.

BUREAU OF WEIGHTS AND MEASURES.

Room 7, City Hall, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 820 Cortlandt.

Patrick Derry, Chief of Bureau.

Principal Office, Room 1, City Hall. Gaetano D'Amato, Deputy Chief, Boroughs of Manhattan and The Bronx.

Branch Office, Room 12, Borough Hall, Brooklyn. James J. Kinsella, Deputy Chief, Borough of Brooklyn.

Branch Office, Richmond Borough Hall, Room 23, New Brighton, S. I. William R. Woelfle, Financial Clerk, Borough of Richmond.

Branch Office, Hackett Building, Long Island City, Borough of Queens.

AQUEDUCT COMMISSIONERS.

Room 207, No. 280 Broadway, 5th floor, 9 a. m. to 4 p. m.

Telephone, 1942 Worth.

The Mayor, the Comptroller, ex-officio, Commissioners John F. Cowan (President), William H. Ten Eyck, John J. Ryan and John P. Windolph; Harry W. Walker, Secretary; Walter H. Sears, Chief Engineer.

ARMORY BOARD.

Mayor George B. McClellan, the President of the Board of Aldermen, Patrick F. McGowan, Brigadier-General George Moore Smith, Brigadier-General John G. Eddy, the President of the Department of Taxes and Assessments, Lawson Purdy.

Harrie Davis, Secretary, Room 6, Basement, Hall of Records, Chambers and Centre Streets.

Office hours, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 3900 Worth.

ART COMMISSION.

City Hall, Room 21.

Telephone call, 1107 Cortlandt.

Robert W. de Forest, Trustee Metropolitan Museum of Art; President; Frank D. Millet, Painter, Vice-President; Howard Mansfield, Secretary; A. Augustus Healy, President of the Brooklyn Institute of Arts and Sciences; George B. McClellan, Mayor of The City of New York; John Bigelow, President of New York Public Library; John J. Boyle, Sculptor; Arnold W. Brunner, Architect; John B. Pine, Charles Howland Russell.

John Quincy Adams, Assistant Secretary.

BELLEVUE AND ALLIED HOSPITALS.

Office, Bellevue Hospital, Twenty-sixth street and First avenue.

Telephone, 4400 Madison Square.

Board of Trustees—Dr. John W. Brannan, President; James K. Paulding, Secretary; Arden M. Robins, Samuel Sachs, Leopold Stern, John J. Barry, John G. O'Keefe, Robert W. Hebbard, ex-officio.

General Medical Superintendent, S. T. Armstrong, M. D.

BOARD OF ALDERMEN.

No. 11 City Hall, 10 a. m. to 4 p. m.; Saturdays

10 a. m. to 12 m.

Telephone, 7560 Cortlandt.

Patrick F. McGowan, President.

P. J. Scully, City Clerk.

BOARD OF ASSESSORS.

Office, No. 320 Broadway, 9 a. m. to 4 p. m.; Saturdays

12 a. m.

Antonio Zucca.

Paul Weimann.

James H. Kennedy.

William H. Jasper, Secretary.

Telephone, 29, 30 and 31 Worth.

BOARD OF ELECTIONS.

Headquarters, General Office, No. 107 West Forty

first street.

Commissioners—John T. Dooling (President), Charles B. Page (Secretary), Rudolph C. Fuller, James Kane.

A. C. Allen, Chief Clerk.

BOROUGH OFFICES.

Manhattan.

No. 112 West Forty-second street.

William C. Baxter, Chief Clerk.

The Bronx.

One Hundred and Thirty-eighth street and Mott

avenue (Solingen Building).

Cornelius A. Bunner, Chief Clerk.

Brooklyn.

No. 42 Court street (Temple Bar Building).

George Russell, Chief Clerk.

Queens.

No. 46 Jackson avenue, Long Island City.

Carl Voegel, Chief Clerk.

RICHMOND.

Borough Hall, New Brighton, S. I. Charles M. Schwalbe, Chief Clerk. All offices open from 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

BOARD OF ESTIMATE AND APPORTIONMENT.

The Mayor, Chairman; the Comptroller, President of the Board of Aldermen, President of the Borough of Manhattan, President of the Borough of Brooklyn, President of the Borough of The Bronx, President of the Borough of Queens, President of the Borough of Richmond.

OFFICE OF THE SECRETARY.

No. 277 Broadway, Room 1406. Telephone, 2280 Worth.

Joseph Haag, Secretary; William M. Lawrence Assistant Secretary. Charles V. Ade, Clerk to Board.

OFFICE OF THE CHIEF ENGINEER.

Nelson P. Lewis, Chief Engineer, No. 277 Broadway, Room 1408. Telephone, 2281 Worth.

Arthur S. Tuttle, Engineer in charge Division of Public Improvements, No. 277 Broadway, Room 1408. Telephone, 2281 Worth.

Harry P. Nichols, Engineer in charge Division of Franchises, No. 277 Broadway, Room 301. Telephone, 2281 Worth.

BOARD OF EXAMINERS.

Rooms 6027 and 6028 Metropolitan Building, No. 1 Madison avenue, Borough of Manhattan, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 584 Gramercy.

Warren A. Conover, Charles Buek, Lewis Harding, Charles G. Smith, Edward F. Croker, Henry R. Marshall, and George A. Just, Chairman.

Edward V. Barton, Clerk.

Board meeting every Tuesday at 2 p. m.

BOARD OF PAROLE OF THE NEW YORK CITY REFORMATORY OF MISDEMEANANTS.

Office, No. 148 East Twentieth street.

John V. Coggey, Commissioner of Correction, President.

Wm. E. Wyatt, Judge, Special Sessions, First Division.

Robert J. Wilkin, Judge, Special Sessions, Second Division.

James J. Walsh, City Magistrate, First Division.

Edward J. Dooley, City Magistrate, Second Division.

Samuel B. Hamburger, John C. Heintz, Dominick Di Dario, James F. Boyle.

Thomas R. Minnick, Secretary.

BOARD OF REVISION OF ASSESSMENTS.

Herman A. Metz, Comptroller.

Francis K. Pendleton, Corporation Counsel.

Lawson Purdy, President of the Department of Taxes and Assessments.

Henry J. Storrs, Chief Clerk, Finance Department, No. 280 Broadway.

Telephone, 1200 Worth.

BOARD OF WATER SUPPLY.

Office, No. 299 Broadway.

John A. Bensel, Charles N. Chadwick, Charles A. Shaw, Commissioners.

Thomas Hassett, Secretary.

J. Waldo Smith, Chief Engineer.

COMMISSIONERS OF ACCOUNTS.

Rooms 114 and 115 Stewart Building, No. 280 Broadway, 9 a. m. to 4 p. m.

Telephone, 4315 Worth.

John Purroy Mitchel, Ernest Y. Gallaher, Commissioners.

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CHANGE OF GRADE DAMAGE COMMISSION.

TWENTY-THIRD AND TWENTY-FOURTH WARDS.

Office of the Commission, Room 138, No. 280 Broadway (Stewart Building), Borough of Manhattan, New York City.

Commissioners—William E. Storrs, George C. Norton, Lewis A. Abrams.

Lamont McLoughlin, Clerk.

Regular advertised meetings on Monday, Wednesday and Friday of each week at 2 o'clock p. m.

CITY CLERK AND CLERK OF THE BOARD OF ALDERMEN.

City Hall, Rooms 11, 12; 10 a. m. to 4 p. m.; Saturdays, 10 a. m. to 12 m.

Telephone, 7560 Cortlandt.

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BUREAU FOR THE COLLECTION OF ASSESSMENTS AND ARREARS.

Borough of Manhattan—Stewart Building, Room 81.

Daniel Moynahan, Collector of Assessments and Arrears.

Richard E. Weldon, Deputy Collector of Assessments and Arrears.

Borough of The Bronx—Municipal Building, Rooms 1-3.

James J. Donovan, Jr., Deputy Collector of Assessments and Arrears.

Borough of Brooklyn—Mechanics' Bank Building, corner Court and Montague streets.

Thomas J. Drennan, Deputy Collector of Assessments and Arrears.

Borough of Queens—Hackett Building, Jackson avenue and Fifth street, Long Island City.

Patrick E. Leahy, Deputy Collector of Assessments and Arrears.

Borough of Richmond—St. George, New Brighton.

George Brand, Deputy Collector of Assessments and Arrears.

BUREAU FOR THE COLLECTION OF CITY REVENUE AND OF MARKETS.

Stewart Building, Chambers street and Broadway, Room 141.

John M. Gray, Collector of City Revenue and Superintendent of Markets.

John F. Hobbs, Deputy Superintendent of Markets.

David O'Brien, Deputy Collector of City Revenue.

BUREAU FOR THE EXAMINATION OF CLAIMS.

Frank J. Prial, Chief Examiner, Room 181.

BUREAU OF THE CITY CHAMBERLAIN.

Stewart Building, Chambers street and Broadway, Rooms 63 to 67.

James J. Martin, City Chamberlain.

John H. Campbell, Deputy Chamberlain.

Telephone, 4270 Worth.

DEPARTMENT OF HEALTH.

Southwest corner of Fifty-fifth street and Sixth avenue, Borough of Manhattan, 9 a. m. to 4 p. m.

Burial Permit and Contagious Disease Offices always open.

Telephone, 4900 Columbus.

Thomas Darlington, M. D., Commissioner of Health and President.

Alvah H. Doty, M. D., Theodore A. Bingham, Commissioners.

Eugene W. Scheffer, Secretary.

Herman M. Biggs, M. D., General Medical Officer.

James McC. Miller, Chief Clerk.

Walter Bensel, M. D., Sanitary Superintendent.

William H. Guilfoyle, M. D., Registrar of Records.

Borough of Manhattan.

Alonzo Blauvelt, M. D., Assistant Sanitary Superintendent; George A. Roberts, Assistant Chief Clerk.

Charles J. Burke, M. D., Assistant Registrar of Records.

Borough of The Bronx, No. 3731 Third avenue.

Alonzo Blauvelt, M. D., Acting Assistant Sanitary Superintendent; Ambrose Lee, Jr., Assistant Chief Clerk; Arthur J. O'Leary, M. D., Assistant Registrar of Records.

Borough of Brooklyn, Nos. 38 and 40 Clinton street.

Traverse R. Maxfield, M. D., Assistant Sanitary Superintendent; Alfred T. Metcalfe, Assistant Chief Clerk; S. J. Byrne, M. D., Assistant Registrar of Records.

Borough of Queens, Nos. 372 and 374 Fulton street, Jamaica.

Alonzo Blauvelt, M. D., Acting Assistant Sanitary Superintendent; George R. Crowley, Assistant Chief Clerk; Robert Campbell, M. D., Assistant Registrar of Records.

Borough of Richmond, Nos. 54 and 56 Water street, Stapleton, Staten Island.

John T. Sprague, M. D., Assistant Sanitary Superintendent; Charles E. Hoyer, Assistant Chief Clerk; J. Walter Wood, M. D., Assistant Registrar of Records.

DEPARTMENT OF PARKS.

Henry Smith, Commissioner of Parks for the Boroughs of Manhattan and Richmond, and President Park Board.

William J. Fransoli, Secretary.

Offices, Arsenal, Central Park.

Telephone, 201 Plaza.

Michael J. Kennedy, Commissioner of Parks for the Boroughs of Brooklyn and Queens.

Offices, Litchfield Mansion, Prospect Park, Brooklyn.

Telephone, 2300 South.

Joseph I. Berry, Commissioner of Parks for the Borough of The Bronx.

Office, Zbrowski Mansion, Claremont Park.

Office hours, 9 a. m. to 4 p. m.; Saturdays, 12 m.

Telephone, 4240 Tremont.

DEPARTMENT OF PUBLIC CHARITIES.

PRINCIPAL OFFICE.

Foot of East Twenty-sixth street, 9 a. m. to 4 p. m.

Saturdays, 12 m.

Telephone, 3350 Madison Square.

Robert W. Hebbard, Commissioner.

Richard C. Baker, First Deputy Commissioner.

James J. McInerney, Second Deputy Commissioner for Brooklyn and Queens, Nos. 327 to 331 Schermerhorn street, Brooklyn. Telephone, 2977 Main.

I. McKee Borden, Secretary.

Plans and Specifications, Contracts, Proposals and Estimates for Work and Materials for Building, Repairs and Supplies, Bills and Accounts, 9 a. m. to 4 p. m.; Saturdays, 12 m.

Bureau of Dependent Adults, foot of East Twenty-sixth street. Office hours, 8:30 a. m. to 4 p. m.

The Children's Bureau, No. 66 Third avenue.

Office hours, 8:30 a. m. to 4 p. m.

Jeremiah Connelly, Superintendent for Richmond Borough, Borough Hall, St. George, Staten Island.

Telephone, 1000 Tompkinsville.

DEPARTMENT OF STREET CLEANING.

Nos. 13 to 21 Park row, 9 a. m. to 4 p. m.

Telephone, 3863 Cortlandt.

Foster Crowell, Commissioner.

William H. Edwards, Deputy Commissioner.

Borough of Manhattan.

Owen J. Murphy, Deputy Commissioner, Borough of Brooklyn.

Jerome F. Reilly, Deputy Commissioner, Borough of The Bronx.

John J. O'Brien, Chief Clerk.

DEPARTMENT OF TAXES AND ASSESSMENTS.

Hall of Records, corner of Chambers and Centre streets. Office hours, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Commissioners Lawson Purdy, President; Frank Raymond, James H. Tully, Charles Putzel, Thomas L. Hamilton, Hugh Hastings, Charles J. McCormack.

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY.

Nos. 13 to 21 Park row, 9 a. m. to 4 p. m.

Telephones, Manhattan, 820 Cortlandt; Brooklyn, 3960 Main; Queens, 439 Greenpoint; Richmond, 94 Tompkinsville; Bronx, 62 Tremont.

John H. O'Brien, Commissioner.

M. F. Loughran, Deputy Commissioner.

John F. Garvey, Secretary to Department.

I. M. de Varona, Chief Engineer.

George W. Birdsall, Consulting Hydraulic Engineer.

George F. Sever, Consulting Electrical Engineer.

Charles F. Lacombe, Chief Engineer of Light and Power.

Michael C. Padden, Water Register, Manhattan.

William A. Hawley, Secretary to Commissioner.

William C. Cozier, Deputy Commissioner, Borough of Brooklyn, Municipal Building, Brooklyn.

John W. McKay, Acting Chief Engineer, Brooklyn.

William R. McGuire, Water Register, Brooklyn.

Michael Hecht, Deputy Commissioner, Borough of The Bronx, Crotona Park Building, One Hundred and Seventy-seventh street and Third avenue.

Thomas M. Lynch, Water Register, The Bronx.

Charles C. Wissel, Deputy Commissioner, Borough of Queens, Hackett Building, Long Island City.

John E. Bowe, Deputy Commissioner, Borough of Richmond, Municipal Building, St. George.

EXAMINING BOARD OF PLUMBERS.

Bartholomew F. Donohoe, President; John J. Moore, Secretary; John J. Dunn, Treasurer; ex-officio, Horace Loomis and Matthew E. Healy.

Rooms Nos. 14, 15 and 16 Aldrich Building, Nos. 149 and 151 Church street.

Office open during business hours every day in the year (except legal holidays). Examinations are held on Monday, Wednesday and Friday after 1 p. m.

FIRE DEPARTMENT.

Office hours for all, except where otherwise noted from 9 a. m. to 4 p. m.; Saturdays 12 m.

HEADQUARTERS.

Nos. 157 and 159 East Sixty-seventh street, Manhattan.

Telephone, 2230 Plaza, Manhattan; 336 Main, Brooklyn.

Nicholas J. Hayes, Commissioner.

P. A. Whitney, Deputy Commissioner.

Charles C. Wise, Deputy Commissioner, Boroughs of Brooklyn and Queens.

William A. Larney, Secretary; Mark Levy, Secretary to the Commissioner; George F. Dobson, Jr., Secretary to the Deputy Commissioner, Boroughs of Brooklyn and Queens.

Edward F. Croker, Chief of Department.

Thomas Lally, Deputy Chief of Department in charge, Boroughs of Brooklyn and Queens.

Joseph L. Burke, Inspector of Combustibles, Nos. 157 and 159 East Sixty-seventh street, Manhattan. Telephone, 3820 Plaza.

Peter Seery, Fire Marshal, Boroughs of Manhattan, The Bronx and Richmond.

William L. Beers, Fire Marshal, Boroughs of Brooklyn and Queens.

Andrew P. Martin, Chief Inspector in Fire Alarm Telegraph Bureau.

William T. Beggin, Chief of Battalion in charge Bureau of Violations and Auxiliary Fire Appliances, Boroughs of Manhattan, The Bronx and Richmond, Nos. 157 and 159 East Sixty-seventh street, Manhattan. Brooklyn and Queens, Nos. 365 and 367 Jay street, Brooklyn. Telephone 3520 Main.

Peter Seery, Fire Marshal, Boroughs of Manhattan, The Bronx and Richmond.

I. Townsend Burden, Jr., Francis X. McQuade, William J. Clarke, John W. Goff, Jr., Ricardo M. de Acosta, Leonce Fuller, Charles W. Miller, Henry S. Johnston, William H. Doherty, Addison B. Scoville, Francis Martin, Henry W. Mayo, Philip N. Harrison, Loring T. Hildreth, Frank E. Smith, Secretary to the Corporation Counsel—Edmund Kirby, Chief Clerk—Andrew T. Campbell.

BROOKLYN OFFICE.

Borough Hall, 2d floor, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 2048 Main.

James D. Bell, Assistant in charge.

BUREAU OF STREET OPENINGS.

No. 90 West Broadway, 9 a. m. to 4 p. m.

Saturdays, 9 a. m. to 12 m.

Telephone, 8190 Cortlandt.

John P. Dunn, Assistant in charge.

BUREAU FOR THE RECOVERY OF PENALTIES.

No. 119 Nassau street, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 4526 Cortlandt.

Herman Stiefel, Assistant in charge.

BUREAU FOR THE COLLECTION OF ARREARS OF PERSONAL TAXES.

No. 280 Broadway, 5th floor. Office hours for public, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 4585 Worth.

Geo. O'Reilly, Assistant in charge.

TENEMENT HOUSE BUREAU AND BUREAU OF BUILDINGS.

No. 44 East Twenty-third street, 9 a. m. to 4 p. m.

Saturdays, 9 a. m. to 12 m.

Telephone, 1661 Gramercy.

John P. O'Brien, Assistant in charge.

METROPOLITAN SEWERAGE COMMISSION.

Office, No. 17 Battery place. George H. Soper, Ph. D., President; James H. Fuertes, Secretary; H. de B. Parsons, Charles Sooysmith, Linsly R. Williams, M. D.

Telephone, 1694 Rector.

MUNICIPAL CIVIL SERVICE COMMISSION.

No. 209 Broadway, 9 a. m. to 4 p. m.

Frank L. Polk, R. Ross Appleton, Arthur J. O'Keefe.

Frank A. Spencer, Secretary.

John F. Skelly, Assistant Secretary.

Labor Bureau.

No. 66 Lafayette street.

Telephone, 3140 Worth.

MUNICIPAL EXPLOSIVES COMMISSION.

Nos. 157 and 159 East Sixty-seventh street, Headquarters Fire Department.

Patrick A. Whitney, Deputy Fire Commissioner and Chairman; William Montgomery, John Sherry, C. Andrade, Jr., Abram A. Breneman.

Franz S. Wolf, Secretary, No. 157 East Sixty-seventh street.

Stated meeting, Friday of each week, at 3 p. m.

Telephone, 640 Plaza.

POLICE DEPARTMENT.

CENTRAL OFFICE.

No. 300 Mulberry street, 9 a. m. to 4 p. m.

Telephone, 3100 Spring.

Theodore A. Bingham, Commissioner.

William F. Baker, First Deputy Commissioner.

Frederick H. Bugher, Second Deputy Commissioner.

Bert Hanson, Third Deputy Commissioner.

Daniel G. Slattery, Secretary to Commissioner.

William H. Kipp, Chief Clerk.

PUBLIC SERVICE COMMISSION.

The Public Service Commission for the First District, Tribune Building, No. 154 Nassau street, Manhattan.

Office hours, 8 a. m. to 11 p. m., every day in the year, including holidays and Sundays.

Stated public meetings of the Commission, Tuesdays and Fridays at 11:30 a. m. in the Public Hearing Room of the Commission, third floor of the Tribune Building, unless otherwise ordered.

Commissioners—William R. Willcox, Chairman; William McCarroll, Edward M. Bassett, Milo R. Maltbie, John E. Eustis, Counsel; George S. Coleman, Secretary, Travis H. Whitney.

Telephone, 4150 Beckman.

TENEMENT HOUSE DEPARTMENT.

Manhattan Office, No. 44 East Twenty-third street.

