

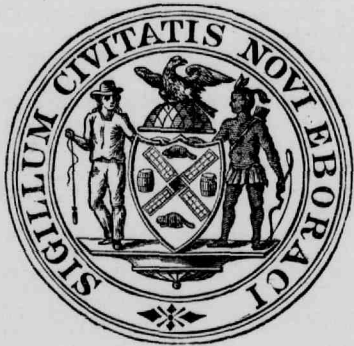
# THE CITY RECORD.

## OFFICIAL JOURNAL.

VOL. V.

NEW YORK, WEDNESDAY, DECEMBER 19, 1877.

NUMBER 1,376.



### EXECUTIVE DEPARTMENT.

EXECUTIVE DEPARTMENT—CITY HALL, }  
NEW YORK, December 18, 1877. }

JOEL B. ERHARDT, Esq., Police Commissioner of the City of New York:

SIR—The management of the Police Department seems to call for official action on my part. The duty of cleaning the streets, which is devolved upon that Department, has been inefficiently performed. The unclean and filthy condition of the streets during the present year has not only been a public scandal and disgrace to the city, but has been recently reported by the Health Department as dangerous to the public health, although the sum of sixty thousand dollars has been taken each month from the public treasury for street cleaning purposes, an amount in my judgment amply sufficient for the proper performance of that work.

The Police Department has also assumed the right to decide when the statutes of the State should be enforced, and when they should be permitted to be ignored, and after allowing them to be disregarded for considerable periods of time, has then enforced them capriciously, and by raids in such manner as to render law odious instead of respected.

For this inefficiency and maladministration of the Police Department you, as one of the Commissioners, are, in my judgment, responsible.

You are hereby notified that I will give you an opportunity to be heard in answer to the above charges on the twentieth (20th) day of December instant at 12 o'clock noon, at this office, then and there to show cause, if any exist, why you should not be removed from office as one of the Police Commissioners of the City of New York.

SMITH ELY, JR., Mayor.

EXECUTIVE DEPARTMENT—CITY HALL, }  
NEW YORK, December 18, 1877. }

DE WITT C. WHEELER, Esq., Police Commissioner of the City of New York:

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SMITH ELY, JR., Mayor.

EXECUTIVE DEPARTMENT—CITY HALL, }  
NEW YORK, December 18, 1877. }

SIDNEY P. NICHOLS, Esq., Police Commissioner of the City of New York:

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SMITH ELY, JR., Mayor.

### LEGISLATIVE DEPARTMENT.

#### BOARD OF ALDERMEN.

##### STATED SESSION.

TUESDAY, December 18, 1877, }  
2 o'clock P. M. }

The Board met in their chamber No. 16 City Hall.

##### PRESENT:

Hon. Henry D. Purroy, President;

##### ALDERMEN

William L. Cole,  
Rufus B. Cowing,  
John De Vries,  
Ferdinand Ehrhart,  
John W. Guntzer,  
George Hall,  
Henry E. Howland,

William Joyce,  
Patrick Keenan,  
William Lamb,  
Samuel A. Lewis,  
John J. Morris,  
Lewis J. Phillips,  
Joseph C. Pinckney,

Bryan Reilly,  
William Salmon,  
William Sauer,  
Thomas Sheils,  
Stephen N. Simonson,  
James J. Slevin,  
Michael Tuomey.

Alderman Slevin was here called to the Chair.

The minutes of the last meeting were read and approved.

##### PETITIONS.

By Alderman Cowing—

Petition of non-resident truckmen to transact business in the City of New York:

To the Honorable the Board of Aldermen of the City and County of New York:

GENTLEMEN—The undersigned, a committee appointed at a meeting of the Truckmen's Association of Jersey City, Hoboken, and West Hoboken, held at Jersey City, New Jersey, on the 14th day of December, 1877, would respectfully represent unto your Honorable Body—

That the undersigned, at said meeting, were authorized and empowered to act for said Association, and present this their petition.