Telephone, 5331 Gramercy.

Edmond J. Butler, Commissioner.

Harry G. Darwin, First Deputy Commissioner.</

DISTRICT ATTORNEY.

Office, County Court-house, Borough of Brooklyn. Hours, 9 a. m. to 5 p. m. John F. Clarke, District Attorney. Telephone Number, 2955-6-7—Main.

PUBLIC ADMINISTRATOR.

No. 44 Court street (Temple Bar), Brooklyn. a. m. to 5 p. m. Charles E. Teale, Public Administrator. Telephone, 2840 Main.

REGISTER.

Hall of Records. Office hours, 9 a. m. to 4 p. m., excepting months of July and August; then from 9 a. m. to 2 p. m., provided for by statute. William A. Prendergast, Register. Frederick H. E. Epstein, Deputy Register. Telephone, 2830 Main.

SHERIFF.

County Court-house, Brooklyn, N. Y. 9 a. m. to 4 p. m.; Saturdays, 12 m. Alfred T. Hobley, Sheriff. Lewis M. Swasey, Under Sheriff. Telephone, 6845, 6846, 6847, Main.

SURROGATE.

Hall of Records, Brooklyn, N. Y. Herbert T. Ketcham, Surrogate. Edward J. Bergen, Chief Clerk and Clerk of the Surrogate's Court. Court opens at 10 a. m. Office hours 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m. Telephone, 3954 Main.

QUEENS COUNTY.

COMMISSIONER OF JURORS. Office hours, 9 a. m. to 4 p. m.; July and August, 9 a. m. to 2 p. m.; Saturdays 9 a. m. to 12 m. Queens County Court-house, Long Island City. John P. Balbert, Commissioner of Jurors. Rodman Richardson, Assistant Commissioner. Telephone, 455 Greenpoint.

COUNTY CLERK.

Jamaica, Fourth Ward, Borough of Queens, City of New York. Office open, April 1 to October 1, 8 a. m. to 5 p. m. October 1 to April 1, 9 a. m. to 5 p. m.; Saturday throughout the year until 12 noon. John Niederstein, County Clerk. Henry J. Walter, Jr., Deputy County Clerk. Frank C. Klingenberg, Secretary. Telephone, 151 Jamaica.

COUNTY COURT.

Temporary County Court-house, Long Island City. County Court opens at 10 a. m. Trial Terms begin first Monday of each month, except July, August and September. Special Terms each Saturday, except during August and first Saturday of September. County Judge's office always open at No. 336 Fulton street, Jamaica, N. Y. Burt J. Humphrey, County Judge. Telephone, 286 Jamaica.

DISTRICT ATTORNEY.

Office, Queens County Court-house, Long Island City, 9 a. m. to 5 p. m. Ira G. Darrin, District Attorney. Telephone, 39 Greenpoint.

PUBLIC ADMINISTRATOR.

No. 17 Cook avenue, Elmhurst. John T. Robinson, Public Administrator, County of Queens. Telephone, 335 Newtown.

SHERIFF.

County Court-house, Long Island City, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m. Herbert S. Harvey, Sheriff. John M. Phillips, Under Sheriff. Telephone, 43 Greenpoint (office). Henry O. Schleth, Warden, Queens County Jail. Telephone, 372 Greenpoint.

SURROGATE.

Daniel Noble, Surrogate. Office at Jamaica. Except on Sundays, holidays and half holidays, the office is open between March 31 and July 1, from 8 a. m. to 5 p. m.; on Saturdays, from 8 a. m. to 12 m.; between July 1 and September 1, from 9 a. m. to 4 p. m.; on Saturdays, from 9 a. m. to 12 m. The calendar is called on Tuesday of each week at 10 a. m., except during the month of August, when no court is held, and the court sits every day thereafter until all contested cases have been disposed of. Telephone, 397 Jamaica.

RICHMOND COUNTY.

COMMISSIONER OF JURORS. Village Hall, Stapleton. Charles J. Kullman, Commissioner. John J. McCaughey, Assistant Commissioner. Office open from 9 a. m. until 4 p. m.; Saturday, from 9 a. m. to 12 m. Telephone, 81 Tompkinsville.

COUNTY CLERK.

County Office Building, Richmond, S. I., 9 a. m. to 4 p. m. C. L. Bostwick, County Clerk. County Court-house, Richmond, S. I., 9 a. m. to 4 p. m. Telephone, 28 New Dorp.

COUNTY JUDGE AND SURROGATE.

Terms of Court, Richmond County, 1908. County Courts—Stephen D. Stephens, County Judge. First Monday of June, Grand and Trial Jury. Second Monday of November, Grand and Trial Jury. Fourth Wednesday of January, without a Jury. Fourth Wednesday of February, without a Jury. Fourth Wednesday of March, without a Jury. Fourth Wednesday of April, without a Jury. Fourth Wednesday of July, without a Jury. Fourth Wednesday of September, without a Jury. Fourth Wednesday of October, without a Jury. Surrogate's Court—Stephen D. Stephens, Surrogate. Mondays, at the Borough Hall, St. George, at 10.30 o'clock a. m.

Tuesdays, at the Borough Hall, St. George, at 10.30 o'clock a. m.

Wednesdays, at the Surrogate's Office, Richmond, at 10.30 o'clock a. m.

DISTRICT ATTORNEY.

Corn Exchange Bank Building, St. George, S. I. Samuel H. Evans. Telephone, 50 Tompkinsville.

SHERIFF.

County Court-house, Richmond, S. I. Office hours, 9 a. m. to 4 p. m. Joseph J. Barth.

THE COURTS.**APPELLATE DIVISION OF THE SUPREME COURT.****FIRST JUDICIAL DEPARTMENT.**

Court-house, Madison avenue, corner Twenty-fifth street. Court opens at 1 p. m.

Edward Patterson, Presiding Justice, George L. Ingraham, Chester B. McLaughlin, Frank C. Laughlin, John Proctor Clarke, James W. Houghton, Francis M. Scott, Justices; Alfred Wagstaff, Clerk; William Lamb, Deputy Clerk.

Clerk's Office opens at 9 a. m.

Telephone, 3840 Madison Square.

SUPREME COURT—FIRST DEPARTMENT.

County Court-house, Chambers street. Court open from 10.15 a. m. to 4 p. m.

Special Term, Part I. (motions), Room No. 16.

Special Term, Part II. (ex parte business), Room No. 13.

Special Term, Part III., Room No. 19.

Special Term, Part IV., Room No. 20.

Special Term, Part V., Room No. 6.

Special Term, Part VI. (Elevated Railroad cases) Room 31.

Trial Term, Part II., Room No. 34.

Trial Term, Part III., Room No. 22.

Trial Term, Part IV., Room No. 21.

Trial Term, Part V., Room No. 24.

Trial Term, Part VI., Room No. 18.

Trial Term, Part VII., Room No. 19.

Trial Term, Part VIII., Room No. 23.

Trial Term, Part IX., Room No. 35.

Trial Term, Part X., Room No. 26.

Trial Term, Part XI., Room No. 27.

Trial Term, Part XII., Room No. 1.

Trial Term, Part XIII., and Special Term, Part VII., Room No. 36.

Trial Term, Part XIV., Room No. 28.

Trial Term, Part XV., Room No. 37.

Trial Term, Part XVI., Room No. 1.

Trial Term, Part XVII., Room No. 20.

Trial Term, Part XVIII., Room No. 29.

Appellate Term, Room No. 20.

Naturalization Bureau, Room No. 38, third floor.

Assignment Bureau, room on mezzanine floor, northeast.

Clerks in attendance from 10 a. m. to 4 p. m.

Clerk's Office, Special Term, Part I. (motions) Room No. 15.

Clerk's Office, Special Term, Part II. (ex parte business), ground floor, southeast corner.

Clerk's Office, Special Term, Calendar, ground floor, south.

Clerk's Office, Trial Term, Calendar, room northeast corner, second floor, east.

Clerk's Office, Appellate Term, room southwest corner, third floor.

Trial Term, Part I. (criminal business).

Criminal Court-house, Centre street.

Justices—Charles H. Truax, Charles F. MacLean, Henry Bischoff, Jr., Leonard A. Giegerich, P. Henry Dugro, Henry A. Gildersleeve, James Fitzgerald, James A. O'Gorman, James A. Blanchard, Edward S. Clinch, Samuel Greenbaum, Edward E. McCall, Edward B. Amend, Vernon M. Davis, Victor J. Dowling, Joseph Newburger, John W. Goff, Samuel Seabury, M. Warley Platzek, Peter A. Hendrick, John Ford, Charles W. Dayton, John J. Brady, Mitchell L. Erlanger, Charles L. Guy, James W. Gerard.

Peter J. Dooling, Clerk, Supreme Court.

Telephone, 4580 Cortlandt.

SUPREME COURT—SECOND DEPARTMENT.

Kings County Court-house, Borough of Brooklyn N. Y.

Court open daily from 10 o'clock a. m. to 5 o'clock p. m. Seven jury trial parts. Special Term for Trials. Special Term for Motions.

James F. McGee, General Clerk.

Telephone, 5460 Main.

CRIMINAL DIVISION—SUPREME COURT.

Building for Criminal Courts, Centre, Elm, White and Franklin streets.

Court opens at 10.30 a. m.

Peter J. Dooling, Clerk; Edward R. Carroll, Special Deputy to the Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Telephone, 6064 Franklin.

COURT OF GENERAL SESSIONS.

Held in the Building for Criminal Courts, Centre Elm, White and Franklin streets.

Court opens at 10.30 a. m.

Thomas C. T. Crain, Otto A. Rosalsky, Warren W. Foster, Thomas C. O'Sullivan, Edward Swann, Joseph F. Mulqueen, James T. Malone, Judges of the Court of General Sessions. Edward K. Carroll, Clerk. Telephone, 1201 Franklin.

Clerk's Office open from 9 a. m. to 4 p. m.

During July and August Clerk's Office will close at 2 p. m., and on Saturdays at 12 m.

CITY COURT OF THE CITY OF NEW YORK.

No. 32 Chambers street, Brownstone Building, City Hall Park, from 10 a. m. to 4 p. m.

Part I.

Part II.

Part III.

Part IV.

Part V.

Part VI.

Part VII.

Part VIII.

Special Term Chambers will be held from 10 a. m. to 4 p. m.

Court's Office open from 9 a. m. to 4 p. m.

Edward F. O'Dwyer, Chief Justice; Lewis J. Conlan, Francis B. Delehanty, Joseph I. Green, Alexander Finelite, Thomas F. Donnelly, John V. McAvoy, Peter Schmuck, Justices. Thomas F. Smith, Clerk.

Telephone, 6142 Cortlandt.

COURT OF SPECIAL SESSIONS.

Building for Criminal Courts, Centre street between Franklin and White streets, Borough of Manhattan.

Court opens at 10 a. m.

Justices—First Division—William E. Wyatt, Willard H. Olmsted, Joseph M. Deuel, Lorenz Zeller, John B. Mayo, Franklin Chase Hoyt, Charles W. Culkin, Clerk; William M. Fuller, Deputy Clerk. Clerk's Office open from 9 a. m. to 4 p. m.

Telephone, 2092 Franklin, Clerk's office.

Telephone, 601 Franklin, Justice's chambers.

Second Division—Trial Days—No. 171 Atlantic avenue, Brooklyn, Mondays, Wednesdays and Fridays at 10 o'clock; Town Hall, Jamaica, Borough of Queens, Tuesday at 10 o'clock; Town Hall, New Brighton, Borough of Richmond, Thursday at 10 o'clock.

Justices—Howard J. Forker, Patrick Keady, John Fleming, Morgan M. L. Ryan, Robert J. Wilkin, George J. O'Keefe; Joseph L. Kerrigan, Clerk; John J. Dorman, Deputy Clerk.

Clerk's Office, No. 171 Atlantic avenue, Borough of Brooklyn, open from 9 a. m. to 4 p. m.

CHILDREN'S COURT.

First Division—No. 66 Third avenue, Manhattan. Edmund C. Lee, Clerk. Telephone, 5353 Stuyvesant.

Second Division—No. 101 Court street, Brooklyn. William F. Delaney, Clerk. Telephone, 627 Main.

CITY MAGISTRATES' COURT.**First Division.**

Court opens from 9 a. m. to 4 p. m.

City Magistrates—Robert C. Cornell, Leroy B. Crane, Peter T. Barlow, Matthew P. Breen, Joseph F. Moss, James J. Walsh, Henry Steinert, Daniel E. Finn, Charles G. F. Wahle, Frederick B. House, Charles N. Harris, Frederic Kernochan, Arthur C. Butts, Otto H. Droege, Joseph E. Corrigan, Moses Herrman.

Philip H. Bloch, Secretary, One Hundred and Twenty-first street and Sylvan place.

First District—Criminal Court Building.

Second District—Jefferson Market.

Third District—No. 6 Essex street.

Fourth District—No. 151 East Fifty-seventh street.

Fifth District—One Hundred and Twenty-first street, southeastern corner of Sylvan place.

Sixth District—One Hundred and Sixty-first street and Brook avenue.

Seventh District—No. 314 West Fifty-fourth street.

Eighth District—Main street, Westchester.

Second Division.**Borough of Brooklyn.**

City Magistrates—Edward J. Dooley, James G. Tighe, John Naumer, E. G. Higginbotham, Frank E. O'Reilly, Henry J. Furlong, Alfred E. Steers, A. V. B. Voorhees, Jr., Alexander H. Geismar, John F. Hvlin.

President of the Board, Edward J. Dooley, No. 318 Adams street.

Secretary to the Board, Charles J. Flanigan, Myrtle and Vanderbilt avenues.

Courts.

First District—No. 318 Adams street.

Second District—Court and Butler streets.

Third District—Myrtle and Vanderbilt avenues.

Fourth District—No. 6 Lee avenue.

Brooklyn. Court-house, northwest corner State and Court streets.

John J. Walsh, Justice. Edward Moran, Clerk. Clerk's Office open from 9 a. m. to 4 p. m.

Second District—Seventh Ward and that portion of the Twenty-first and Twenty-third Wards west of the centre line of Stuyvesant avenue and the centre line of Schenectady avenue, also that portion of the Twentieth Ward beginning at the intersection of the centre lines of North Portland and Myrtle avenues, thence along the centre line of Myrtle avenue to Waverly avenue, thence along the centre line of Waverly avenue to Park avenue, thence along the centre line of Park avenue to Washington avenue, thence along the centre line of Washington avenue to Flushing avenue, thence along the centre line of Flushing avenue to North Portland avenue, and thence along the centre line of North Portland avenue to the point of beginning.

Court-room, No. 405 Gates avenue.

Gerard B. Van Wart and Edward C. Dowling Justices. Franklin B. Van Wart, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Third District—Embraces the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Wards, and that portion of the Twenty-seventh Ward lying northwest of the centre line of Starr street between the boundary line of Queens County and the centre line of Suydam street between the centre lines of Central and Bushwick avenues, and northwest of the centre line of Willoughby avenue between the centre lines of Bushwick avenue and Broadway. Court-house, Nos. 6 and 8 Lee avenue, Brooklyn.

Philip D. Meagher and William J. Bogenshutz, Justices. John W. Carpenter, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Court opens at 9 a. m.

Fourth District—Embraces the Twenty-fourth and Twenty-fifth Wards, that portion of the Twenty-first and Twenty-third Wards lying east of the centre line of Stuyvesant avenue and east of the centre line of Schenectady avenue, and that portion of the Twenty-seventh Ward lying southeast of the centre line of Starr street between the boundary line of Queens and the centre line of Central avenue, and southeast of the centre line of Suydam street between the centre lines of Central and Bushwick avenues, and southeast of the centre line of Willoughby avenue between the centre lines of Bushwick avenue and Broadway. Court-room, No. 14 Howard avenue.

Thomas H. Williams, Justice. G. J. Wiederhold, Clerk. Milton I. Williams, Assistant Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Fifth District—Contains the Eighth, Thirtieth and Thirty-first Wards, and so much of the Twenty-second Ward as lies south of Prospect avenue. Court-house, northwest corner of Fifty-third street and Third avenue.

Cornelius Furgeson, Justice. Jeremiah J. O'Leary, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Telephone, 407 Bay Ridge.

Sixth District—The Sixth District embraces the Ninth and Twenty-ninth Wards and that portion of the Twenty-second Ward north of the centre line of Prospect avenue; also that portion of the Eleventh and the Twentieth Wards beginning at the intersection of the centre lines of Bridge and Fulton streets; thence along the centre line of Fulton street to Flatbush avenue; thence along the centre line of Flatbush avenue to Atlantic avenue; thence along the centre line of Atlantic avenue to Washington avenue; thence along the centre line of Washington avenue to Park avenue; thence along the centre line of Park avenue to Waverly avenue; thence along the centre line of Waverly avenue to Myrtle avenue; thence along the centre line of Myrtle avenue to Hudson avenue; thence along the centre line of Hudson avenue to Johnson street; thence along the centre line of Johnson street to Bridge street, and thence along the centre line of Bridge street to the point of beginning.

Lucien S. Bayliss and George Fielder, Justices.

Charles P. Bible, Clerk.

Court-house, No. 611 Fulton street.

Seventh District—The Seventh District embraces the Twenty-sixth, Twenty-eighth and Thirty-second Wards.

Alexander S. Rosenthal and Edward A. Richards, Justices. Samuel F. Brothers, Clerk.

Court-house, corner Pennsylvania avenue and Fulton street (No. 31 Pennsylvania avenue).

Clerk's Office open from 9 a. m. to 4 p. m.; Saturday, 9 a. m. to 12 m. Trial Days, Tuesdays, Wednesdays, Thursdays and Fridays.

Jury Days, Wednesdays and Thursdays.

Telephone, 904 East New York.

Borough of Queens.

First District—First Ward (all of Long Island City formerly composing five wards). Court-room, St. Mary's Lyceum, Nos. 115 and 117 Fifth street, Long Island City.

Clerk's Office open from 9 a. m. to 4 p. m. each day, excepting Saturdays, closing at 12 m. Trial days, Mondays, Wednesdays and Fridays. All other business transacted on Tuesdays and Thursdays.

Thomas C. Kadien, Justice. Thomas F. Kennedy, Clerk.

Telephone, 2376 Greenpoint.

Second District—Second and Third Wards, which include the territory of the late Towns of Newtown and Flushing. Court-room in Court-house of the late Town of Newtown, corner of Broadway and Court street, Elmhurst, New York. P. O. Address, Elmhurst, Queens County, New York.

William Rasquin, Jr., Justice. Luke I. Connor, Clerk. William Repper, Assistant Clerk.

Trial days, Tuesdays and Thursdays; Fridays (for Jury Trials only).

Clerk's Office open from 9 a. m. to 4 p. m.

Telephone, 87 Newtown.

Third District—Fourth and Fifth Wards, comprising the territory of the former Towns and Villages of Jamaica, Far Rockaway and Rockaway Beach.

James F. McLaughlin, Justice. George W. Damon, Clerk.

Court-house, Town Hall, Jamaica.

Telephone, 189 Jamaica.

Clerk's Office open from 9 a. m. to 4 p. m.

Court held on Mondays, Wednesdays and Fridays at 9 a. m.

Borough of Richmond.

First District—First and Third Wards (Towns of Castleton and Northfield). Court-room, former Village Hall, Lafayette avenue and Second street, New Brighton.

Thomas C. Brown, Justice. Anning S. Prall, Clerk.

Clerk's Office open from 8:45 a. m. to 4 p. m.

Telephone, 503 Tompkinsville.

Second District—Second, Fourth and Fifth Wards (Towns of Middletown, Southfield and Westfield). Court-room, former Edgewater Village Hall, Stapleton.

George W. Stake, Justice. Peter Tiernan, Clerk. Clerk's Office open from 9 a. m. to 4 p. m.

Court opens at 9 a. m. Calendar called at 10 a. m. Court continued until close of business. Trial days, Mondays, Wednesdays and Fridays.

Telephone, 313 Tompkinsville.

OFFICIAL BOROUGH PAPERS.

BOROUGH OF THE BRONX.

"The Bronx Star," "North Side News," "Bronx Independent."

BOROUGH OF RICHMOND.

"Staten Island World," "Richmond County Herald."

BOROUGH OF QUEENS.

"Long Island Star" (First and Second Wards), "Flushing Evening Journal" (Third Ward), "Long Island Farmer" (Fourth Ward), "Rockaway News" (Fifth Ward).

BOROUGH OF BROOKLYN.

"Brooklyn Eagle," "Brooklyn Times," "Brooklyn Citizen," "Brooklyn Standard-Union," "Brooklyn Freie Presse."

BOROUGH OF MANHATTAN.

"Real Estate Record and Guide" (Harlem District), "Manhattan and Bronx Advocate" (Washington Heights, Morningside Heights and Harlem Districts).

Designated by Board of City Record June 19, 1906. Amended June 20, 1906; September 30, 1907; February 24, 1908; March 5 and 16, 1908.

BOARD MEETINGS.

The Board of Estimate and Apportionment meets in the Old Council Chamber (Room 16), City Hall, every Friday, at 10:30 o'clock a. m.

JOSEPH HAAG, Secretary.

The Commissioners of the Sinking Fund meet in the Old Council Chamber (Room 16), City Hall, at call of the Mayor.

N. TAYLOR PHILLIPS, Deputy Comptroller, Secretary.

The Board of Revision of Assessments meets in the Old Council Chamber (Room 16), City Hall, every Thursday at 11 a. m., upon notice of the Chief Clerk.

HENRY J. STORRS, Chief Clerk.

The Board of City Record meets in the Old Council Chamber (Room 16), City Hall, at call of the Mayor.

PATRICK J. TRACY, Supervisor, Secretary.

BOROUGH OF BROOKLYN.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN, ROOM 2, BOROUGH HALL, BOROUGH OF BROOKLYN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of Brooklyn at the above office until 11 o'clock a. m. on

WEDNESDAY, JULY 22, 1908.

No. 1. FOR REGULATING, RELAYING BRICK GUTTERS AND PAVING WITH ASPHALT PAVEMENT ON A CONCRETE FOUNDATION THE ROADWAY OF EAST FOURTEENTH STREET (RUGBY ROAD), FROM DORCHESTER ROAD TO DITMAS AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,215 square yards asphalt pavement, including binder course.

310 cubic yards concrete.

30 cubic yards concrete, under brick gutters, not to be bid for.

270 square yards brick gutters, to be relaid on a concrete foundation.

Time for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is One Thousand Seven Hundred Dollars (\$1,700).

No. 2. FOR REGULATING AND PAVING WITH ASPHALT PAVEMENT ON A CONCRETE FOUNDATION THE ROADWAY OF HEMLOCK STREET, FROM JAMAICA AVENUE TO ETNA STREET, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

3,130 square yards asphalt pavement, including binder course.

435 cubic yards concrete.

Time for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Two Thousand Five Hundred Dollars (\$2,500).

No. 3. FOR REGULATING AND PAVING WITH ASPHALT PAVEMENT ON A CONCRETE FOUNDATION THE ROADWAY OF JEWEL STREET, FROM NORMAN AVENUE TO MESEROLE AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

1,635 square yards asphalt pavement, including binder course.

230 cubic yards concrete.

Time for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Twelve Hundred Dollars (\$1,200).

No. 4. FOR CONSTRUCTING CEMENT CONCRETE SIDEWALKS ON BOTH SIDES OF FIFTIETH STREET, BETWEEN EIGHTH AND FORT HAMILTON AVENUES, AND ON VARIOUS OTHER STREETS IN THE BOROUGH OF BROOKLYN.

Engineer's estimate of the quantity is as follows:

20,448 square feet cement concrete sidewalk, 5 feet in width.

Time for the completion of the work and the full performance of the contract is forty (40) working days.

The amount of security required is One Thousand Dollars (\$1,000).

No. 5. FOR FENCING VACANT LOTS ON THE EAST SIDE OF UNDERHILL AVENUE, BETWEEN ST. MARKS AVENUE AND PROSPECT PLACE, AND ON VARIOUS OTHER STREETS IN THE BOROUGH OF BROOKLYN.

Engineer's estimate of the quantity is as follows:

1,808 linear feet fence, 6 feet in height.

Time for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Three Hundred Dollars (\$300).

No. 6. FOR GRADING A LOT LYING ON THE SOUTHEAST SIDE OF GREENE AVENUE, BETWEEN IRVING AND WYCKOFF AVENUES, AND ON THE NORTHWEST

SIDE OF BLEECKER STREET, BETWEEN IRVING AND WYCKOFF AVENUES, KNOWN AS LOT NO. 26, BLOCK 3301.

Engineer's estimate of the quantity is as follows:

279 cubic yards earth excavation.

Time for the completion of the work and the full performance of the contract is fifteen (15) working days.

The amount of security required is One Hundred Dollars (\$100).

No. 7. FOR GRADING LOT ON THE SOUTH SIDE OF MONTGOMERY STREET, BETWEEN ROGERS AND NOSTRAND AVENUES, KNOWN AS LOT NO. 29, BLOCK 1305.

Engineer's estimate of the quantities is as follows:

1,352 cubic yards earth excavation.

559 cubic yards earth filling, not to be bid for.

Time for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Six Hundred Dollars (\$600).

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per linear foot, square foot, square yard or other unit of measure, by which the bids will be tested. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Blank forms and further information may be obtained at the office of the Bureau of Highways, the Borough of Brooklyn, No. 15 Municipal Building, Brooklyn.

BIRD S. COLER, President.

Dated July 8, 1908.

jy7,22

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF STREET CLEANING.

MAIN OFFICE OF THE DEPARTMENT OF STREET CLEANING, ROOM 1403, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Street Cleaning at the above office until 12 o'clock m. on

TUESDAY, JULY 21, 1908.

Boroughs of Manhattan and The Bronx.

CONTRACT FOR FURNISHING ALL THE LABOR AND MATERIALS REQUIRED FOR THE CONSTRUCTION OF FIFTEEN (15) SCOWS.

The time for the completion of the work and the full performance of the contract is as follows: Two scows to be delivered within ninety (90) working days and the remaining thirteen (13) scows to be delivered as fast as they are completed; the entire number of fifteen scows to be delivered within two hundred (200) working days.

The amount of security required is fifty per centum (50%) of the amount bid for the construction of the fifteen (15) scows.

The bidder will state the price per scow, per horse, per pound, per hundred pounds, ton, dozen, gallon, by which the bids will be tested. The bids will be read from the total and awards made to the lowest bidder.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the Department of Street Cleaning, the Borough of Manhattan, Nos. 13 to 21 Park row.

FOSTER CROWELL, Commissioner of Street Cleaning.

Dated July 6, 1908.

jy7,21

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ASHES, ETC., FOR FILLING IN LANDS.

PERSONS HAVING LANDS OR PLACES in the vicinity of New York Bay to fill in can procure material for that purpose—ashes, street sweepings, etc., collected by the Department of Street Cleaning—free of charge by applying to the Commissioner of Street Cleaning, Nos. 13 to 21 Park row, Borough of Manhattan.

FOSTER CROWELL,
Commissioner of Street Cleaning.

DEPARTMENT OF PARKS.

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, JULY 16, 1908.
Borough of Manhattan.

FOR PAINTING WROUGHT IRON RAILING ALONG HARLEM RIVER DRIVEWAY, FROM ONE HUNDRED AND FIFTY-FIFTH STREET TO DYCKMAN STREET.

Time for completion of work, sixty days.

The amount of security is Fifteen Hundred Dollars (\$1,500).

The bids will be compared and the contracts awarded at a lump or aggregate sum for each contract.

Blank forms may be obtained at the office of the Department of Parks, the Arsenal, Central Park, Borough of Manhattan, The City of New York.

HENRY SMITH,
President;
JOSEPH I. BERRY,
MICHAEL J. KENNEDY,
Commissioners of Parks.

Dated July 3, 1908.

jy6,16

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, JULY 9, 1908.
Borough of Brooklyn.

No. 1. FOR FURNISHING AND DELIVERING 10,000 CUBIC YARDS OF TOPSOIL OR GARDEN MOULD TO SUNSET PARK, BROOKLYN.

The time for the completion of the contract is within one hundred (100) consecutive working days.

The amount of security required is Five Thousand Dollars (\$5,000).

No. 2. FOR FURNISHING AND DELIVERING 3,000 CUBIC YARDS OF TOPSOIL OR GARDEN MOULD TO PROSPECT PARK, BROOKLYN.

The time for the completion of the contract is within sixty (60) consecutive working days.

The amount of security required is Fifteen Hundred Dollars (\$1,500).

The contracts must be bid for separately.

The bids will be compared and the contracts awarded at a lump or aggregate sum for each contract.

Blank forms may be obtained at the office of the Department of Parks, Litchfield Mansion, Prospect Park, Brooklyn.

HENRY SMITH,
President;
JOSEPH I. BERRY,
MICHAEL J. KENNEDY,
Commissioners of Parks.

jy6,19

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, JULY 9, 1908.
Borough of Manhattan.

FOR FURNISHING AND DELIVERING 70,000 ASPHALT BLOCKS ON RIVERSIDE DRIVE, BETWEEN SEVENTY-SECOND AND ONE HUNDRED AND TWENTY-SECOND STREETS, BOROUGH OF MANHATTAN.

The time for the delivery of the materials and the performance of the contract is, as required, before November 1, 1908.

The amount of security required is Twenty-five Hundred Dollars.

The bids will be compared and the contract awarded at a lump or aggregate sum.

Blank forms may be obtained at the office of the Department of Parks, Borough of Manhattan, Arsenal, Central Park.

HENRY SMITH,
President;
JOSEPH I. BERRY,
MICHAEL J. KENNEDY,
Commissioners of Parks.

jy6,19

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, JULY 9, 1908.
Borough of The Bronx.

FOR FURNISHING AND DELIVERING SIXTY THOUSAND (60,000) POUNDS NO. 1 WHITE CLIPPED OATS, AND THIRTY (30) TONS NO. 1 TIMOTHY HAY (NO. 2, 1908), FOR PARKS, BOROUGH OF THE BRONX.

The time for the delivery of the materials and supplies and the performance of the contract is before December 15, 1908.

The amount of security required is Nine Hundred Dollars (\$900).

The bids will be compared and the contracts awarded at a lump or aggregate sum.

Blank forms may be obtained at the office of the Department of Parks, Zbrowski Mansion, Claremont Park, Borough of The Bronx, The City of New York.

HENRY SMITH,
President;
JOSEPH I. BERRY,
MICHAEL J. KENNEDY,
Commissioners of Parks.

jy5,19

See General Instructions to Bidders on the last page, last column, of the "City Record."

BOROUGH OF RICHMOND.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF RICHMOND, BOROUGH HALL, ST. GEORGE, STATEN ISLAND.

PUBLIC NOTICE.

SALE OF CONDEMNED ARTICLES.

NOTICE IS HEREBY GIVEN THAT, pursuant to section 1553 of the Greater New York Charter, I will, on

WEDNESDAY, JULY 15, 1908,

at 12 noon, at Stable "B," Columbia street, West New Brighton, Borough of Richmond, sell the following:

One Knox automobile (stored at Stable "B").
One Oldsmobile (stored at Stable "B").
One Orient buckboard (stored at Stable "B").
Two bicycles (stored at Stable "B").
One buggy (stored at Stable "B").

Scrap iron (about 500 pounds) (stored at Stable "B").
One steel furnace shell, steel chimney, etc., of the Dixon Garbage Crematory (stored at Bodine street, north of Richmond terrace, West New Brighton).

TERMS OF SALE.

The auction sale of the condemned articles will be based on lump sum bids for each article as it stands in its present location.

Successful bidders must make full cash payment in bankable funds at the time and place of sale.

Bids will be received for one or more of the separate descriptions of the above, but no bid will be considered or accepted for less than the entire quantity in each item.

The purchaser or purchasers must remove all the material within thirty days after the sale, otherwise he or they will forfeit the money paid at the time of sale and the ownership to the material, which will thereafter be resold for the benefit of the City. The purchaser or purchasers must remove the material under the supervision of an employee of the City, and will not be allowed to select material for removal at will. The City will not be responsible for articles after the sale is concluded.

Dated July 1, 1908.
GEORGE CROMWELL,
President of the Borough of Richmond.

jy6,15

FIRE DEPARTMENT.

HEADQUARTERS OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK, July 6, 1908.

SAMUEL VORZIMER, AUCTIONEER, ON behalf of the Fire Department, City of New York, Boroughs of Manhattan and The Bronx, will offer for sale at public auction, to the highest bidder for cash, at the Hospital and Training Stables, Nos. 133 and 135 West Ninety-ninth street, Borough of Manhattan, on

SATURDAY, JULY 11, 1908,

at 11 o'clock a. m., the following six horses, no longer fit for service of the Department, and known as Nos. 1052, 1057, 1282, 1418, 1526 and 2022.

NICHOLAS J. HAYES,
Fire Commissioner.

jy6,11

HEADQUARTERS OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Fire Commissioner at the above office until 10:30 o'clock a. m. on

TUESDAY, JULY 7, 1908.

Borough of Manhattan.

No. 1. FOR FURNISHING AND DELIVERING HARNESS, LEATHER AND HARNESS TRIMMINGS TO THE REPAIR SHOPS FOR THE BOROUGHS OF MANHATTAN, THE BRONX AND RICHMOND.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before November 1, 1908.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

No. 2. FOR FURNISHING AND DELIVERING PAINTS, OILS, VARNISHES, BRUSHES AND PAINTER'S SUPPLIES TO THE REPAIR SHOPS FOR THE BOROUGHS OF MANHATTAN, THE BRONX AND RICHMOND.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before November 1, 1908.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

No. 3. FOR FURNISHING AND DELIVERING LUMBER TO THE REPAIR SHOPS FOR THE BOROUGHS OF MANHATTAN, THE BRONX AND RICHMOND.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before November 1, 1908.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per pound, ton, dozen, gallon, yard or other unit of measure, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total for each item, and awards made to the lowest bidder on each item; or the bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Fire Department, Nos. 157 and 159 East Sixty-seventh street, Manhattan.

NICHOLAS J. HAYES,
Fire Commissioner.

Dated June 25, 1908.

jy5,19

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY.

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, ROOM 1536, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Water Supply, Gas and Electricity at the above office until 2 o'clock p. m. on

WEDNESDAY, JULY 15, 1908.

Boroughs of Manhattan and The Bronx.

FOR FURNISHING, DELIVERING AND INSTALLING ONE HAND-OPERATED TRAVELING CRANE IN THE HIGH PRESSURE PUMPING STATION LOCATED AT GANSEVOORT AND WEST STREETS, AND FURNISHING, DELIVERING AND INSTALLING ONE HAND-OPERATED TRAVELING CRANE IN THE HIGH PRESSURE PUMPING STATION LOCATED AT OLIVER AND SOUTH STREETS, BOROUGH OF MANHATTAN.

The time allowed for completing the work will be ninety (90) working days.

The security required will be Three Thousand Dollars (\$3,000).

The bidders will state the price per unit of each item of work or supplies contained in the specifications or schedule, by which the bids will be tested.

The bids will be compared and the contract awarded for all the work, articles, materials and supplies contained in the specifications or schedules attached thereto, to the lowest bidder.

Bidders are requested to make their bids or estimates upon the blank form prepared by the Department, a copy of which, with the proper envelope in which to inclose the bid, together with a copy of the contract, including the specifications, in the form approved by the Corporation Counsel, and any further information may be obtained upon application therefor at the office of the Chief Engineer, Room 922, Nos. 13 to 21 Park row, Borough of Manhattan.

JOHN H. O'BRIEN,
Commissioner of Water Supply,
Gas and Electricity.

The City of New York, June 30, 1908.

jy1,15

See General Instructions to Bidders on the last page, last column, of the "City Record."

The time allowed for doing and completing the work will be one hundred and fifty working days.

The security required will be Twenty Thousand Dollars.

No. 2. FOR FURNISHING MATERIALS, REPAIRING AND RESTORING ARTIFICIAL STONE SIDEWALKS AND CURBING AND RESETTING NATURAL STONE CURBING.

The time allowed for doing and completing the work will be three hundred and sixty-five calendar days.

The amount of security will be Five Hundred Dollars.

No. 3. FOR FURNISHING AND DELIVERING DOUBLE NOZZLE STANDARD NEW YORK HYDRANTS, REPAIR PARTS FOR THE SAME AND LEAD-LINED IRON PIPE, UNIONS, ELBOWS AND COUPLINGS.

The time for the delivery of the articles, materials and supplies and the performance of the contract is one hundred calendar days.

The amount of security required will be fifty per cent. (50%) of the amount of the bid or estimate.

The bidder will state the price per unit of each item of work or supplies contained in the specifications or schedule, by which the bids will be tested.

The bids will be compared and contracts awarded at lump or aggregate sum to the lowest bidder on Nos. 1 and 2, and to the lowest bidder in each class on No. 3.

Blank forms may be obtained at the office of the Department of Water Supply, Gas and Electricity, the Borough of Manhattan, Nos. 13 to 21 Park row.

JOHN H. O'BRIEN,
Commissioner of Water Supply,
Gas and Electricity.

The City of New York, June 25, 1908.

jy2,19

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, BOROUGH OF QUEENS.

NOTICE TO TAXPAYERS.

WATER RATES FOR 1908-9 WILL BE due and payable

FRIDAY, MAY 1, 1908.

If not paid before August 1, 1908, a penalty of five per cent. will be added, and if not paid before November 1, 1908, an additional penalty of ten per cent. (a total of fifteen per cent.) will be added.

Bills for water rates may be obtained on and after May 1 on personal application.

For the convenience of taxpayers and to facilitate the business of the Department, it is requested that application be made by mail for such bills at once.

Address Charles C. Wissel, Deputy Commissioner, Room No. 2, Hackett Building, Long Island City.

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DEPARTMENT OF FINANCE.

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF the Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF BROOKLYN:

SUTTER AVENUE—SEWER, between Rockaway avenue and Chester street. Area of assessment: Both sides of Sutter avenue, from Chester street to Rockaway avenue.

TWENTY-SIXTH AND TWENTY-NINTH WARDS, SECTION 12.

EASTERN PARKWAY EXTENSION—SEWER, southerly side, from Pitkin avenue to Degraw street, and DEGRAW STREET—OUTLET SEWER, from Eastern Parkway Extension to Howard avenue. Area of assessment: South side of Eastern Parkway Extension, from Pitkin avenue to Howard avenue.

TWENTY-SIXTH WARD, SECTION 13.

RAILROAD AND RIDGEWOOD AVENUES—SEWER BASIN at the southeast corner. Area of assessment: South side of Ridgewood avenue, from Railroad avenue to Lincoln avenue, and east side of Railroad avenue, between Fulton street and Ridgewood avenue.

GRANT AND UNION AVENUE—SEWER BASINS at the northeast and northwest corners. Area of assessment: North side of Havens place (Union avenue), between Nichols and Grant avenues; both sides of Grant avenue, between Etna street and Ridgewood avenue, and east side of Nichols avenue, between Havens place and Etna street.

DUMONT AVENUE AND HENDRIX STREET—SEWER BASINS at the northeast and northwest corners. Area of assessment: Both sides of Hendrix street, from Dumont to Blake avenue; north side of Dumont avenue, from Van Sicklen to Schenck avenue.

TWENTY-SEVENTH WARD, SECTION 11.

JEFFERSON STREET—SEWER, between Irving and Wyckoff avenues. Area of assessment: Both sides of Jefferson street, between Irving and Wyckoff avenues, and west side of Troutman street, between Irving and Wyckoff avenues.

JEFFERSON STREET—SEWER, between Wyckoff and St. Nicholas avenues. Area of assessment: Both sides of Jefferson street, between Wyckoff and St. Nicholas avenues.

TWENTY-EIGHTH WARD, SECTION 11.

DECATUR STREET—SEWER, from Knickerbocker avenue to the Borough line of Queens, and DECATUR STREET—OUTLET SEWER, from Knickerbocker to Hamburg avenue. Area of assessment: Both sides of Decatur street, from Hamburg avenue to the Borough line of Queens, and both sides of Knickerbocker avenue, between Decatur street and Schaefer street.

WEIRFIELD STREET—SEWER, between Knickerbocker avenue and the boundary line between the Boroughs of Brooklyn and Queens. Area of assessment: Both sides of Weirfield street, between Knickerbocker avenue and the Borough line of Queens.

PALMETTO STREET AND EVERGREEN AVENUE—SEWER BASIN at the westerly corner. Area of assessment: Northeast side of Bushwick avenue, from Gates avenue to Palmetto street; north side of Palmetto street, from Bushwick avenue to Evergreen avenue, and southwest side of Evergreen avenue, from Gates avenue to Palmetto street.

TWENTY-NINTH AND THIRTY-SECOND WARDS, SECTION 12.

GRAFTON STREET—SEWER, between Pitkin and Sutter avenues, and SUTTER AVENUE—OUTLET SEWER, between Grafton street and Saratoga avenue. Area of assessment: East side of Tapscott street, between Blake and Sutter avenues; both sides of Howard avenue, Grafton street and Barrett street, and west side of Saratoga avenue, from Pitkin avenue to Blake avenue.