That your petitioners are truckmen, who have been transacting business for mercantile and produce commission merchants in the city of New York; that such mercantile and produce commission merchants have employed your petitioners to cart, receive, and collect goods, wares, and merchandise which is consigned or bought by them, and also for the purpose of delivering goods, wares, and merchandise to their customers in the city of New York and elsewhere, and of carrying and delivering the same at the different railroads, steamboats, and other places, for the transshipment of the same, as have been necessary, and no other.

That for the proper performance of such employment it is necessary for your petitioners to stable their horses in a convenient place adjacent to the railroads which have their terminus at Jersey City and Hoboken, New Jersey, inasmuch as the major part of such produce and other merchandise arrives by said railroad and is to be received therefrom.

That in addition thereto your petitioners can stable their horses, have ampler room, cheaper rents, and live at less expense in said places than they can within the city of New York, besides the convenience arising therefrom and from said business as aforesaid.

And your petitioners further show, that your petitioners are anxious, willing, and desirous to take, receive, and pay for any license that may be issued them, and to comply with any ordinance that may exist, or which may be hereafter created for the proper transaction of such business as such truckmen or cartmen, and particularly as to responsibility for the due performance thereof, except that they cannot reside within the State of New York without great pecuniary loss, damage, and serious inconvenience.

Your petitioners further show, that for the speedy and profitable transaction of said business it is necessary for your petitioners to locate near its business centre; that a residence in the upper part of the city of New York would seriously inconvenience and affect the business of said mercantile and produce commission business and detract from the pecuniary benefit which would otherwise inure to said business and to the said city of New York.

And your petitioners further show, that your petitioners have been denied, and still are denied the privilege of transacting the business as aforesaid by the municipal authorities of the City of New York, by reason of their residence being without the State of New York, but within the State of New Jersey; that Jersey City and Hoboken are similar to Brooklyn, and are really a suburb of the great City of New York, the greater part of the population thereof doing business in the City of New York.

Wherefore, Your petitioners pray that your Honorable Body will repeal, modify, or amend article 2 of chapter 38 of the Revised Ordinances of the City of New York of 1866, so that the Mayor of said city may license and appoint your petitioners as public cartmen, truckmen, or otherwise, upon satisfactory evidence being offered that your petitioners are citizens of the United States, and therefore entitled to the privileges of all the States; are the actual owners of the cart or carts, with good horses therefor, and that they are competent and proper persons to transact and do such business, upon payment of the license fee now prescribed by law in such cases. And that their employment and labor, under any license, as aforesaid, that may hereafter be granted them, will be directed chiefly and wholly to the benefit, and for the increase of the commerce of the City of New York, and the profit of its different business houses.

And your petitioners will ever pray, etc.

Dated New York, December 17, 1877.

A. D. PHILLIPS,  
JOHN CAMPBELL,  
DANIEL W. HALLOCK, } Committee.

Which was referred to the Committee on Law Department.

By Alderman Phillips—

Petition to light Seventy-fourth street, from First avenue to Avenue A, with gas.

To the Honorable the Board of Aldermen of the City of New York:

We, the undersigned property-owners of Seventy-fourth street, between First avenue and Avenue A, do hereby petition your Honorable Board to supply the above street with gas.

Heyman Meyer.  
Rudolph Brockmayer.  
T. Fischer.  
Wenfelin Weiss.  
Leonard Strulbe.  
Gottlieb Rieg.  
Julius Koch.  
John C. Landasser.

Which was referred to the Committee on Public Works.

##### MOTIONS AND RESOLUTIONS.

By the President—

Resolved, That the land used as a rifle range by the Morrisania Schutzen Verein, as shown on the diagram hereto annexed, be and it is hereby excepted from the provisions of chapter XIII. of the ordinances of 1866, entitled "of the firing of firearms, cannons, and fireworks," and the several amendments thereto, passed since the year 1866.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative.