—that the same were confirmed by the Board of Assessors June 30, 1908, and entered June 30, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of entry of the assessments, interest will be collected thereon, as provided in section 1019 of the Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Collector of Assessments and Arrears, at the Bureau for the Collection of Assessments and Arrears of Taxes, Assessments and Water Rents, in the Mechanics' Bank Building, Court and Montague streets, Borough of Brooklyn, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before August 29, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, June 30, 1908. jy3,17

Records, from Chambers street to Reade street; both sides of Lafayette place, from Great Jones street to Eighth street; both sides of Centre street, from Park row to Broome street; both sides of Marion street, from Broome street to Spring street; both sides of Mission place, from Park street to Worth street; both sides of Baxter street, from Park row to Grand street; both sides of Centre Market place, from Grand street to Broome street; both sides of Mulberry street, from Bayard street to Bleeker street; both sides of Mott street, from Hester street to Bleeker street; both sides of Elizabeth street, from Spring street to Bleeker street; both sides of the Bowery and Fourth avenue, from Bleeker street to Astor place; both sides of Frankfort street, from Park row to William street; both sides of William street, from Frankfort street to Pearl street; both sides of North William street, from Frankfort street to Park row; both sides of Park row, from Frankfort street to Roosevelt street; both sides of Chambers street and New Chambers street, from Broadway to William street; both sides of Reade street, from Broadway to Duane street; both sides of Republican alley, extending about 271 feet west of (Old) Elm street; both sides of Duane street, from Broadway to Chambers street; both sides of Pearl street, from Broadway to William street; both sides of City Hall place, from Duane street to Pearl street; both sides of Park street, from Centre street to Baxter street; both sides of Worth street, from Broadway to Baxter street; both sides of Catherine lane, from Broadway to Elm street (Lafayette street); both sides of Leonard, Franklin, White and Walker streets, from Broadway to Baxter street; both sides of Bayard street, from Baxter to Mulberry street; both sides of Howard street, from Broadway to Centre street; both sides of Hester street, from Centre street to Mott street; both sides of Grand and Broome streets, from Broadway to Mott street; both sides of Spring street, Prince street and East Houston street, from Broadway to Elizabeth street; both sides of Bleeker street, Bond street, Great Jones street and Fourth street, from Broadway to the Bowery; both sides of Astor place, from Broadway to Fourth avenue; both sides of Eighth street, from Broadway to Lafayette place; both sides of Jersey street, from Crosby street to Mulberry street.

TWELFTH WARD, SECTION 6.

ONE HUNDRED AND FORTY-THIRD STREET—PAVING, CURBING AND RE-CURBING, between Lenox avenue and the east line of Fifth avenue. Area of assessment: Both sides of One Hundred and Forty-third street, from Lenox avenue to Fifth avenue, and to the extent of half the block at the intersecting and terminating avenues.

ONE HUNDRED AND FORTY-FOURTH STREET—PAVING, CURBING AND RE-CURBING, between Lenox avenue and the west line of Exterior street along the Harlem River. Area of assessment: Both sides of One Hundred and Forty-fourth street, from Lenox avenue to Harlem River, and to the extent of half the block at the intersecting and terminating avenues.

TWELFTH WARD, SECTION 8.

SEAMAN AVENUE—REGULATING, GRADING, CURBING AND FLAGGING AND CONSTRUCTING NECESSARY MASONRY WALL AND CULVERT, from Academy street to Isham street. Area of assessment: Both sides of Seaman avenue, from Academy street to Isham street, and to the extent of half the block at the intersecting and terminating streets and avenues.

—that the same were confirmed by the Board of Assessors on June 30, 1908, and entered June 30, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of entry of the assessments, interest will be collected thereon, as provided in section 1019 of the Greater New York Charter.

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes, Assessments and Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before August 29, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.

City of New York, Department of Finance, Comptroller's Office, June 30, 1908. jy2,16

IN PURSUANCE OF SECTION 1018 OF THE GREATER NEW YORK CHARTER, THE COMPTROLLER OF THE CITY OF NEW YORK HEREBY GIVES PUBLIC NOTICE TO ALL PERSONS, OWNERS OF PROPERTY, AFFECTION BY THE FOLLOWING ASSESSMENT FOR LOCAL IMPROVEMENTS IN THE BOROUGH OF MANHATTAN:

FOURTH, SIXTH AND FOURTEENTH WARDS, SECTIONS 1 AND 2.

REGULATING, GRADING, CURBING AND FLAGGING (NEW) ELM STREET, from City Hall place to Great Jones street, and REREGULATING, REGRADING, CURBING AND FLAGGING PEARL STREET, from 200 feet west of (Old) Elm street to Centre street; LEONARD STREET, from 190 feet west of Elm street to Centre street; (OLD) ELM STREET, from Duane to Worth street, and CATHERINE LANE, from Elm street 100 feet west, and (NEW) ELM STREET—PAVING, from City Hall place to Great Jones street.

WEST THIRTY-SEVENTH STREET—RE-STORED ASPHALT PAVEMENT in front of premises Nos. 413 and 415. Area of assessment:

North side of Thirty-seventh street, 175 feet west of Ninth avenue, known as Lot No. 25 in Block 735.

The above assessment was certified to the Collector of Assessments and Arrears, under the provisions of section 391 of the Greater New York Charter.

—that the same was entered on June 30, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of entry of the assessment, interest will be collected thereon, as provided in section 1019 of the Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments,

it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessment is payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before August 29, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

HERMAN A. METZ,

Comptroller.

City of New York, Department of Finance, Comptroller's Office, June 30, 1908. jy2,16

NOTICE OF ASSESSMENTS FOR OPENING STREETS AND PARKS.

IN PURSUANCE OF SECTION 1005 OF THE GREATER NEW YORK CHARTER, THE COMPTROLLER OF THE CITY OF NEW YORK HEREBY GIVES PUBLIC NOTICE OF THE CONFIRMATION BY THE SUPREME COURT AND THE ENTERING IN THE BUREAU FOR THE COLLECTION OF ASSESSMENTS AND ARREARS OF TAXES AND ASSESSMENTS AND OF WATER RENTS, OF THE ASSESSMENT FOR OPENING AND ACQUIRING TITLE TO THE FOLLOWING NAMED AVENUE IN THE BOROUGH OF RICHMOND:

THIRD WARD.

CHARLES AVENUE—OPENING, from Richmond avenue to Nicholas avenue. Confirmed June 8, 1908; entered June 29, 1908. Area of assessment includes all those lands, tenements and hereditaments and premises situate, lying and being in the Borough of Richmond, in The City of New York, which, taken together, are bounded and described as follows, viz:

Beginning at a point formed by the intersection of the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield place, and a line parallel to and distant one hundred (100) feet west of the westerly line of Nicholas avenue, running thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet west of the westerly line of Richmond avenue; thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Richmond avenue and Herberton avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet north of the northerly line of Mersereau avenue; thence easterly along said prolongation and parallel line to its intersection with the middle line of the blocks between Richmond avenue and Herberton avenue; thence southerly along said middle line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of Post avenue; thence westerly along said last-mentioned parallel line and its westerly prolongation to its intersection with the middle line of the block between Charles avenue and Hatfield place; thence westerly along said last-mentioned middle line and its westerly prolongation to the point or place of beginning.

The above-entitled assessment was entered on the date hereinbefore given in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, from 9 a. m. to 12 m., and all payments made thereon on or before August 28, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

Beginning at a point formed by the intersection of a line parallel to and distant 100 feet westerly of the westerly line of Wales avenue, and a line parallel to and distant 100 feet northerly of the northerly line of Fox street; running thence northerly along said parallel line to Wales avenue to its intersection with a line parallel to and distant 100 feet northerly of the northerly line of Beck street; thence easterly along said parallel line to Beck street to its intersection with a line parallel to and distant 100 feet easterly of the easterly line of Longwood avenue; thence southerly along said parallel line to Longwood avenue to its intersection with a line parallel to and distant 100 feet northerly of the northerly line of Fox street; thence westerly along said last-mentioned parallel line to Fox street to the point or place of beginning.

The above-entitled assessment was entered on the date hereinbefore given in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents. Unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of entry of the assessment, interest will be collected thereon, as provided in section 1006 of the Greater New York Charter.

Said section provides that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above-entitled assessment is payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, in the Municipal Building, corner of One Hundred and Seventy-seventh street and Third avenue, Borough of The Bronx, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before August 28, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

Beginning at a point formed by the intersection of the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield place, and a line parallel to and distant one hundred (100) feet west of the westerly line of Richmond avenue; thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Richmond avenue and Herberton avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet north of the northerly line of Mersereau avenue; thence easterly along said prolongation and parallel line to its intersection with the middle line of the blocks between Richmond avenue and Herberton avenue; thence southerly along said middle line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of Post avenue; thence westerly along said last-mentioned parallel line and its westerly prolongation to its intersection with the middle line of the block between Charles avenue and Hatfield place; thence westerly along said last-mentioned middle line and its westerly prolongation to the point or place of beginning.

The above-entitled assessment was entered on the date hereinbefore given in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, from 9 a. m. to 12 m., and all payments made thereon on or before August 28, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

Beginning at a point formed by the intersection of the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield place, and a line parallel to and distant one hundred (100) feet west of the westerly line of Richmond avenue; thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Richmond avenue and Herberton avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet north of the northerly line of Mersereau avenue; thence easterly along said prolongation and parallel line to its intersection with the middle line of the blocks between Richmond avenue and Herberton avenue; thence southerly along said middle line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of Post avenue; thence westerly along said last-mentioned parallel line and its westerly prolongation to its intersection with the middle line of the block between Charles avenue and Hatfield place; thence westerly along said last-mentioned middle line and its westerly prolongation to the point or place of beginning.

The above-entitled assessment was entered on the date hereinbefore given in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, from 9 a. m. to 12 m., and all payments made thereon on or before August 28, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

Beginning at a point formed by the intersection of the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield place, and a line parallel to and distant one hundred (100) feet west of the westerly line of Richmond avenue; thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Richmond avenue and Herberton avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet north of the northerly line of Mersereau avenue; thence easterly along said prolongation and parallel line to its intersection with the middle line of the blocks between Richmond avenue and Herberton avenue; thence southerly along said middle line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of Post avenue; thence westerly along said last-mentioned parallel line and its westerly prolongation to its intersection with the middle line of the block between Charles avenue and Hatfield place; thence westerly along said last-mentioned middle line and its westerly prolongation to the point or place of beginning.

The above-entitled assessment was entered on the date hereinbefore given in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, from 9 a. m. to 12 m., and all payments made thereon on or before August 28, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

Beginning at a point formed by the intersection of the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield place, and a line parallel to and distant one hundred (100) feet west of the westerly line of Richmond avenue; thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Richmond avenue and Herberton avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet north of the northerly line of Mersereau avenue; thence easterly along said prolongation and parallel line to its intersection with the middle line of the blocks between Richmond avenue and Herberton avenue; thence southerly along said middle line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of Post avenue; thence westerly along said last-mentioned parallel line and its westerly prolongation to its intersection with the middle line of the block between Charles avenue and Hatfield place; thence westerly along said last-mentioned middle line and its westerly prolongation to the point or place of beginning.

The above-entitled assessment was entered on the date hereinbefore given in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, from 9 a. m. to 12 m., and all payments made thereon on or before August 28, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessment became a lien to the date of payment.

Beginning at a point formed by the intersection of the westerly prolongation of the middle line of the blocks between Charles avenue and Hatfield place, and a line parallel to and distant one hundred (100) feet west of the westerly line of Richmond avenue; thence northerly along said parallel line to its intersection with the westerly prolongation of the middle line of the blocks between Richmond avenue and Herberton avenue; thence easterly along said westerly prolongation and middle line to its intersection with a line parallel to and distant one hundred (100) feet north of the northerly line of Mersereau avenue; thence easterly along said prolongation and parallel line to its intersection with the middle line of the blocks between Richmond avenue and Herberton avenue; thence southerly along said middle line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of

draw from sale any of the buildings, parts of buildings and machinery included therein, or to reject any and all bids; and it is further

Resolved, That while the said sale is held under the supervision of the Commissioners of the Sinking Fund, the Comptroller is authorized to cause the sale to be advertised and to direct the sale thereof as financial officer of the City.

H. A. METZ,
Comptroller.

Department of Finance, Comptroller's Office,
June 29, 1908.

j30.jy17

CORPORATION SALE OF BUILDINGS AND APPURTENANCES THERETO ON CITY REAL ESTATE.

AT THE REQUEST OF THE PRESIDENT of the Borough of Queens, public notice is hereby given that the Commissioners of the Sinking Fund, by virtue of the powers vested in them by law, will offer for sale all the buildings, parts of buildings, etc., standing within the lines of property owned by The City of New York, acquired by it for street opening purposes in the

Borough of Queens.

Being all buildings, parts of buildings, etc., situated on Washington avenue, from Vernon avenue to the East River, First Ward, Borough of Queens, and which are more particularly described on a certain map on file in the office of the Collector of City Revenue, Department of Finance, No. 280 Broadway, Borough of Manhattan.

Pursuant to a resolution adopted by the Commissioners of the Sinking Fund, at a meeting held May 27, 1908, the sale of the above-described buildings and appurtenances thereto will be held, under the direction of the Comptroller, on

THURSDAY, JULY 16, 1908,
at 2 p. m., on the premises, upon the following

TERMS AND CONDITIONS.

The buildings and appurtenances thereto will be sold to the highest bidder, who must pay immediately cash or a certified check drawn to the order of the Comptroller of The City of New York, and must also at the time of sale give a certified check or cash in half the amount of the purchase price as security for the faithful performance of the terms and conditions of the sale. Where the amount of the purchase price does not equal or exceed the sum of fifty dollars, the sum of fifty dollars shall be the amount of the security to be deposited. This security may at any time after the expiration of the contract period be applied by the City to the cost of completing any of the work required under the contract, but unfinished at the expiration of the contract period.

All the materials of the buildings, sheds, walks, structures and cellars of whatsoever nature, with their exterior and interior fixtures, appurtenances and foundations of all kinds, except the sidewalk and curb in front of said buildings extending within the described area and down to the level of the cellar bottom, shall be torn down and removed from the premises. None of the dirt, debris or waste resulting from demolition shall be allowed to remain on the premises, except old mortar or plaster only, which may be left, but not higher at any point than two feet below the curb opposite that point; also the foundation walls of all classes shall be taken down only to a plane whose elevation shall be the level of the curb in front of the building.

Failure to remove said buildings, appurtenances, or any portion thereof, within sixty days from the day of the sale, will work forfeiture of ownership of such buildings, appurtenances, or portion as shall then be left standing, together with all moneys paid by said purchaser on account thereof at the time of the sale, and the bidder's assent to the above conditions being understood to be implied by the act of bidding, and The City of New York will, without notice to the purchaser, cause the same to be removed and the costs and expense thereof charged against the security above mentioned.

The work of removal must be carried on in every respect in a thorough and workmanlike manner and must be completed within sixty days from the day of sale, and the successful bidder will provide and furnish all materials of labor and machinery necessary thereto, and will place proper and sufficient guards and fences and warning signs by day and night for the prevention of accidents, and will indemnify and save harmless The City of New York, its officers, agents and servants, and each of them, against any and all suits and actions, claims and demands of every name and description brought against it, them or any of them, and against and from all damage and costs to which it, they or any of them be put by reason of injury to the person or property of another, resulting from negligence or carelessness in appliances used in the removal of said buildings.

The work of removal must be carried on in every respect in a thorough and workmanlike manner, and must be completed within sixty days from the day of sale, and the successful bidder will provide and furnish all materials of labor and machinery necessary thereto, and will place proper and sufficient guards and fences and warning signs by day and night for the prevention of accidents, and will indemnify and save harmless The City of New York, its officers, agents and servants, and each of them, against any and all suits and actions, claims and demands of every name and description brought against it, them or any of them, and against and from all damage and costs to which it, they or any of them be put by reason of injury to the person or property of another, resulting from negligence or carelessness in appliances used in the removal of said buildings.

The Comptroller of The City of New York reserves the right on the day of sale to withdraw from sale any of the buildings, parts of buildings and machinery included therein, or to reject any and all bids; and it is further

Resolved, That while the said sale is held under the supervision of the Commissioners of the Sinking Fund, the Comptroller is authorized to cause the sale to be advertised and to direct the sale thereof as financial officer of the City.

H. A. METZ,
Comptroller.

Department of Finance, Comptroller's Office,
June 29, 1908.

j30.jy16

CORPORATION SALE OF BUILDINGS AND APPURTENANCES THERETO ON CITY REAL ESTATE.

AT THE REQUEST OF THE PRESIDENT of the Borough of Brooklyn, public notice is hereby given that the Commissioners of the Sinking Fund, by virtue of the powers vested in them by law, will offer for sale all the buildings, parts of buildings, etc., standing within the lines of property owned by The City of New York, acquired by it for street opening purposes in the

Borough of Brooklyn.

Being all those buildings, parts of buildings, etc., upon Seventy-first street, extending from Sixth to Seventh avenue, in the Thirty-first Ward, Borough of Brooklyn, and which are more particularly described on a certain map on file in the office of the Collector of City Revenue, Department of Finance, No. 280 Broadway, Borough of Manhattan.

Pursuant to a resolution adopted by the Commissioners of the Sinking Fund at a meeting held May 27, 1908, the sale of the above-described buildings and appurtenances thereto will be held under the direction of the Comptroller.

FRIDAY, JULY 17, 1908,
at 11:30 a. m., on the premises, upon the following

TERMS AND CONDITIONS.

The buildings and appurtenances thereto will be sold to the highest bidder, who must pay immediately cash or a certified check drawn to the order of the Comptroller of The City of New York, and must also at the time of sale give a certified check or cash in half the amount of the purchase price as security for the faithful performance of the terms and conditions of the sale. Where the amount of the purchase price does not equal or exceed the sum of fifty dollars, the sum of fifty dollars shall be the amount of the security to be deposited. This security may at any time after the expiration of the contract period be applied by the City to the cost of completing any of the work required under the contract, but unfinished at the expiration of the contract period.

All the materials of the buildings, sheds, walks, structures and cellars of whatsoever nature, with their exterior and interior fixtures, appurtenances and foundations of all kinds, except the sidewalk and curb in front of said buildings extending within the described area and down to the level of the cellar bottom, shall be torn down and removed from the premises. None of the dirt, debris or waste resulting from demolition shall be allowed to remain on the premises, except old mortar or plaster only, which may be left, but not higher at any point than two feet below the curb opposite that point; also the foundation walls of all classes shall be taken down only to a plane whose elevation shall be the level of the curb in front of the building.

Failure to remove said buildings, appurtenances, or any portion thereof, within sixty days from the day of the sale, will work forfeiture of ownership of such buildings, appurtenances, or portion as shall then be left standing, together with all moneys paid by said purchaser on account thereof at the time of the sale, and the bidder's assent to the above conditions being understood to be implied by the act of bidding, and The City of New York will, without notice to the purchaser, cause the same to be removed and the costs and expense thereof charged against the security above mentioned.

The work of removal must be carried on in every respect in a thorough and workmanlike manner and must be completed within sixty days from the day of sale, and the successful bidder will provide and furnish all materials of labor and machinery necessary thereto, and will place proper and sufficient guards and fences and warning signs by day and night for the prevention of accidents, and will indemnify and save harmless The City of New York, its officers, agents and servants, and each of them, against any and all suits and actions, claims and demands of every name and description brought against it, them or any of them, and against and from all damage and costs to which it, they or any of them be put by reason of injury to the person or property of another, resulting from negligence or carelessness in appliances used in the removal of said buildings.

Resolved, That while the said sale is held under the supervision of the Commissioners of the Sinking Fund, the Comptroller is authorized to cause the sale to be advertised and to direct the sale thereof as financial officer of the City.

H. A. METZ,
Comptroller.

Department of Finance, Comptroller's Office,
June 29, 1908.

j30.jy17

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF the Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF BROOKLYN:

TWENTY-FOURTH WARD, SECTION 5.

ROGERS AVENUE—PAVING, between Park place and Montgomery street. Area of assessment: Both sides of Rogers avenue, between Park place and Montgomery street, and to the extent of half the block at the intersecting streets and avenues.

TWENTY-NINTH WARD, SECTION 16.

GREENWOOD AVENUE—PAVING, between Coney Island avenue and Gravesend avenue. Area of assessment: Both sides of Greenwood avenue, from Coney Island avenue to Gravesend avenue, and to the extent of half the block at the intersecting streets and avenues.

EAST FOURTH STREET—PAVING, between Vanderbilt street and Fort Hamilton avenue. Area of assessment: Both sides of East Fourth street, from Vanderbilt street to Fort Hamilton avenue, and to the extent of half the block at the intersecting streets and avenues.

THIRTIETH WARD, SECTION 17.

FORTY-FIRST STREET—PAVING, between Thirteenth and New Utrecht avenues. Area of assessment: Both sides of Forty-first street, from Thirteenth avenue to New Utrecht avenue, and to the extent of half the block at the intersecting streets and avenues.