By Alderman Cole—

Resolved, That the Commissioners of the Department of Public Parks be and they are hereby requested to cause the roadway west and north of the Circle or Plaza, west of Fifth avenue, and between Fifty-eighth and Fifty-ninth streets, to be repaired and put in good order, fit for public travel.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative.

By Alderman Ehrhart—

Resolved, That permission be and the same is hereby given to Mr. A. Mangels to place a platform weigh scale at the foot of West Fifty-seventh street, the work to be done at his own expense under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative.

By Alderman Lamb—

Resolved, That George A. Moore be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of George A. Moore whose term of office will expire on the 22d of December.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote:

Affirmative—The President, Aldermen Cole, De Vries, Guntzer, Hall, Joyce, Keenan, Lamb, Lewis, Morris, Phillips, Pinckney, Reilly, Sauer, Simonson, Slevin, and Tuomey—17.

By Alderman Slevin—

Resolved, That Aaron Kahn be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of George A. Moore, whose term of office has expired.

Which was referred to the Committee on Law Department.

(G. O. 359.)

By Alderman Guntzer—

Resolved, That the vacant lots on the northerly side of Seventeenth street and the southerly side of Eighteenth street, between Avenues A and B, be fenced in under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was laid over.

By Alderman Morris—

Whereas, It was stated by the press last week that at the examination of the Excise Board before the Grand Jury, the Commissioners had in bank to their own credit \$60,000, or more, received from sundry persons for licenses, for which the citizens had nothing but a receipt for their money; said money being received by them in their official capacity of Commissioners of Excise.

The charter of 1873 contains the following words in article 5, sections 34 and 35, viz.: "all moneys shall be paid over to the Comptroller and Chamberlain, and shall be deposited in the designated banks where it shall draw interest on the daily balances;" and

Whereas, In section 90, the following words appear, "and it shall be the duty of the Common Council to provide for the accountability of all officers and other persons;" and



Whereas, Section 95 makes provision for any neglect of duty, etc., and section 96 says, "that all sums received for licenses shall be paid over weekly, and no officer shall be entitled to his salary until he has complied with this section;" and

Whereas, Section 107 makes provision for the examination of any books or accounts of any department by any tax-payer; and

Whereas, Section 106 gives the Mayor full power to appoint Commissioners of Accounts to make examinations of any department; therefore be it

Resolved, That his Honor the Mayor be requested to have a thorough examination made of all moneys received by the Board of Excise from January 1, 1877, from all sources; also an examination of the receipts and vouchers showing what has been done with said moneys, and the dates of receiving payments of the same; and be it further

Resolved, That all persons holding receipts from the Excise Board be requested to appear before the Commissioner appointed by the Mayor, that the dates and amounts may be compared with those on file in the office of said Board; and be it further

Resolved, That all the testimony and facts taken on this examination be done immediately, and be printed in full in the CITY RECORD directly after the closing of said examination.

The President pro tem. put the question whether the Board would agree with said resolution. Which was decided in the affirmative.

By Alderman Guntzer—

Resolved, That Abraham Kling be and he is hereby reappointed a Commissioner of Deeds in and for the City and County of New York in place of George Geoghegan, whose term of office expired on the 17th of December.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote:

Affirmative—The President, Aldermen Cole, Cowing, De Vries, Ehrhart, Guntzer, Howland, Joyce, Keenan, Lamb, Lewis, Morris, Phillips, Pinckney, Reilly, Sauer, Sheils, Simonson, Slevin, and Tuomey—20.

Negative—Alderman Hall—1.

By Alderman Simonson—

Resolved—That David De Venny be and he is hereby reappointed a Commissioner of Deeds in and for the City and County of New York, his term of office expiring December 30, 1877.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote:

Affirmative—The President, Aldermen Cowing, De Vries, Ehrhart, Guntzer, Keenan, Lamb, Lewis, Phillips, Pinckney, Reilly, Sauer, Simonson, Slevin, and Tuomey—15.

Negative—Aldermen Cole, Hall, Howland, Joyce, Morris, and Salmon—6.

#### REPORTS.

The Special Committee appointed at the last meeting to wait upon his Honor the Mayor, and present to him certain resolutions in relation to the excise trouble, requesting him to nominate a Police Commissioner in place of Joel B. Erhardt, whose term had expired, and also to convey to him the assurance that this Board would promptly confirm any competent person for that office who was in sympathy or affiliated with the party in this city responsible for its government, reported through its chairman, verbally, that they have performed the duty intrusted to them, having had an interview with his Honor the Mayor on Saturday last, and were by him informed that the importance of the subject demanded much consideration; that he would inform the Committee of the result, as he had not yet determined upon the action he would take. Subsequently, yesterday, the Committee again waited upon his Honor, and was informed that he had not fully up his mind as to the course of procedure he would adopt in the premises.

Report accepted, and Committee discharged.

#### MOTIONS AND RESOLUTIONS RESUMED.

By Alderman Keenan—

Resolved, That permission be and the same is hereby given to F. Blancke & Co. to erect a storm-door over the basement entrance in front of No. 125 Duane street, the work to be done at their own expense under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

The President pro tem. put the question whether the Board would agree with said resolution. Which was decided in the affirmative.

By Alderman Tuomey—

Resolved, That John D. Quincy be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of John D. Quincy, whose term of office will expire on the 31st instant.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote:

Affirmative—The President, Aldermen Cole, De Vries, Ehrhart, Guntzer, Joyce, Keenan, Lamb, Lewis, Morris, Phillips, Pinckney, Reilly, Salmon, Sauer, Simonson, Slevin, and Tuomey—18.

By Alderman Simonson—

Resolved, That gas-mains be laid, lamp-posts erected, and street lamps lighted in Undercliff avenue, between Sedgwick avenue and Aqueduct avenue, and in Aqueduct avenue, between the Highbridge and Feather-bed Lane, also in Feather-bed Lane to the junction with McComb's Dam road in the Twenty-third Ward, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Public Works.

#### COMMUNICATIONS FROM THE DEPARTMENTS AND CORPORATION OFFICERS.

The President pro tem. laid before the Board the following communication from the Department of Finance:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,  
COMPTROLLER'S OFFICE, December 15, 1877. }

To the Honorable the Board of Aldermen:

Weekly statement, showing the appropriations made under the authority contained in section 112, chapter 335, Laws of 1873, for carrying on the Common Council from January 1 to December 31, 1877, both days inclusive, and of the payments made up to and including the date hereof, for and on account of each appropriation.

Title of Appropriations.	Am't of Appropriations.	Payments.
City Contingencies.....	\$4,500 00	\$641 65
Contingencies—Clerk of the Common Council.....	500 00	185 71
Salaries—Common Council.....	109,500 00	100,373 79
JOHN KELLY, Comptroller.		

Which was ordered on file.

#### MESSAGES FROM HIS HONOR THE MAYOR.

The President pro tem. laid before the Board the following message from his Honor the Mayor:

EXECUTIVE DEPARTMENT—CITY HALL,  
NEW YORK, December 18, 1877. }

To the Honorable the Common Council:

GENTLEMEN—I herewith return without my approval the resolution providing for the construction of an elevator in the Brown-stone Court-house, No. 32 Chambers street.

A single elevator of sufficient size to accommodate the wants of the building, with engine and boiler complete, would cost about \$5,000, and the cost of preparing the building to receive elevator would be about \$800, making in all \$5,800. A double elevator would cost, including all expenses, about \$10,000. There is no doubt but an elevator would be a great convenience to all persons having business in the building, but the balance of this year's appropriation is not sufficient to pay for the work, or any part of it, and no provision for such elevator has been made in the estimate of the Department of Public Works for the year 1878.

For the reasons above stated, the Commissioner of Public Works recommends that the resolution be vetoed, and I am accordingly constrained to withhold my approval of the resolution.