THIRTY-SECOND WARD, SECTION 16.

EAST TWENTY-NINTH STREET—PAVING, between Farragut and Glenwood roads. Area of assessment: Both sides of East Twenty-ninth street, from Farragut to Glenwood road, and to the extent of half the block at the intersecting streets and avenues.

— that the same were confirmed by the Board of Revision of Assessments June 25, 1908, and entered on June 25, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of the Greater New York Charter.

Said section provides, in part: "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum from the date when such assessment became a lien, as provided in section 1019 of this act."

Section 1019 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF THE BRONX:

hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before August 24, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when such assessments became liens to the date of payment.

HERMAN A. METZ,
Comptroller.

City of New York, June 25, 1908.

j27.jy11

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF the Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessment for LOCAL IMPROVEMENTS in the BOROUGH OF MANHATTAN:

TWENTIETH WARD, SECTION 3.

ALTERATION AND IMPROVEMENT TO SEWER in ELEVENTH AVENUE, east side, between Thirty-fourth and Thirty-sixth streets, and in THIRTY-FIFTH STREET, between Tenth and Eleventh avenues. Area of assessment: East side of Eleventh avenue, between Thirty-fourth and Thirty-sixth streets; both sides of Thirty-fifth street, between Tenth and Eleventh avenues; north side of Thirty-fourth street, between Tenth and Eleventh avenues, and west side of Tenth avenue, between Thirty-fourth and Thirty-fifth streets.

— that the same was confirmed by the Board of Revision of Assessments on June 25, 1908, and entered June 25, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 1019 of this act."

Section 1019 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessment for LOCAL IMPROVEMENTS in the BOROUGH OF QUEENS:

FIRST WARD.

FLUSHING AVENUE (west side)—FLAGGING, from Willett street to Hillside avenue. Area of assessment: West side of Flushing avenue, from Willett street to Hillside avenue.

FLUSHING AVENUE—SEWER, from Van Alst avenue to Cabinet street. Area of assessment: Both sides of Flushing avenue, from Van Alst avenue to Cabinet street; both sides of North Henry street extending southerly about 275 feet; both sides of Isabella place, extending southerly from Flushing avenue about 430 feet; both sides of Carver street extending southerly from Flushing avenue about 515 feet; both sides of Debevoise avenue, from Hoyt avenue to a point about 750 feet south; both sides of Chestnut street, from Flushing avenue to Vanderventer avenue; both sides of Vanderventer avenue, from Debevoise avenue to Steinway avenue; both sides of Rapelje avenue, from Woolsey avenue to Vanderventer avenue; both sides of Brill street, from Flushing avenue to a point about 300 feet south of Vanderventer avenue; both sides of Bartow street, from Woolsey avenue to Grand avenue; both sides of Blackwell street, from Woolsey avenue to a point about 300 feet south of Vanderventer avenue; both sides of Pomeroy street, from Woolsey avenue to a point about 275 feet south of Vanderventer avenue; both sides of Kouwenhoven street, from Woolsey avenue to a point about 325 feet south of Vanderventer avenue; both sides of Albert street, from Potter avenue to a point about 500 feet south of Wilson avenue; both sides of Winans street, from Flushing avenue to a point about 500 feet south of Wilson avenue; both sides of Theodore street, from Potter avenue to Flushing avenue; both sides of Purdy street, from Potter avenue to Flushing avenue; both sides of Sound street, from Potter avenue to Flushing avenue; both sides of Grace street, from Flushing avenue to Vanderventer avenue; both sides of Stemler street, from Flushing avenue to Vanderventer avenue; both sides of Luyster avenue, from Flushing avenue to Vanderventer avenue; both sides of Titus street, from Flushing avenue to Vanderventer avenue; both sides of Oakley street, from Flushing avenue to Vanderventer avenue; both sides of Baldwin street, from Flushing avenue to Wilson avenue; both sides of Cabinet street, from Wilson avenue to Flushing avenue; both sides of Wilson avenue, from Steinway avenue to Baldwin street; both sides of Potter avenue, from Albert street to Purdy street; both sides of Frankfort street, from Potter avenue to Steinway avenue; both sides of Nassau avenue, from Luyster street to Steinway avenue; and the south side of Woolsey avenue, from Rapelje avenue to Steinway avenue.

— that the same were confirmed by the Board of Revision of Assessments June 25, 1908, and entered on June 25, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided in section 1019 of this act."

Section 1019 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF QUEENS:

SECOND WARD.

HARMON STREET AND ST. NICHOLAS AVENUE—SEWER BASIN, at the north corner. Area of assessment: Northwest side of Harmon street, from Cypress avenue to St. Nicholas avenue;

— that the same were confirmed by the Board of Assessors June 23, 1908, and entered on June 23, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

HERMAN A. METZ,
Comptroller.

City of New York, Department of Finance,

Comptroller's Office, June 25, 1908.

j26.jy10

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF the Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF THE BRONX:

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. until 12 m., and all payments made thereon on or before August 22, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ,
Comptroller.

City of New York, Department of Finance,
Comptroller's Office, June 23, 1908.

j25.jy9

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF THE BRONX:

TWENTY-FOURTH WARD, SECTION 11.

CRESTON AVENUE—REGULATING, GRADING, CURBING, FLAGGING, LAYING CROSSWALKS, BUILDING APPROACHES AND ERECTING FENCES between Tremont avenue and Burnside avenue. Area of assessment: Both sides of Creston avenue, from Tremont avenue to Burnside avenue, and to the extent of half the block at the intersecting streets and avenues.

TWENTY-FOURTH WARD, SECTION 12.

CONSTRUCTING SEWER AND APPURTENANCES IN ALBANY ROAD, between West Two Hundred and Thirty-third street and Two Hundred and Thirty-first street; in BAILEY AVENUE, from West Two Hundred and Thirty-third street to the summit southerly therefrom; in WEST TWO HUNDRED AND THIRTY-FIRST STREET, between Broadway and Bailey avenue. Area of assessment: Both sides of Albany road, from Two Hundred and Thirty-third street; east side of Bailey avenue, between Two Hundred and Thirty-third street and Boston avenue; south side of Two Hundred and Thirty-first street, from Broadway to Bailey avenue, and both sides of Albany avenue, from Two Hundred and Thirty-first street to Bailey avenue.

STEUBEN AVENUE—REGULATING, GRADING, CURBING, FLAGGING, LAYING CROSSWALKS, BUILDING APPROACHES AND ERECTING FENCES, from Moshulu parkway to Gun Hill road. Area of assessment: Both sides of Steuben avenue, from Moshulu parkway to Gun Hill road, and to the extent of half the block at the intersecting streets and avenues.

RECEIVING BASINS—On southwest corner of WEBSTER AVENUE AND MACLEAN AVENUE; southwest corner of VIREO AVENUE AND EAST TWO HUNDRED AND THIRTY-NINTH STREET; northwest corner of VIREO AVENUE AND EAST TWO HUNDRED AND THIRTY-FIFTH STREET; northwest and southwest corners of VIREO AVENUE AND EAST TWO HUNDRED AND THIRTY-THIRD STREET; south side of EAST TWO HUNDRED AND THIRTY-THIRD STREET, opposite Vireo avenue; northeast, northwest, southeast and southwest corners of MARTHA AVENUE AND EAST TWO HUNDRED AND THIRTY-FOURTH STREET; south side of EAST TWO HUNDRED AND THIRTY-SIXTH STREET, west of Katonah avenue; northeast, northwest and northeast corners of NAPIER AVENUE AND EAST TWO HUNDRED AND THIRTY-THIRD STREET, opposite Napierville. Area of assessment: South side of MacLean avenue, from Vireo avenue to Webster avenue; east side of Vireo avenue, between MacLean avenue and Two Hundred and Thirty-sixth street; west side of Vireo avenue, between Two Hundred and Thirty-eighth and Two Hundred and Thirty-ninth streets; north side of Two Hundred and Thirty-eighth and south side of Two Hundred and Thirty-ninth streets, between Martha and Vireo avenues; north side of Two Hundred and Thirty-fourth street, between Vireo and Katonah avenues; west side of Vireo avenue, between Two Hundred and Thirty-fourth and Two Hundred and Thirty-sixth streets; north side of Two Hundred and Thirty-fifth street, between Vireo and Martha avenues; both sides of Vireo avenue, between Two Hundred and Thirty-third and Two Hundred and Thirty-fourth streets; north side of Two Hundred and Thirty-third and south side of Two Hundred and Thirty-fourth streets, between Vireo and Katonah avenues; northeast corner and southeast corner of Martha and Two Hundred and Forty-first street; both sides of Two Hundred and Forty-first street, from Martha to Katonah avenue; southeast corner of Katonah avenue and Two Hundred and Forty-first street; north side of Two Hundred and Forty-first street, from Shore road and First avenue, and between Second and Seventh avenues. Area of assessment: Both sides of Bay Ridge parkway, from Shore road to First avenue, and from Second to Seventh avenue, and to the extent of half the block at the intersecting streets and avenues.

THIRTY-FIRST WARD, SECTION 18.

BAY RIDGE PARKWAY—PAVING, between Shore road and First avenue, and between Second and Seventh avenues. Area of assessment: Both sides of Bay Ridge parkway, from Shore road to First avenue, and from Second to Seventh avenue, and to the extent of half the block at the intersecting streets and avenues.

BAY RIDGE PARKWAY—PAVING, from First to Second avenue. Area of assessment: Both sides of Bay Ridge parkway, from First to Second avenue.

THIRTY-FIRST WARD, SECTION 22.

EAST TWENTY-FIRST STREET (Kenmore Place)—SEWER, from Emmons avenue to the end of existing sewer north of Emmons avenue. Area of assessment: Blocks bounded by Voorhees avenue, Emmons avenue, East Twenty-second street and Ocean avenue.

—that the same were confirmed by the Board of Assessors on June 23, 1908, and entered June 23, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after

the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record." * * *

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, in the Municipal Building, corner of One Hundred and Seventy-seventh street and Third avenue, Borough of The Bronx, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before August 22, 1908, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when the above assessments became liens to the date of payment.

HERMAN A. METZ,
Comptroller.

City of New York, Department of Finance,
Comptroller's Office, June 23, 1908.

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NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF BROOKLYN:

EIGHTH WARD, SECTION 3.

FORTY-FOURTH STREET—SEWER, between Fifth and Sixth avenues. Area of assessment: Both sides of Forty-fourth street, from Fifth to Sixth avenue.

TWENTY-FOURTH AND TWENTY-SIXTH WARDS, SECTION 5.

EASTERN PARKWAY EXTENSION—SEWER, northerly side, between Prospect place and Rockaway avenue. Area of assessment: North side of Eastern Parkway Extension, from Prospect place to St. Marks avenue.

TWENTY-SIXTH WARD, SECTION 12.

DUMONT AND ROCKAWAY AVENUES—SEWER BASINS at the northeast and southeast corners. Area of assessment: South side of Dumont avenue, from Rockaway to Thadford avenue; east side of Rockaway avenue, between Livonia and Dumont avenues; east side of Rockaway avenue, between Blake and Dumont avenues; north side of Dumont avenue, from Rockaway to Thadford avenue.

TWENTY-SIXTH AND THIRTY-SECOND WARDS, SECTION 12.

ROCKAWAY AVENUE—SEWER, between Lott and Hegeman avenues, and BASINS on the northwest and southwest corners of ROCKAWAY AND DUMONT AVENUES; on the northwest corner of ROCKAWAY AND LIVONIA AVENUES; on the northwest corner of ROCKAWAY AND RIVERDALE AVENUES. Area of assessment: East side of Chester street and west side of Rockaway avenue, from Blake to Riverdale avenue, and blocks bounded by Chester street, Hegeman avenue, Lott avenue and Thadford street.

TWENTY-SIXTH WARD, SECTION 13.

NORWOOD AVENUE—PAVING, between Atlantic and Jamaica avenues. Area of assessment: Both sides of Norwood avenue, from Atlantic to Jamaica avenue, and to the extent of half the block at the intersecting streets and avenues.

HALE AVENUE—SEWER, from Jamaica avenue to Force Tube avenue, and OUTLET SEWER in ETNA STREET, from Hale avenue to Norwood avenue. Area of assessment: Both sides of Hale avenue, from Jamaica avenue to Force Tube avenue; both sides of Etna street, from Force Tube avenue to Norwood avenue, and south side of Jamaica avenue, from Force Tube avenue to Norwood avenue.

SEWER BASINS at southwest corner of FOUNTAIN AND ATLANTIC AVENUES; at northeast corner of FOUNTAIN AVENUE AND MAGENTA STREET; in FOUNTAIN AVENUE, opposite Magenta street, and northwest corner of BELMONT AND FOUNTAIN AVENUES. Area of assessment: West side of Fountain avenue, from Liberty to Atlantic avenue; south side of Atlantic avenue, from Logan street to Fountain avenue; east side of Fountain avenue, from Magenta street to Atlantic avenue, and west side of Fountain avenue, between Belmont and Pitkin avenues.

TWENTY-EIGHTH WARD, SECTION 11.

ST. NICHOLAS AVENUE AND HARMON STREET—SEWER BASIN, at the north corner. Area of assessment: Northwest side of Harmon street, from Cypress to St. Nicholas avenue.

DECATUR STREET—PAVING, between Hamburg and Knickerbocker avenues. Area of assessment: Both sides of Decatur street, from Hamburg to Knickerbocker avenue, and to the extent of half the block at the intersecting streets and avenues.

TWENTY-NINTH WARD, SECTION 16.

EAST THIRD STREET—PAVING, from Ditmas avenue to a point about 120 feet north of Avenue F. Area of assessment: Both sides of East Third street, from Ditmas avenue to a point about 120 feet north of Avenue F, and to the extent of half the block at the intersecting streets and avenues.

THIRTIETH WARD, SECTION 18.

BAY RIDGE PARKWAY—PAVING, between Shore road and First avenue, and between Second and Seventh avenues. Area of assessment: Both sides of Bay Ridge parkway, from Shore road to First avenue, and from Second to Seventh avenue, and to the extent of half the block at the intersecting streets and avenues.

BAY RIDGE PARKWAY—PAVING, from First to Second avenue. Area of assessment: Both sides of Bay Ridge parkway, from First to Second avenue.

THIRTY-FIRST WARD, SECTION 22.

EAST TWENTY-FIRST STREET (Kenmore Place)—SEWER, from Emmons avenue to the end of existing sewer north of Emmons avenue. Area of assessment: Blocks bounded by Voorhees avenue, Emmons avenue, East Twenty-second street and Ocean avenue.

—that the same were confirmed by the Board of Assessors on June 23, 1908, and entered June 23, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after

the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

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DEPARTMENT OF DOCKS AND FERRIES.

OFFICE OF THE DEPARTMENT OF DOCKS AND FERRIES, PIER "A," FOOT OF BATTERY PLACE, NORTH RIVER, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SALE OF OLD MATERIAL.

JOSEPH P. DAY, AUCTIONEER, WILL sell, on behalf of the Department of Docks and Ferries, on

TUESDAY, JULY 14, 1908,

and on

WEDNESDAY, JULY 15, 1908,

commencing at 10:30 o'clock a. m., on Tuesday, July 14, 1908, at the Department Yard, foot of West Eightieth street, North River, and continuing at Timber Basin, foot of West Seventy-fifth street, North River; at the Pile Basin, at Sherman's Creek, Harlem River; at the Department's Yard, foot of Twenty-fourth street, East River; at Wallabout Basin, Brooklyn; at the ferry terminal at Thirty-ninth street, Brooklyn, and at the ferry terminal at St. George, Borough of Richmond, the following lots of old material:

At the Department Yard, Foot of West Eightieth Street, North River.

Lot. No. 1. One horizontal return tubular boiler, about 30 inches in diameter by about 10 feet long.

Lot. No. 2. One horizontal return tubular boiler, about 72 inches in diameter by about 18 feet long.

Lot. No. 3. One horizontal return tubular boiler, about 72 inches in diameter by about 18 feet long.

Lot. No. 4. One horizontal return tubular boiler, about 54 inches in diameter by about 16 feet long.

Lot. No. 5. One horizontal return tubular boiler, about 48 inches in diameter by about 12 feet long.

Lot. No. 6. One horizontal return tubular boiler, about 60 inches in diameter by about 14 feet long.

Lot. No. 7. One horizontal return tubular boiler, about 54 inches in diameter by about 15 feet long.

Lot. No. 8. One horizontal return tubular boiler, about 36 inches in diameter by about 12 feet long.

Lot. No. 9. One horizontal return tubular boiler, about 42 inches in diameter by about 10 feet long.

Lot. No. 10. One horizontal return tubular boiler, about 54 inches in diameter by about 16 feet long.

Lot. No. 11. Miscellaneous pieces of boiler fronts and flues.

Lot. No. 12. Four vertical boilers—One, about 36 inches by 84 inches.

Two, about 42 inches by 90 inches.

One, about 48 inches by 102 inches.

Lot. No. 13. Five engine frames, with miscellaneous parts (engines are not complete)—One, about 8-inch by 16-inch horizontal single cylinder steam.

One, about 18-inch by 24-inch horizontal single cylinder steam.

One, about 7-inch by 10-inch horizontal single cylinder steam.

One, about 12-inch by 24-inch horizontal single cylinder steam.

One, about 9-inch by 16-inch White & Middleton gas engine.

Lot. No. 14. Five pumps, as follows:

One single cylinder artesian well pump, manufactured by A. T. Cooke, steam cylinder and frame.

One single cylinder horizontal, manufactured by Blake.

One Knowles duplex horizontal.

One Foster single cylinder horizontal.

One belt driven vertical single cylinder.

Lot. No. 15. One single cylinder horizontal pump, manufactured by Foster Pump Works, about 15-inch by 6½-inch by 14-inch.

Lot. No. 16. One Worthington horizontal duplex pump, about 12-inch by 8½-inch by 10-inch.

Lot. No. 17. One lot of machinery, as follows:

One belt driven air compressor, about 6-inch by 8-inch.

One belt driven Sturtevant blower, fan 3-foot by 14-inch.

One belt driven high pressure blower, built by American Gas Furnace Company.

Lot. No. 18. One lot of machinery (machines not complete), as follows:

One punch, about 20-inch throat.

One punch, about 32-inch throat.

One punch, about 14-inch throat.

One horizontal punch.

One bending roll, rolls about 6 feet long.

One post drill, cone pulley, belt drive, hand feed, spindle about 2½ inches in diameter.

Lot. No. 19. One bevel shearing machine, 8-inch blades.

Lot. No. 20. One swing saw frame, made by Connell & Dengler, Rochester, N. Y., about 5-foot 6-inch swing.

Lot. No. 21. One resawing machine, manufactured by Connell & Dengler, Rochester, N. Y., about 42-inch saw.

Lot. No. 22. One wood planer, manufactured by A. S. Wood Company, top, bottom and side cutters, over all dimensions about 17½ feet by 5 feet.

Lot. No. 23. One rip saw, table and frame for saw about 16 inches in diameter.

Lot. No. 24. One pile of freezing cans, about 22 by 24 by 12 feet.

Lot. No. 25. One lot of machinery, as follows:

Two Pratt & Whitney No. 3 turret machines.

One two-spindle drill Pratt & Whitney vertical rotary table for drilling bicycle rims.

One engine lathe, 8 inches by 22 inches.

Lot. No. 26. One lot of iron pipe fittings, valves, etc., principally ammonia fittings, about 25 by 13 by 2 feet high.

Lot. No. 27. One lot of tanks, etc., as follows:

One tank about 3 feet in diameter by about 8 feet.

One tank about 4 feet by 3 feet by 3 feet.

Two tanks about 10 inches in diameter by about 5 feet.

Three tanks about 16 inches by 7 feet by 7 inches.

One tank about 48 inches in diameter by 34 inches high.

One tank 3 feet 3 inches by 4 feet 6 inches.

Two open boxes 16 inches by 2 feet by 4 feet.

One steam box with legs about 17 inches in diameter by 34 inches.

Lot. No. 28. One lot of shafting, pulleys and hangers, as follows:

Shafting, 1 15/16 inches to 3 3/16 inches in diameter, about 400 feet total.

Pulleys, faces from 3 inches to 30 inches, as follows:
12 inches to 24 inches in diameter, about 27 pieces.
24 inches to 36 inches in diameter, about 29 pieces.
36 inches to 48 inches in diameter, about 9 pieces.

Over 48 inches in diameter, about 3 pieces.
Hanger frames of miscellaneous sizes and patterns, about 100 pieces.

Lot. No. 29. Six elevator cages, with counter-weights and parts of equipment.

Lot. No. 30. One lot of wooden doors sheathed with light iron, in four piles, as follows:

About 19 feet by 15 feet by 2 feet 4 inches high.

About 19 feet by 15 feet by 4 feet high.

About 8 feet by 13 feet by 9 feet 6 inches high.

About 11 feet by 15 feet by 5 feet high.

Lot. No. 31. One pile of old tin, about 8 feet by 4 feet by 2 feet 6 inches.

Lot. No. 32. About 16 iron hose reels.

Lot. No. 33. One lot of 12 slate slabs, about 5 feet 6 inches by 2 feet.

Two ice boxes and one drinking tank.

Two broken porcelain urinals.

Two semi-porcelain wash tubs.

One marble basin top.

Seven flush tanks for toilets.

Lot. No. 34. About eleven tons of scrap iron.

Lot. No. 35. About 2,000 pounds of old rope.

Lot. No. 36. About 36 pairs of old rubber boots and three second-hand diving dresses.

Lot. No. 37. One phoenix column used for mast, 42 feet long by 12 inches in diameter.

Lot. No. 38. One double cylinder, four drum hoisting engine; two drums operated by one cylinder.

Lot. No. 39. Three feed water heaters—one about 15 inches diameter by 7 feet high, one about 12 inches by 14 inches, one about 18 inches by 24 inches.

Lot. No. 40. One pile of 12-inch channel iron, about 40 feet by 11 feet by 4 feet.

Lot. No. 41. One pile of miscellaneous iron shapes.

Lot. No. 42. One lot of awning frames.

Lot. No. 43. Four piles of old wooden doors, sashes, window lights, etc.

Lot. No. 44. One lot of flat iron plates.

At Timber Basin, Foot of West Seventy-fifth Street, North River.

Lot. No. 45. Raft 25 feet square, seven courses 4 inches by 10 inches plank.

At Sherman's Creek, Harlem River.

Lot. No. 46. One wrecked steam launch.

At East Twenty-fourth Street Yard.

Lot. No. 47. Raft 20 feet by 30 feet, 4 inches by 10 inches yellow pine, twelve courses.

Lot. No. 48. Heap of junk containing about 60 sewer bands, about 60 feet of 2-inch pipe, about 600 pounds of screw bolts, about 250 pounds of miscellaneous iron, about 300 linear feet of 2-inch wire cable, about 300 pounds of 1½-inch and 2-inch water pipe, about 100 pounds of wire.

Lot. No. 49. About 52 pairs of old rubber boots, about 8 diver's dresses, one length of cotton fire hose.

Lot. No. 50. About 16 old shovels, about 7 old wheelbarrows, about 100 old wheelbarrow wheels.

At the Wallabout Basin, Brooklyn.

Lot. No. 51. Raft, 27 yellow pine pile butts, 22 to 24 feet long.

Lot. No. 52. Raft, 25 feet by 50 feet, one course of 12-inch by 12-inch yellow pine.

Lot. No. 53. Raft, 25 feet by 50 feet by 2 feet 6 inches; 4-inch by 10-inch and 5-inch by 10-inch yellow pine.

Lot. No. 54. Catamaran "A," 75 yellow pine pile butts, 10 to 40 feet long; 45 oak pile butts, 10 to 30 feet long.

Lot. No. 55. Catamaran "B," 116 yellow pine pile butts, 15 to 25 feet long; 12 oak pile butts, second hand, 20 to 35 feet long.

Lot. No. 56. Raft, 20 feet by 30 feet, containing 12 inches by 12 inches, 3 inches by 10 inches and 2 inches by 10 inches, three courses deep.

Lot. No. 57. Raft, 90 feet of 4-inch by 10-inch yellow pine, 11 feet of 8-inch by 10-inch yellow pine, 30 feet of 6-inch by 12-inch yellow pine, 11 feet of 4-inch by 12-inch yellow pine and 90 feet of 2-inch by 10-inch yellow pine.

Lot. No. 58. One broken catamaran, 25 feet by 35 feet.

Lot. No. 59. 24 spruce mould boards.

Lot. No. 60. Raft of 3-inch by 10-inch and 4-inch by 10-inch yellow pine, eight courses.

Lot. No. 61. 30 linear feet of 12-inch by 12-inch yellow pine, 150 linear feet of 6-inch by 12-inch yellow pine, 150 linear feet of 10-inch by 12-inch yellow pine.

Lot. No. 62. Raft, 15 feet by 35 feet by 4 feet 6 inches, containing three courses, 12 by 12, one course 3 by 12 and one course 1 inch by 10 inches.

At Thirty-ninth Street Ferry Terminal, South Brooklyn.

Lot. No. 63. One locomotive boiler.

At St. George, Staten Island.

Lot. No. 64. About 6,000 pounds of scrap iron (cast).

Lot. No. 65. About 6,000 pounds of old wrought iron tubes.

Lot. No. 66. About 500 pounds of old wire rope.

Lot. No. 67. About 50 old barrels.

Lot. No. 68. About 1,500 pounds of old condenser tubes.

Lot. No. 69. About 2,400 pounds of old rubber hose and matting.

TERMS OF SALE.

The sale will commence at 10:30 o'clock a. m. on Tuesday, July 14, 1908, and all of the property will be sold on the one day, if possible. If it be impracticable to complete the sale on the one day the sale will be continued and completed on Wednesday, July 15, 1908.

Each of the above lots will be sold separately for a sum in gross.

The estimated quantities stated to be in the several lots are believed to be correct; but the Commissioner of Docks will not make any allowance from the purchase money for short deliveries on any lot, and bidders must judge for themselves as to the correctness of the estimate of quantity when making their bids.

If the purchaser or purchasers fails or fail to effect removal of the material within ten days from the date of sale, he or they shall forfeit his or their purchase money or moneys and the ownership of the material.

Terms of sale to be cash, to be paid at the time of sale.

An order will be given for the material purchased.

Dated The City of New York, June 16, 1908.

ALLEN N. SPOONER,
Commissioner of Docks.

jys,15

DEPARTMENT OF DOCKS AND FERRIES, PIER "A," FOOT OF BATTERY PLACE, NORTH RIVER, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Docks at Pier "A," foot of Battery place, in The City of New York, until 12 o'clock noon on

TUESDAY, JULY 14, 1908.

FOR INSURING THE FERRYBOATS "BAY RIDGE," "NASSAU" AND "GOWANUS," TO BE EMPLOYED ON THE MUNICIPAL FERRIES BETWEEN THE BOROUGH OF MANHATTAN AND THE BOROUGH OF BROOKLYN, FOR A PERIOD OF TWELVE (12) CALENDAR MONTHS FROM AUGUST 15, 1908.

The said vessels, title, apparel, stores, supplies, furniture, engines, boilers, machinery and appurtenances shall be insured at the following valuation:

For the ferryboats "Bay Ridge," "Gowanus" and "Nassau" \$200,000 for each boat, or a total of \$600,000 for the three boats; and in no case shall the Department be deemed as a co-insurer.

The boats to be confined to the use and navigation within the bay and harbor of New York and the Hudson and East Rivers, with the privilege to lay up and make additions, alterations and repairs while running or while

BOROUGH OF MANHATTAN.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN, CITY HALL, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of Manhattan, at the City Hall, Room No. 16, until 2 o'clock p. m. on

MONDAY, JULY 13, 1908.

FOR FURNISHING AND DELIVERING MISCELLANEOUS SUPPLIES, AS FOLLOWS:

Class A—Janitors' supplies.
Class B—Electrical supplies.
Class C—Hardware.
Class D—Paints, oils, etc.
Class E—Iron pipe, fittings, etc.
Class F—Engine room supplies.
Class G—Plumbers' and Tinsmiths' supplies.
Class H—Lumber.

The time for delivery of the articles, materials and supplies and the performance of the contract is on or before December 31, 1908.

The amount of security shall be fifty per centum of the amount of the bid or estimate.

Contracts will be awarded by classes.

The bidder will state the price of each item or article contained in the specifications or schedules for each class for which they bid herein contained or hereto annexed, per foot, yard or other unit of measure, or article, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total.

Blank forms and specifications may be had at the office of the Commissioner of Public Works, Nos. 13 to 21 Park Row, Bureau of Public Buildings and Offices, Room 1703, Borough of Manhattan.

JOHN F. AHEARN,
President, Borough of Manhattan.
The City of New York, June 30, 1908.

j30.jy13

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN, CITY HALL, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of Manhattan, at the City Hall, Room 16, until 2 o'clock p. m. on

MONDAY, JULY 13, 1908.

FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR SEWER AND APPURTENANCES IN WEST ONE HUNDRED AND FIFTY-EIGHTH STREET, BETWEEN AMSTERDAM AVENUE AND AVENUE ST. NICHOLAS.

The Engineer's estimate of the quantity and quality of the material and the nature and extent, as near as possible, of the work required, is as follows:

53 linear feet of brick sewer of 3 feet 6 inches by 2 feet 4 inches interior diameter.

130 linear feet of salt-glazed vitrified stone-ware pipe sewer of 15-inch interior diameter.

6 linear feet of salt-glazed vitrified stone-ware pipe culvert of 12-inch interior diameter.

170 cubic yards of rock to be excavated and removed.

10,000 feet (B. M.) of timber and planking for bracing and sheet piling.

390 feet (B. M.) of timber and planking for foundation.

The time allowed to complete the whole work will be fifty (50) working days.

The amount of security required will be Seven Hundred and Fifty Dollars (\$750).

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per foot, yard or other unit of measure, or article, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total.

Blank forms may be had at the office of the Commissioner of Public Works, Nos. 13 to 21 Park Row, Bureau of Sewers, Borough of Manhattan.

JOHN F. AHEARN,
President, Borough of Manhattan.
The City of New York, June 30, 1908.

j30.jy13

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF BRIDGES.

DEPARTMENT OF BRIDGES, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Bridges at the above office until 2 o'clock p. m. on

THURSDAY, JULY 16, 1908.

FOR FURNISHING AND DELIVERING YELLOW PINE, WHITE PINE, OAK AND SPRUCE LUMBER TO THE BROOKLYN BRIDGE.

Deliveries shall be made from time to time as required during the remainder of the year.

The quantities shall not be exceeded by more than five per cent (5%).

The amount of security to guarantee the faithful performance of the work will be Four Thousand Dollars (\$4,000).

The right is reserved by the Commissioner to reject all the bids should he deem it to the interest of the City so to do.

Blank forms and specifications may be obtained at the office of the Department of Bridges.

JAMES W. STEVENSON,
Commissioner.

Dated July 1, 1908.

jy2,16

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF BRIDGES, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Bridges at the above office until 2 o'clock p. m. on

THURSDAY, JULY 16, 1908.

FOR FURNISHING AND DELIVERING 400,000 FEET (B. M.) OF SPRUCE PLANK TO THE BROOKLYN BRIDGE.

Deliveries shall be made from time to time as required during the remainder of the year.

The amount of security to guarantee the faithful performance of the work will be Five Thousand Dollars (\$5,000).

The right is reserved by the Commissioner to reject all the bids should he deem it to the interest of the City so to do.

Blank forms and specifications may be obtained at the office of the Department of Bridges.

JAMES W. STEVENSON,
Commissioner.

Dated July 1, 1908.

jy2,16

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF BRIDGES, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Bridges at the above office until 2 o'clock p. m. on

THURSDAY, JULY 16, 1908,

FOR THE ELECTRICAL EQUIPMENT AND THE LAYING OF SEWERS, WATER PIPES AND TRACKS, AND THE GRADING AND PAVING OF THE PLAZA, IN THE BOROUGH OF QUEENS, OF THE BLACKWELLS ISLAND BRIDGE OVER THE EAST RIVER, BETWEEN THE BOROUGHS OF MANHATTAN AND QUEENS.

The contractor will be required to begin work within five days of the date of certification of the contract by the Comptroller, and will be required to complete the entire work to the satisfaction of the Commissioner and in accordance with the plans and specifications by October 31, 1908.

The amount of security to guarantee the faithful performance of the work will be Fifty Thousand Dollars (\$50,000).

The right is reserved by the Commissioner to reject all the bids should he deem it to the interest of the City so to do.

Blank forms and specifications may be obtained at the office of the Department of Bridges.

JAMES W. STEVENSON,
Commissioner of Bridges.

Dated June 30, 1908.

jy1,16

See General Instructions to Bidders on the last page, last column, of the "City Record."

PUBLIC SERVICE COMMISSION—FIRST DISTRICT.

NOTICE TO PROPERTY OWNERS.

PURSUANT TO SECTION SIXTY-ONE (61) of the Railroad Law, the Public Service Commission for the First District hereby gives notice to The City of New York, to the Long Island Railroad Company, to the Brooklyn Union Elevated Railroad Company and to all owners of land adjoining the said railroad and that part of

AVENUE P

Borough of Brooklyn, City of New York, to be opened or extended from Ocean Avenue to Gravesend Avenue, that the Public Service Commission for the First District will hold a public hearing in its Hearing Room on the third floor of the Tribune Building, No. 154 Nassau Street, Borough of Manhattan, City of New York, on July 9th, 1908, at 2:30 o'clock in the afternoon, for the purpose of hearing an application made by The City of New York to the Public Service Commission to determine whether the proposed extension of Avenue P from Ocean Avenue to Gravesend Avenue shall pass over or under or at grade of the tracks of the Long Island Railroad Company and the tracks of the Brooklyn Union Elevated Railroad Company, and to determine the manner and method of extending Avenue P across the said railroad tracks, the grade or grades of the street and such other matters pertaining thereto as may be brought before the Commission under the provisions of the Railroad Law.

Dated, June 5th, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
by TRAVIS H. WHITNEY,
Secretary.

j25.jy8

THE SALE OF BUILDINGS AND APPURTENANCES THERETO, ON CITY REAL ESTATE.

PUBLIC NOTICE IS HEREBY GIVEN that the Public Service Commission for the First District, by authority of the powers vested in it by law, the Commissioners of the Sinking Fund having duly given their approval, will offer for sale at public auction the buildings now standing on certain parcels of property owned by The City of New York or on certain parcels in which

The City of New York has acquired certain easements, which said parcels of property and said easements were acquired for Rapid Transit purposes in The City of New York, Borough of Manhattan, being so much of a three story brick building or buildings as stands on a part of two certain lots, known as Nos. 154 and 156 Elizabeth Street, said part of said lots being situated on the southeast corner of Delancey Street Extension and Elizabeth Street, being one hundred (100) feet four and seven-eighths (4 7/8) inches on the southerly side of Delancey Street Extension, eleven (11) feet six and one-eighth (6 1/8) inches on Elizabeth Street, eleven (11) feet nine and three-eighths (9 3/8) inches on the easterly side thereof and one hundred and one (101) feet on the southerly side thereof, be said several dimensions more or less; a three story brick building standing on part of a lot known as Lot No. 31, Nos. 170 and 170 1/2 Bowery, being approximately fifty-seven (57) feet two and seven-eighths (7 7/8) inches on the southerly side of Delancey Street, its most easterly point being forty-two (42) feet five and one-half (5 1/2) inches westerly from the intersection of the southerly side of Delancey Street Extension with the southerly side of the Bowery; running thence southerly from its most westerly point along the boundary line between lot No. 8 and lot No. 31, a distance of seven (7) feet nine and three-eighths (9 3/8) inches, and thence running easterly along the boundary line between lot No. 31 and lot No. 32, a distance of fifty-six (56) feet seven and one quarter (7 1/4) inches to the point or place of beginning, be said several dimensions more or less; a four story brick building standing on lot known as Lot No. 32, No. 168 Bowery, situated on the southwesterly corner of the Bowery and Delancey Street Extension, being nineteen (19) feet five and one-half (5 1/2) inches on the Bowery, twenty-five (25) feet in the rear, forty-two (42) feet five and one-half (5 1/2) inches on the southerly side of Delancey Street Extension and fifty-six (56) feet seven and one quarter (7 1/4) inches on said boundary line between Lot No. 31 and Lot No. 32, and being on the southerly side ninety eight (98) feet two and one half (2 1/2) inches, be said several dimensions more or less.

Parties shall be made from time to time as required during the remainder of the year.

The quantities shall not be exceeded by more than five per cent (5%).

The amount of security to guarantee the faithful performance of the work will be Four Thousand Dollars (\$4,000).

The right is reserved by the Commissioner to reject all the bids should he deem it to the interest of the City so to do.

Blank forms and specifications may be obtained at the office of the Department of Bridges.

JAMES W. STEVENSON,
Commissioner.

Dated July 1, 1908.

jy2,16

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF BRIDGES, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Bridges at the above office until 2 o'clock p. m. on

A three story brick building standing on lots known as Lot No. 29 and Lot No. 28, Nos. 174 and 176 Bowery, said lots being situated on the northeasterly corner of Delancey Street Extension and the Bowery, and being twenty-five (25) feet two and one quarter (2 1/4) inches on the (7 1/2) inches on the easterly side, ninety-nine (99) feet seven (7) inches on the northerly side of Delancey Street Extension and one hundred (100) feet three and three-eighths (3 7/8) inches on the northerly side; so much of a six-story building as stands on lots known as Lot No. 11 and Lot No. 12, known as Nos. 162 and 164 Elizabeth Street, described as follows: BEGINNING at the intersection of the northerly side of Delancey Street Extension and the easterly side of Elizabeth Street, running thence easterly along the northerly side of Delancey Street Extension, ninety-nine (99) feet five-eighths (5 1/8) inches, thence running northerly along the boundary line between Lot No. 11 and Lots Nos. 28 and 27, a distance of sixteen (16) feet seven and one-half (7 1/2) inches; thence running westerly a distance of ninety-eight (98) feet two and one-half (2 1/2) inches to a point on the easterly side of Elizabeth Street distant eleven (11) feet seven (7) inches northerly from the intersection of the easterly side of Elizabeth Street with the northerly side of Delancey Street; and thence running southerly along the easterly side of Elizabeth Street to the point or place of beginning, be said several dimensions more or less, said parcels of property being more particularly described on certain maps or plans and a memorandum on file in the office of the Register of the County of New York, which are marked as follows: "Public Service Commission for the First District, Chief Engineer's Office, Loop 9-0-4, Drawing No. 13, February 28, 1908. Henry B. Seaman, Chief Engineer."

Pursuant to a resolution of the Public Service Commission for the First District adopted on June 16, 1908, the sale of the above described buildings will be held by said Commission on July 16, 1908, at eleven o'clock A. M., upon the following terms and conditions and subject to the approval of the Commissioners of the Sinking Fund:—

The buildings and appurtenances thereto will be sold to the highest bidder, who must pay immediately cash or a certified check drawn to the order of the Comptroller of The City of New York, and must also, at the time of the sale, give a certified check or cash in half the amount of the purchase price as security for the faithful performance of the terms and conditions of the sale. Where the amount of the purchase price does not equal or exceed the sum of Fifty Dollars the sum of fifty dollars shall be the amount of the security to be deposited. This security may at any time after the expiration of the contract period be applied by the City of New York to the cost of completing any other work required under the contract, but unfinished at the expiration of the contract period.

All the materials of the buildings, sheds, walks, structures and cellars of whatsoever nature, with their exterior and interior fixtures, appurtenances and foundations of all kinds, except the sidewalk and curb in front of said buildings extending within the described area and down to the level of the cellar bottom, shall be torn down and removed from the premises. None of the dirt, debris or waste resulting from demolition shall be allowed to remain on the premises except old mortar or plaster only which may be left, but not higher at any point than two feet below the curb opposite that point; also the foundation walls of all classes shall be taken down only to a plane whose elevation shall be the level of the curb in front of the building.

The purchaser at the sale shall also withdraw and remove all abandoned water taps and old service mains, and in place thereof cause to be inserted a brass plug in the main water pipe in the street, in compliance with the rules and regulations of the Department of Water Supply, Gas and Electricity, and furnish the Department of Finance with a certificate from the Department of Water Supply, Gas and Electricity that this has been performed.

The purchaser at the sale shall also remove all house sewer connections to the main sewer in the street, and the opening of the main sewer in street shall be properly closed in compliance with the direction of the Bureau of Sewers, Borough of Manhattan, and furnish the Department of Finance with a certificate from the Bureau of Sewers that the work has been properly performed.

The permit for all openings in the street to be obtained by and at the expense of the purchaser of the building.

Failure to remove said buildings, appurtenances, or any portion thereof within sixty days from the day of the sale, will work forfeiture of ownership of such buildings, appurtenances or portion as shall then be left standing, together with all moneys paid by said purchaser on account thereof at the time of the sale, and the bidders' assent to the above conditions being understood to be implied by the act of bidding, and the City of New York will, without notice to the purchaser, cause the same to be removed and the costs and expense thereof charged against the security above mentioned.

The work of removal must be carried on in every respect in a thorough and workmanlike manner and must be completed within sixty days from the day of sale, and the successful bidder will provide and furnish all materials of labor and machinery necessary thereto, and will place proper and sufficient guards and fences and warning signs by day and night for the prevention of accidents, and will indemnify and save harmless The City of New York, its officers, agents and servants and each of them, against any and all suits and actions, claims and demands of every name and description brought against it, them or any of them, and against and from all damage and costs to which it, they or any of them be put by reason of injury to the personal property of another, resulting from negligence or carelessness in the performance of the work, or in guarding the same, or from any improper or defective materials or machinery, implements or appliances used in the removal of the said buildings.

Party walls and fences, when existing against adjacent property not sold, shall not be taken down. All furlings, plaster, chimneys, projecting brick, etc., on the faces of such party walls are to be taken down and removed. The walls shall be made permanently self-supporting, beam-holes, etc., ripped up, and the wall pointed and made to exclude wind and rain and present a clean exterior. The roofs of the adjacent buildings shall be properly flashed and painted and made water tight where they have been disturbed by the operation of the contractor.

The Public Service Commission for the First District reserves the right on the day of sale to withdraw from sale any of the buildings, parts of buildings and machinery included therein, or to reject any and all bids.

New York, June 16, 1908.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

By (Signed) EDWARD M. BASSETT, Acting Chairman;

By (Signed) TRAVIS H. WHITNEY, Secretary.

j22.jy15

DEPARTMENT OF EDUCATION.

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, JULY 13, 1908.

Borough of Brooklyn.

12, 13, 14, 16, 19, 26, 32, 33, 34, 36, 41, BOROUGH OF THE BRONX.

The time allowed to complete the whole work on each school will be 55 working days, as provided in the contract.

The amount of security required is as follows:

Public School 5.....	\$800 00
Public School 6.....	1,200 00
Public School 7.....	700 00
Public School 8.....	400 00
Public School 11.....	1,500 00
Public School 12.....	500 00
Public School 13.....	400 00
Public School 14.....	300 00
Public School 16.....	500 00
Public School 19.....	300 00
Public School 26.....	900 00
Public School 32.....	1,000 00
Public School 33.....	800 00
Public School 34.....	500 00
Public School 36.....	600 00
Public School 41.....	300 00

A separate proposal must be submitted for each school and award will be made thereon.

Borough of Manhattan.

NO. 7. FOR NEW METAL CEILING AT PUBLIC SCHOOLS 15, 16, 28, 35, 36, 39, 45, 51, 55, 69, 72, 74, 76, 77, 84, 86, 125, 140, 141, BOROUGH OF MANHATTAN.

The time allowed to complete the whole work on each school will be 30 working days, as provided in the contract.

The amount of security required is as follows:

Public School 15.....	\$1,400 00
Public School 16.....	1,000 00
Public School 28.....	2,400 00
Public School 35.....	500 00
Public School 36.....	500 00
Public School 39.....	1,200 00
Public School 45.....	1,200 00
Public School 51.....	1,200 00
Public School 55.....	1,200 00
Public School 69.....	600 00
Public School 72.....	3,000 00
Public School 74.....	2,500 00
Public School 76.....	2,200 00
Public School 77.....	3,000 00
Public School 84.....	2,500 00
Public School 86.....	1,400 00
Public School 125.....	400 00
Public School 140.....	1,000 00
Public School 141.....	1,400 00

A separate proposal must be submitted for each school and award will be made thereon.

NO. 8. FOR ALTERATIONS AND ADDITIONS TO THE ELECTRIC BELL AND ELECTRIC LIGHT SYSTEMS IN PUBLIC SCHOOLS 18, 54, 58, 67, 72, 77, 82, 109, 151, 158, 170, BOROUGH OF MANHATTAN.

The time allowed to complete the whole work on each school will be to August 31, 1908, as provided in the contract.

The amount of security required is as follows:

Public School 18.....	\$300 00
Public School 54.....	600 00
Public School 58.....	1,500 00
Public School 67.....	1,500 00
Public School 72.....	700 00
Public School 77.....	1,500 00
Public School 82.....	300 00
Public School 109.....	1,400 00
Public School 151.....	600 00
Public School 158.....	1,400 00
Public School 170.....	1,400 00

A separate proposal must be submitted for each school, and award will be made thereon.

NO. 9. FOR ALTERATIONS AND ADDITIONS TO THE ELECTRIC EQUIPMENT IN PUBLIC SCHOOLS 20, 25, 31, 40, 56, 79, 100, 188, BOROUGH OF MANHATTAN.

The time allowed to complete the whole work on each school will be to August 22, 1908, as provided in the contract.

The amount of security required is as follows:

Public School 20.....	\$900 00
Public School 25.....	300 00
Public School 31.....	200 00
Public School 40.....	700 00
Public School 56.....	300 00
Public School 79.....	400 00
Public School 160.....	1,600 00
Public School 188.....	500 00

A separate proposal must be submitted for each school, and award will be made thereon.

Borough of Richmond.

NO. 10. FOR ALTERATIONS, REPAIRS, ETC., AT PUBLIC SCHOOLS 3, 14, 15, 16, 17, 18, 20, 23, 32, BOROUGH OF RICHMOND.

The time allowed to complete the whole work on each school will be 55 working days, as provided in the contract.

The amount of security required is as follows:

Public School 3.....	\$400 00
Public School 14 (Item 1).....	2,000 00
Public School 14 (Item 2).....	3,000 00
Public School 15.....	1,800 00
Public School 16.....	1,800 00
Public School 17.....	4,000 00
Public School 18.....	800 00
Public School 20.....	1,400 00
Public School 23.....	600 00
Public School 32.....	400 00

A separate proposal must be submitted for each school, and award will be made thereon.

NO. 11. FOR ALTERATIONS AND ADDITIONS TO THE ELECTRIC BELL AND ELECTRIC LIGHT SYSTEMS IN CURTIS HIGH SCHOOL AND PUBLIC SCHOOLS 14, 15, 16, 17, 18, BOROUGH OF RICHMOND.

The time allowed to complete the whole work on each school will be to August 31, 1908, as provided in the contract.

The amount of security required is as follows:

Curtis High School.....	\$300 00
Public School 14.....	1,200 00
Public School 15.....	300 00
Public School 16.....	1,100 00
Public School 17.....	3,000 00
Public School 18.....	200 00

A separate proposal must be submitted for each school, and award will be made thereon.

On Nos. 6, 7, 8, 9, 10 and 11, the bidders must state the price of each item, by which the bids will be tested.

Blank forms, plans and specifications may be obtained or seen at the office of the Superintendent at estimating room, ninth floor, Hall of the Board of Education, Park avenue and Fifty-ninth street, Borough of Manhattan, and also at branch office, Borough Hall, New Brighton, Borough of Richmond, for work for their respective boroughs.

C. B. J. SNYDER.

Superintendent of School Buildings.

Dated June 29, 1908.

j30, jy13

See General Instructions to Bidders on the last page, last column, of the "City Record."

BOARD OF ASSESSORS.

PUBLIC NOTICE IS HEREBY GIVEN TO the owner or owners of all houses and lots, improved or unimproved lands affected thereby, that the following proposed assessments have been completed and are lodged in the office of the Board of Assessors for examination by all persons interested, viz.:

Borough of The Bronx.

List 9662, No. 1. Paving with asphalt and curbing Cypress avenue, from the property of the New York, New Haven and Hartford Railroad to East One Hundred and Thirty-eighth street.

List 9672, No. 2. Paving with asphalt and curbing Morris avenue, from Kingsbridge road to Jerome avenue, at Park View terrace.

List 9678, No. 3. Regulating, grading, curbing, flagging, laying crosswalks, building approaches and erecting fences in East Two Hundred and Ninth street, between Perry avenue and Webster avenue.

List 9686, No. 4. Sewer in Rodman place, between West Farms road and Longfellow avenue, and in Longfellow avenue, between East One Hundred and Seventy-sixth street and Boston road.

List 9736, No. 5. Regulating, grading, curbing, flagging, laying crosswalks, building approaches and erecting fences in McClellan street, between Morris avenue and the Grand Boulevard and Concourse.

List 9802, No. 6. Sewer in Cypress avenue, between East One Hundred and Thirty-eighth and East One Hundred and Forty-first streets.

List 9803, No. 7. Paving with asphalt and curbing Crotona Park North, from East One Hundred and Seventy-fifth street, at or near Arthur avenue, to East One Hundred and Seventy-fifth street, at or near Waterloo place.

List 9804, No. 8. Sewer in Longfellow avenue, between Lafayette avenue and the Harlem River Branch of the New York, New Haven and Hartford Railroad.

List 9805, No. 9. Receiving basins on both sides of Longfellow avenue, at the change of grade point between Westchester avenue and Home street; at the north side of the intersection of Sedgwick avenue and Cedar avenue, and at the southwest corner of East One Hundred and Fifty-eighth street and St. Ann's avenue.

List 9807, No. 10. Sewer in Tiffany street, between Burnett place and Barry street.

The limits within which it is proposed to lay the said assessments include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on—

No. 7. Both sides of Cypress avenue, between One Hundred and Thirty-second street and One Hundred and Thirty-eighth street, and to the extent of half the block at the intersecting street.

No. 2. Both sides of Morris avenue, from Kingsbridge road to Jerome avenue, and to the extent of half the block at the intersecting street.

No. 3. Both sides of Two Hundred and Ninth street, from Perry avenue to Webster avenue, and to the extent of half the block at the intersecting streets.

No. 4. Both sides of Longfellow avenue, from One Hundred and Seventy-sixth street to Boston road; both sides of Rodman place, from Longfellow avenue to West Farms road; north side of One Hundred and Seventy-sixth street, from Longfellow avenue to Bryant avenue.

No. 5. Both sides of McClellan street, from Morris avenue to the Grand Boulevard and Concourse, and to the extent of half the block at the intersecting streets.

No. 6. Both sides of Cypress avenue, from One Hundred and Thirty-eighth street to One Hundred and Forty-first street, and west side of Cypress avenue, from One Hundred and Forty-first street to St. Mary street.

No. 7. Both sides of Crotona Park North, from Waterloo place to Arthur avenue, and to the extent of half the block at the intersecting street.

No. 8. Both sides of Longfellow avenue, between Lafayette avenue and a point about 292 feet north of Garrison avenue.

No. 9. Both sides of Longfellow avenue, from Westchester avenue to West Farms road; north-east corner of One Hundred and Sixty-seventh street and Bryant avenue; north side of Sedgwick avenue, from Cedar avenue to a point about 348 feet north of West One Hundred and Seventy-seventh street; west side of St. Ann's avenue, from East One Hundred and Fifty-seventh street to East One Hundred and Fifty-eighth street, and south side of East One Hundred and Fifty-eighth street, from Brook avenue to Seventy-third street.

No. 10. Both sides of Calyer street, between Newell and Diamond streets, and to the extent of half the block at the intersecting streets.

No. 11. Both sides of East Fifteenth street, between Cortelyou and Dorchester roads, and to the extent of half the block at the intersecting streets.

No. 12. Both sides of Dumont avenue, from a point 75 feet west of Bristol street to Howard avenue, and to the extent of half the block at the intersecting streets.

No. 13. Both sides of Kingston avenue, between St. John place and Eastern parkway, and to the extent of half the block at the intersecting streets.

No. 14. Both sides of East Sixteenth street, between Beverley and Dorchester roads, and to the extent of half the block at the intersecting streets.

No. 15. Both sides of Norman avenue, from a point 75 feet west of Morgan avenue to Bridgewater street, and to the extent of half the block at the intersecting streets.

No. 16. Both sides of Degraw street, between Clason and Franklin avenues, and to the extent of half the block at the terminating streets.

No. 17. Both sides of Dumont avenue, between Van Sicklen and Schenck avenues, and to the extent of half the block at the intersecting streets.

No. 18. Both sides of East Fifth street, between Albemarle road and Church avenue, and to the extent of half the block at the intersecting streets.

No. 19. Both sides of East Twenty-ninth street, between Newirk and Foster avenues, and to the extent of half the block at the intersecting streets.

No. 20. Both sides of Fifty-fifth street, between Eleventh avenue and Kouwenhoven lane, and to the extent of half the block at the intersecting streets.

No. 21. Both sides of Fifteenth avenue, between Forty-second and Sixtieth streets.

No. 22. Both sides of Fifty-third street, between Sixth and Seventh avenues, and to the extent of half the block at the intersecting streets.

No. 23. Both sides of Sutter avenue, between Howard avenue and East Ninety-eighth street, and to the extent of half the block at the intersecting streets.

List 9837, No. 6. Regulating, grading, curbing and laying cement sidewalks on East Six-

teenth street, between Beverley and Dorchester roads.

List 9838, No. 7. Regulating and grading First avenue, between Fifty-seventh street and a point midway between Sixtieth and Sixty-first streets.

List 9841, No. 8. Regulating, grading and curbing Sixty-first street, between Fifth and Sixth avenues.

List 9843, No. 9. Regulating, grading and curbing West Sixteenth street, from Mermaid avenue to Neptune avenue.

1,000 square yards of concrete foundation, 3,200 linear feet of old bluestone curbstone, redressed, rejoined and reset.

The time allowed for the completion of the work and the full performance of the contract is one hundred (100) working days.

The amount of security required is Forty Thousand Dollars.

No. 2. FOR REGULATING, GRADING AND REPAVING WITH MACADAM PAVEMENT THE ROADWAY OF METROPOLITAN AVENUE, FROM DRY HARBOR ROAD TO JAMAICA AVENUE, SECOND AND FOURTH WARDS.

The Engineer's estimate of the quantities is as follows:

35,000 square yards of macadam pavement, including all necessary grading of street and roadway.

1,000 cubic yards of earth excavation.

1,000 cubic yards of earth filling, to be furnished.

The time allowed for the completion of the work and the full performance of the contract is sixty (60) working days.

The amount of security required is Ten Thousand Dollars.

No. 3. FOR FURNISHING AND DELIVERING TO THE BUREAU OF HIGHWAYS TWO HUNDRED THOUSAND (200,000) SECOND - HAND GRANITE PAVING BLOCKS; FIFTY THOUSAND (50,000) BLOCKS ARE TO BE DELIVERED AT EACH OF THE FOLLOWING CORPORATION YARDS: FIRST WARD, SECOND WARD, THIRD WARD AND FOURTH WARD, ALL SITUATED WITHIN THE BOROUGH OF QUEENS.

The time allowed for the furnishing and delivering of the above will be thirty (30) days.

The amount of security required is Four Thousand Dollars.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per square yard, linear foot or other unit of measure by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from a total.

Bids will be compared and contracts awarded at a lump or aggregate sum.

Blanks and further information may be obtained at the office of the President of the Borough of Queens.

LAWRENCE GRESSER,
President of the Borough of Queens.
Dated Long Island City, July 1, 1908.

jy1.15

See General Instructions to Bidders on the last page, last column, of the "City Record."

POLICE DEPARTMENT.

POLICE DEPARTMENT OF THE CITY OF NEW YORK, PROPERTY CLERK'S OFFICE, NO. 300 MULBERRY STREET, NEW YORK, JUNE 25, 1908.

PUBLIC NOTICE IS HEREBY GIVEN that the Ninety-seventh Auction Sale of CONDEMNED POLICE PROPERTY will be held at the foot of East One Hundred and Twenty-second street, Manhattan, on

TUESDAY, JULY 14, 1908,

at 11 a. m., consisting of the following: Lot No. 1. Double delivery wagon, No. 201. Lot No. 2. Single wagon, No. 63. Lot No. 3. Motorcycle, Wagner, No. 199. Lot No. 4. Two (2) broken bicycles. Lot No. 5. Two (2) broken bicycles. Lot No. 6. Three (3) life rafts. Lot No. 7. One (1) float, 30 by 11. Lot No. 8. Two (2) air pumps (Worthington). Lot No. 9. Two (2) feed pumps (Worthington).

Lot No. 10. One (1) engine, 75 H. P. (Wells). Lot No. 11. One (1) engine, 75 H. P. (Wells). Lot No. 12. One (1) copper tank (capacity 100 gallons).

Lot No. 13. Lot of old rope.

Lot No. 14. Lot of old boilers, iron, etc.

Lot No. 15. One (1) stove.

Lot No. 16. One (1) hot water heater (Pierce, Butler & Pierce) and three (3) old sections.

Hot water heater and three old sections can be seen at the Sixty-sixth Precinct Station House, Sedgwick avenue and Wolf street, High Bridge.

Lot No. 17. One (1) wagon, No. 4 (open single patrol).

Lot No. 18. One (1) wagon, No. 7 (open single patrol).

Lot No. 19. One (1) wagon, No. 10 (open double patrol).

THEODORE A. BINGHAM,

Police Commissioner.

j29.jy14

POLICE DEPARTMENT—CITY OF NEW YORK.

OWNERS WANTED BY THE PROPERTY CLERK of the Police Department of The City of New York, No. 300 Mulberry street, Room No. 9, for the following property, now in his custody, without claimants: Boats, rope, iron, lead, male and female clothing, boots, shoes, wine, blankets, diamonds, canned goods, liquors, etc.; also small amount of money taken from prisoners and found by Patrolmen of this Department.

THEODORE A. BINGHAM,

Police Commissioner.

POLICE DEPARTMENT—CITY OF NEW YORK, BOROUGH OF BROOKLYN.

OWNERS WANTED BY THE PROPERTY CLERK of the Police Department of The City of New York—Office, No. 209 State street, Borough of Brooklyn—for the following property, now in his custody, without claimants: Boats, rope, iron, lead, male and female clothing, boots, shoes, wine, blankets, diamonds, canned goods, liquors, etc.; also small amount of money taken from prisoners and found by Patrolmen of this Department.

THEODORE A. BINGHAM,

Police Commissioner.

ARMORY BOARD.

ARMORY BOARD, HALL OF RECORDS, CHAMBERS AND CENTRE STREETS.

SEALED BIDS OR ESTIMATES WILL BE received at the office of the Mayor, Chairman of the Armory Board, in The City of New York, until 2 p. m.

TUESDAY, JULY 7, 1908.

FOR FURNISHING ALL THE LABOR AND MATERIALS REQUIRED IN INSTALLING ALTERATIONS IMPROVEMENTS, FURNITURE, ETC., IN VARIOUS ARMORIES OF THE NATIONAL GUARD, NEW YORK, IN THE BOROUGHS OF MANHATTAN AND BROOKLYN, IN ACCORDANCE WITH THE SPECIFICATIONS, AS FOLLOWS:

Item No. 1. Alterations, Improvements, etc. (Mason Work, Carpenter Work, etc.), Thirteenth Regiment Armory, Borough of Brooklyn.

Security required, Seven Thousand Five Hundred Dollars.

Deposit to be made with the bid, Three Hundred and Fifty Dollars.

Time allowed for doing the work, 100 working days.

Item No. 2. Alterations, Improvements, etc. (Electric Lighting and Fixtures), Thirteenth Regiment Armory, Borough of Brooklyn.

Security required, Two Thousand Five Hundred Dollars.

Deposit to be made with the bid, One Hundred and Twenty-five Dollars.

Time allowed for doing the work, 100 working days.

Item No. 3. Masonry, Woodwork, Painting, etc., Fourteenth Regiment Armory, Borough of Brooklyn.

Security required, Fourteen Thousand Dollars.

Deposit to be made with bid, Seven Hundred Dollars.

Time allowed for doing the work, 90 working days.

Item No. 4. Heating, Ventilating and Plumbing, Fourteenth Regiment Armory, Borough of Brooklyn.

Security required, Three Thousand Dollars.

Deposit to be made with bid, One Hundred and Fifty Dollars.

Time allowed for doing the work, 90 working days.

Item No. 5. Electric Work, Fourteenth Regiment Armory, Borough of Brooklyn.

Security required, One Thousand Five Hundred Dollars.

Deposit to be made with bid, Seventy-five Dollars.

Time allowed for doing the work, 90 working days.

Item No. 6. Woodwork, Painting etc., Forty-seventh Regiment Armory, Borough of Brooklyn.

Security required, One Thousand Five Hundred Dollars.

Deposit to be made with bid, Seventy-five Dollars.

Time allowed for doing the work, 60 working days.

Item No. 7. Electric Wiring, Forty-seventh Regiment Armory, Borough of Brooklyn.

Security required, One Thousand Three Hundred Dollars.

Deposit to be made with bid, Sixty-five Dollars.

Time allowed for doing the work, 60 working days.

Item No. 8. Fixtures, Forty-seventh Regiment Armory, Borough of Brooklyn.

Security required, Five Hundred Dollars.

Deposit to be made with bid, Twenty-five Dollars.

Time allowed for doing the work, 60 working days.

Item No. 9. Furniture, etc., Forty-seventh Regiment Armory, Borough of Brooklyn.

Security required, One Thousand Two Hundred Dollars.

Deposit to be made with bid, Sixty Dollars.

Time allowed for doing the work, 60 working days.

Item No. 10. Carpets, Rugs, etc., Forty-seventh Regiment Armory, Borough of Brooklyn.

Security required, Five Hundred Dollars.

Deposit to be made with bid, Twenty-five Dollars.

Time allowed for doing the work, 60 working days.

Item No. 11. Alterations, Improvements, etc., Sixty-ninth Regiment Armory, Borough of Manhattan.

Security required, Three Thousand Dollars.

Deposit to be made with bid, One Hundred and Fifty Dollars.

Time allowed for doing the work, 90 working days.

Item No. 12. Furniture, etc., Squadron "C" Armory, Borough of Brooklyn.

Security required, One Thousand Five Hundred Dollars.

Deposit to be made with bid, Seventy-five Dollars.

Time allowed for doing the work, 75 working days.

The bids will be compared and the contracts awarded at a lump or aggregate sum for each contract.

Bidders are requested to make their bids or estimates upon the blank form prepared by the Armory Board, a copy of which, with the proper envelope in which to enclose the bid, together with a copy of the contract, including the specifications, in the form approved by the Corporation Counsel, can be obtained upon application at the office of the Armory Board, Suite 6, new Hall of Records (basement), Borough of Manhattan.

For Items Nos. 1 and 2 the plans may be examined at the office of the architect, Charles Werner, No. 26 Court street, Brooklyn, N. Y.

For Items Nos. 4, 5, 6, 7, 8 and 11 the plans may be examined at the office of the architects, Robinson & Knust, No. 164 Fifth avenue, New York City.

For Items Nos. 9, 10 and 12, plans may be examined at the office of the Armory Board, Suite 6, basement, Hall of Records, Chambers and Centre streets, New York City.

THE ARMORY BOARD,

GEORGE B. McCLELLAN,

Mayor;

HERMAN A. METZ,

Comptroller;

PATRICK F. McGOWAN,

President of the Board of Aldermen;

GEORGE MOORE SMITH,

Brigadier-General, Commanding First Brigade;

JOHN G. EDY,

Brigadier-General, Commanding Second Brigade;

J. W. MILLER,

Commanding Officer of the Naval Militia;

LAWSON PURDY,

President of the Department of Taxes and Assessments.

The City of New York, June 24, 1908.

j24.jy17

See General Instructions to Bidders on the last page, last column, of the "City Record."

SUPREME COURT—FIRST DEPARTMENT.

FIRST DEPARTMENT.

Part I., to be held at the County Court House in the Borough of Manhattan, in The City of New York, on the 17th day of July, 1908, at 10:30 o'clock in forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by the provisions of section 999 of the Greater New York Charter, as amended by chapter 466 of the Laws of 1901.

Dated Borough of Manhattan, New York, July 3, 1908.

EUGENE A. KENNEDY,
JAMES T. MEEHAN,
MICHAEL W. RAYENS,
Commissioners.

JOHN P. DUNN,
Clerk.

jy3.15

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of the strip of land on the east side of BOULEVARD LAFAYETTE, at or near Durandos lane, as laid out for use as a public park, in the Twelfth Ward, Borough of Manhattan, City of New York.

NOTICE IS HEREBY GIVEN THAT THE

bill of costs, charges and expenses incurred by reason of the proceedings in the above entitled matter, will be presented for taxation to one of the Justices of the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House in The City of New York, on the 17th day of July, 1908, at 10:30 o'clock in forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by the provisions of section 999 of the Greater New York Charter, as amended by chapter 466 of the Laws of 1901.

Dated Borough of Manhattan, New York, July 3, 1908.

DANIEL P. HAYS,
ALEXANDER SCHLESINGER,
WILLIAM H. F. WOOD,
Commissioners.

JOHN P. DUNN,
Clerk.

jy3.15

FIRST DEPARTMENT.

In the matter of the Application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of WEST ONE HUNDRED AND SIXTY-THIRD STREET, between Amsterdam avenue and St. Nicholas avenue, in the Twelfth Ward, Borough of Manhattan, City of New York.

NOTICE IS HEREBY GIVEN TO ALL

persons interested in the above entitled proceeding, and to the owner or owners, occupant or occupants of all lands, tenements and hereditaments required for the opening and extending of WEST ONE HUNDRED AND SIXTY-THIRD STREET, between Amsterdam avenue and St. Nicholas avenue, in the Twelfth Ward, Borough of Manhattan, City of New York.

First—That the undersigned Commissioners of Estimate have completed their estimate of damage, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with them at their office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 18th day of July, 1908, and that the said Commissioners will hear parties so objecting, and for that purpose will be in attendance at their said office on the 17th day of September, 1908, at 11 o'clock a. m.

Second—That the undersigned Commissioner of Assessment, has completed his estimate of benefit, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with him at his office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 18th day of July, 1908, and that the said Commissioner will hear parties so objecting, and for that purpose will be in attendance at his said office on the 17th day of September, 1908, at 12 o'clock m.

Third—That the Commissioner of Assessment has assessed any or all such lands, tenements and hereditaments and premises as are within the area of assessment fixed and prescribed as the area of assessment for benefit by the Board of Estimate and Apportionment on the 8th day of March, 190

and having objections thereto, do present their said objections, in writing, duly verified, to us at our office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 16th day of July, 1908, and that we, the said Commissioners, will hear parties so objecting, and for that purpose will be in attendance at our said office on the 17th day of July, 1908, at 11 o'clock a.m.

Second—That the abstract of our said estimate of damage, together with our damage maps, and also all the affidavits, estimates, proofs and other documents used by us in making the same, have been deposited in the Bureau of Street Openings, in the Law Department of The City of New York, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in said City, there to remain until the 16th day of July, 1908.

Third—That, provided there be no objections filed to said abstract, our final report herein will be presented for confirmation to the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part I., to be held in the County Court House in the Borough of Manhattan, in The City of New York, on the 31st day of July, 1908, at the opening of the Court on that day.

Fourth—In case, however, objections are filed to said abstract of estimate of damage, the notice of motion to confirm our final report herein will stand adjourned to the date to be hereafter specified and of which notice will be given to all those who have theretofore appeared in this proceeding, as well as by publication in the CITY RECORD, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Manhattan, New York, June 24, 1908.

JOSEPH J. MARRIN,
Chairman;
MICHAEL RAUCH,
WILLIAM G. FISHER,
Commissioners.

JOHN P. DUNN,
Clerk.

j26.jy15

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired for the same purpose in fee, to the lands, tenements and hereditaments required for the opening and extending of WEST ONE HUNDRED AND FIFTIETH STREET (although not yet named by proper authority), from Broadway to Riverside drive, in the Twelfth Ward, Borough of Manhattan, City of New York.

NOTICE IS HEREBY GIVEN TO ALL persons interested in the above entitled proceeding, and to the owner or owners, occupant or occupants of all houses and lots and improved and unimproved lands affected thereby, and to all others whom it may concern, to wit:

First—That the undersigned Commissioners of Estimate have completed their estimate of damage, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with them at their office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 11th day of July, 1908, and that the said Commissioners will hear parties so objecting, and for that purpose will be in attendance at their said office on the 15th day of September, 1908, at 2 o'clock p.m.

Second—That the undersigned Commissioner of Assessment has completed his estimate of benefit and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with him at his office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 11th day of July, 1908, and that the said Commissioner will hear parties so objecting, and for that purpose will be in attendance at his said office on the 15th day of September, 1908, at 3 o'clock p.m.

Third—That the Commissioner of Assessment has assessed any or all such lands, tenements and hereditaments and premises as are within the area of assessment fixed and prescribed as the area of assessment for benefit by the Board of Estimate and Apportionment on the 14th day of December, 1906, and that the said area of assessment includes all those lands, tenements and hereditaments and premises situate and being in the Borough of Manhattan, in The City of New York, which, taken together, are bounded and described as follows, viz.:

One-half the block on each side of the street to be opened, between the easterly side of Riverside drive and St. Nicholas avenue.

Fourth—That the abstracts of said estimate of damage and of said assessment for benefit, together with the damage and benefit maps, and also all the affidavits, estimates, proofs and other documents used by the Commissioners of Estimate and by the Commissioner of Assessment in making the same, have been deposited in the Bureau of Street Openings, in the Law Department of The City of New York, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in said City, there to remain until the 21st day of July, 1908.

Fifth—That, provided there be no objections filed to either of said abstracts, the reports as to awards and as to assessments for benefit herein will be presented for confirmation to the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part III., to be held in the County Court House, in the Borough of Manhattan, in The City of New York, on the 29th day of October, 1908, at the opening of the Court on that day.

Sixth—In case, however, objections are filed to the foregoing abstracts of estimate and assessment, or to either of them, the motion to confirm the reports as to awards and as to assessments shall stand adjourned to the date to be hereafter specified in the notice provided in such cases to be given in relation to filing the final reports, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Manhattan, New York, June 11, 1908.

THOMAS S. SCOTT,
Chairman;
GEO. W. O'BRIEN,
JOHN W. JONES,
Commissioners of Estimate.
THOMAS S. SCOTT,
Commissioner of Assessment.

JOHN P. DUNN,
Clerk.

j20.jy9

SUPREME COURT—SECOND DEPARTMENT.

SECOND DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands and premises required

for the opening and extending of JAMAICA AVENUE (although not yet named by proper authority), from Old Bowery Bay road to the East River, in the First Ward, Borough of Queens, City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to all persons interested in this proceeding, and to the owner or owners, occupant or occupants of all houses and lots and improved and unimproved lands affected thereby, and to all others whom it may concern, to wit:

First—That we have completed our estimate and assessment, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, and having objections thereto, do present their said objections, in writing, duly verified, to us at our office, No. 252 Jackson avenue, in the Borough of Queens, in The City of New York, on or before the 30th day of July, 1908, and that we, the said Commissioners will hear parties so objecting, and for that purpose will be in attendance at our said office on the 17th day of September, 1908, at 2 o'clock p.m.

Second—That the abstracts of our said estimate and assessment, together with our damage and benefit maps, and also all the affidavits, estimates, proofs and other documents used by us in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, No. 252 Jackson avenue, in the Borough of Queens, in said City, there to remain until the 9th day of September, 1908.

Third—That the limits of our assessment for benefit include all those lands, tenements and hereditaments and premises situate, lying and being in the Borough of Queens, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Beginning at a point formed by the intersection of the middle line of the Old Bowery Bay road and a line parallel to and distant one hundred (100) feet north of the northerly line of Jamaica avenue; running thence westerly along said parallel line to its intersection with the low-water line of the East River; thence southwesterly along said line to its intersection with a line parallel to and distant one hundred (100) feet south of the southerly line of Jamaica avenue; thence easterly along said last mentioned parallel line to its intersection with the middle line of the Old Bowery Bay road; thence northerly along said middle line to the point or place of beginning, excepting from such area all streets, avenues or roads, or portions thereof, heretofore legally opened, as such area is shown upon our benefit maps deposited as aforesaid.

Fourth—That, provided there be no objections filed to either of said abstracts, our final report herein will be presented for confirmation to the Supreme Court of the State of New York, Second Department, at a Special Term thereof, for the hearing of motions, to be held in the County Court House, in the Borough of Brooklyn, in The City of New York, on the 16th day of November, 1908, at the opening of the Court on that day.

Fifth—In case, however, objections are filed to any of said abstracts of estimate and assessment, the notice of motion to confirm our final report herein will stand adjourned to the date to be hereafter specified, and of which notice will be given to all those who have theretofore appeared in this proceeding, as well as by publication in the CITY RECORD, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Manhattan, New York, June 18, 1908.

HENRY W. SHARKEY,
Chairman;
JAMES J. WHITE,
WILLIAM W. GILLEN,
Commissioners.

JOHN P. DUNN,
Clerk.

jy2,22

SECOND DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of SEA VIEW AVENUE (although not yet named by proper authority), from Richmond road to Southfield boulevard, in the Fourth Ward, Borough of Richmond, City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to all persons interested in this proceeding, and to the owner or owners, occupant or occupants of all houses and lots and improved and unimproved lands affected thereby, and to all others whom it may concern, to wit:

First—That we have completed our estimate and assessment, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, and having objections thereto, do present their said objections, in writing, duly verified, to us at our office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in said City, there to remain until the 21st day of July, 1908.

Second—That the abstracts of our said estimate and assessment, together with our damage and benefit maps, and also all the affidavits, estimates, proofs and other documents used by us in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in said City, there to remain until the 27th day of July, 1908.

Third—That the limits of our assessment for benefit include all those lands, tenements and hereditaments and premises situate, lying and being in the Borough of Richmond, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Beginning at a point formed by the intersection of a line parallel to and distant 100 feet northwesterly from the northwesterly line of Prospect avenue and the northwesterly prolongation of a line parallel to and distant one hundred (100) feet southwesterly from the southwesterly line of Liberty avenue; running thence northwesterly along the said line parallel to Prospect avenue to its intersection with the northeasterly line of Four Corners road; thence from said last point of intersection on a line parallel to Richmond road to its intersection with the northwesterly prolongation of a line parallel to and distant one hundred (100) feet northeasterly from the northeasterly line of Garretson avenue; thence southeasterly along said last-mentioned northwesterly prolongation and parallel line to its intersection with a line parallel to and distant one hundred (100) feet southeasterly from

the southeasterly line of Southfield boulevard; thence southwesterly along said last-mentioned parallel line to its intersection with the middle line of the blocks between Garretson avenue and Sea View avenue; thence southeasterly along said last-mentioned middle line to its intersection with the southeasterly property line of the Garretson Homestead Farm; thence westerly along said property line to its intersection with the middle line of the blocks between Sea View avenue and Liberty avenue; thence northeasterly along said last-mentioned middle line of the blocks to its intersection with a line parallel to and distant one hundred (100) feet southeasterly from the southeasterly line of Southfield boulevard; thence southwesterly along said last-mentioned line parallel to Southfield boulevard to its intersection with a line parallel to and distant one hundred (100) feet southwesterly from the southwesterly line of Liberty avenue; thence northwesterly along said parallel line and its northwesterly prolongation to the point or place of beginning; excepting from said area all streets, avenues and roads, or portions thereof, heretofore legally opened as such area is shown upon our benefit maps deposited as aforesaid.

Fourth—That, provided there be no objections filed to either of said abstracts, our final report herein will be presented for confirmation to the Supreme Court of the State of New York, Second Department, at a Special Term thereof for the hearing of motions, to be held in the County Court House in the Borough of Brooklyn, in The City of New York, on the 5th day of November, 1908, at the opening of the Court on that day.

Fifth—In case, however, objections are filed to either of said abstracts of estimate and assessment, the notice of motion to confirm our final report herein will stand adjourned to the date to be hereafter specified, and of which notice will be given to all those who have theretofore appeared in this proceeding, as well as by publication in the CITY RECORD, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Manhattan, New York, May 18, 1908.

WM. M. MULLEN,
Chairman;
WALLACE M. LOOS,
FRANK H. INNES,
Commissioners.

JOHN P. DUNN,
Clerk.

j25.jy14

SECOND DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of FORTY-FOURTH STREET, from New Utrecht avenue to West street, in the Twenty-ninth and Thirtieth Wards, Borough of Brooklyn, City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to all persons interested in this proceeding, and to the owner or owners, occupant or occupants of all houses and lots and improved and unimproved lands affected thereby, and to all others whom it may concern, to wit:

First—That we have completed our amended and supplemental estimate and assessment, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, and having objections thereto, do present their said objections in writing, duly verified, to us at our office, No. 166 Montague street, in the Borough of Brooklyn, in The City of New York, on or before the 11th day of July, 1908, and that we, the said Commissioners, will hear parties so objecting, and for that purpose will be in attendance at our said office on the 14th day of July, 1908, at 2 o'clock p.m.

Second—That the abstracts of our said amended and supplemental estimate and assessment, together with our damage and benefit maps, and also all the affidavits, estimates, proofs and other documents used by us in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, No. 166 Montague street, in the Borough of Brooklyn, in said City, there to remain until the 22nd day of July, 1908.

Third—That the limits of our assessment for benefit include all those lands, tenements and hereditaments and premises situate, lying and being in the Borough of Brooklyn, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Beginning at a point formed by the intersection of the westerly line of West street and the centre line of the blocks between Forty-fifth street and Forty-fourth street and running thence northwesterly along said centre line to its intersection with the easterly line of New Utrecht avenue, thence northerly along said easterly line of New Utrecht avenue to its intersection with the southerly line of Fort Hamilton parkway, thence northerly along said southerly line of Fort Hamilton parkway to its intersection with the southwesterly line of Forty-fourth street, thence northwesterly along said southerly line of Forty-fourth street to its intersection with the easterly line of New Utrecht avenue, thence northerly along said easterly line of New Utrecht avenue to its intersection with the southwesterly line of West street, thence southerly along said westerly line of West street to the point or place of beginning, as such area is shown upon our benefit maps deposited as aforesaid.

Fourth—That, provided there be no objections filed to either of said abstracts, our final report herein will be presented for confirmation to the Supreme Court of the State of New York, Second Department, at a Special Term thereof for the hearing of motions, to be held in the County Court House in the Borough of Brooklyn, in The City of New York, on the 31st day of August, 1908, at the opening of the Court on that day.

Fifth—In case, however, objections are filed to either of said abstracts of estimate and assessment, the notice of motion to confirm our final report herein will stand adjourned to the date to be hereafter specified, and of which notice will be given to all those who have theretofore appeared in this proceeding, as well as by publication in the CITY RECORD and in the corporation newspapers, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Brooklyn, New York, June 10, 1908.

FREDERICK A. WELLS,
Chairman;
SAMUEL T. MADDOX, Jr.,
Commissioners.

JAMES F. QUIGLEY,
Clerk.

j22.jy9

SUPREME COURT—THIRD JUDICIAL DISTRICT.

THIRD JUDICIAL DISTRICT.

ULSTER COUNTY.

Ashokan Reservoir, Section No. 3.

Ulster County, Towns of Olive, Marletown and Hurley.

In the matter of the application and petition of J. Edward Simmons, Charles N. Chadwick and Charles A. Shaw, constituting the Board of Water Supply of The City of New York, to acquire real estate for and on behalf of The City of New York, under chapter 724 of the Laws of 1905, and the acts amendatory thereof, in the Towns of Olive, Marletown and Hurley, Ulster County, New York, for the purpose of providing an additional supply of pure and wholesome water for the use of The City of New York.

PUBLIC NOTICE IS HEREBY GIVEN that the order of confirmation of the first separate report of George Holmes Smith, Henry Smith and Josiah J. Hasbrouck, who were appointed Commissioners of Appraisal in the above-entitled matter by an order of this Court, made at a Special Term thereof, held at the Court House in the City of Kingston, Ulster County, New York, April 20, 1907 (except in so far as said report affects Parcel No. 124-A, shown on the map in this proceeding), was filed in the office of the Clerk of the County of Ulster, at Kingston, N. Y., on the 13th day of April, 1908, and affects parcels numbers one hundred and twenty-two (122), ninety-six (96), one hundred and twenty-nine (129), ninety (90), ninety-four (94), one hundred and seventeen (117), one hundred and twenty-four (124-B), one hundred and twenty-five (125), one hundred and twenty-seven (127), one hundred and thirty (130), one hundred and nineteen (119), one hundred and twenty-six (126), one hundred and six (106-A), one hundred and twenty-one (121), eighty-five (85), eighty-nine (89), eighty-three (83) and one hundred and thirty-four (134), shown on the map in this proceeding.

Dated New York, June 19, 1908.

FRANCIS KEY PENDLETON,
Corporation Counsel,
Hall of Records,
New York City.

j27.jy18

PROPOSALS FOR BIDS AND ESTIMATES FOR THE CITY OF NEW YORK.

NOTICE TO CONTRACTORS.

GENERAL INSTRUCTIONS TO BIDDERS.

The person or persons making a bid or estimate for any services, work, materials or supplies for The City of New York, or for any of its departments, bureaus or offices, shall furnish the same in a sealed envelope, indorsed with the title of the supplies, materials, work or services for which the bid or estimate is made, with his or their name or names and the date of presentation to the President or Board or to the head of the Department at his or its office, on or before the date and hour named in the advertisement for the same, at which time and place the estimates received will be publicly opened by the President or Board or head of said Department and read, and the award of the contract made according to law as soon thereafter as practicable.

Each bid or estimate shall contain the name and place of residence of the person making the same, and names of all persons interested with him therein, and, if no other person be so interested, shall distinctly state that fact; also, that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud, and that no member of the Board of Aldermen, head of a department, chief of a bureau, deputy thereof, or clerk therein, or other officer of The City of New York is, shall be or become interested, directly or indirectly, as contracting party, partner, stockholder, surety or otherwise in or in the performance of the contract, to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate that the several matters stated herein are in all respects true.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in The City of New York, or of a guaranty or surety company duly authorized by law to act as surety, and shall contain the matters set forth in the blank forms mentioned below.

No bid or estimate will be considered unless