SMITH ELY, JR., Mayor.

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to cause to be constructed an elevator in the building known and designated as the Brown Stone Court-house.

Which was laid on the table, and ordered to be printed in the minutes and published in full in the CITY RECORD.

The President pro tem. laid before the Board the following message from his Honor the Mayor:

EXECUTIVE DEPARTMENT—CITY HALL,  
NEW YORK, December 18, 1877. }

To the Honorable the Common Council:

GENTLEMEN—I herewith return without my approval G. O. 322, "to fence vacant lots on Fifty-first street, between Second and Third avenues."

The Commissioner of Public Works informs me that there must be an error in this ordinance, as the block mentioned is entirely built upon and improved and there are no vacant lots upon the block, and I am therefore constrained to withhold my approval of the ordinance.

SMITH ELY, JR., Mayor.

Resolved, That two vacant lots on the south side of Fifty-first street, commencing about two hundred and fifty feet east of Third avenue, and running fifty feet east, be fenced in, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was laid on the table, ordered to be printed in the minutes and published in full in the CITY RECORD.

The President pro tem. laid before the Board the following message from his Honor the Mayor:

EXECUTIVE DEPARTMENT—CITY HALL,  
NEW YORK, December 18, 1877. }

To the Honorable the Common Council:

GENTLEMEN—I herewith return without my approval G. O. 335, "To flag sidewalks in Twenty-ninth street, between Eighth and Ninth avenues, full width, where not already done."

I am informed by the Commissioner of Public Works that the whole space named in the ordinance has been flagged, a part of it, from appearances, quite recently, thus rendering the ordinance unnecessary, and I am therefore constrained to withhold my approval.

SMITH ELY, JR., Mayor.

Resolved, That Twenty-ninth street, between Eighth and Ninth avenues, be flagged full width where not already done, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was laid on the table, ordered to be printed in the minutes, and published in full in the CITY RECORD.

The President pro tem. laid before the Board the following message from his Honor the Mayor:

EXECUTIVE DEPARTMENT—CITY HALL,  
NEW YORK, December 18, 1877. }

To the Honorable the Common Council:

GENTLEMEN—I herewith return without my approval, G. O. 235, "to fence vacant lots on Seventy-eighth street, from First to Second avenue."

I am informed by the Commissioner of Public Works that there is a depressed open space on Second avenue, running 115 feet on Seventy-eighth street, and about 115 feet on Seventy-ninth street, and that while there is no objection to the Seventy-eighth street space being fenced, it would be much better to embrace the whole open space in one ordinance, and have the work done for the whole vacant lots, and I am therefore constrained to withhold my approval of the ordinance.

SMITH ELY, JR., Mayor.

Resolved, That the vacant lots on the northeast corner of Seventy-eighth street, between First and Second avenues, be fenced in, under the direction of the Commissioner of Public Works.

Which was laid on the table, ordered to be printed in the minutes and published in full in the CITY RECORD.

#### REPORTS RESUMED.

(G. O. 360.)

The Committee on Law Department, to whom was referred at different times resolutions in favor of appointing sundry persons as Commissioners of Deeds, respectfully submit the following

#### REPORT:

Resolved, That the following-named persons be and they are hereby appointed Commissioners of Deeds in and for the city and county of New York, in place respectively of the persons whose names appear opposite, whose terms of office have expired:

Benjamin Page.....	in place of John D. Baughart.
Joseph Schneider.....	" Jacob A. Cantor.
Horace Secor, Jr.....	" David De Venny.
Samuel B. Benn.....	" Michael F. Finnegan.
Henry Morgenthau.....	" Benjamin A. Harney.
Meyer B. Hamburger.....	" Jacob M. Hertz.
Cornelius J. Kane.....	" Cornelius J. Kane.

SAMUEL A. LEWIS, } Committee on  
HENRY E. HOWLAND, } Law Department.

Which was laid over.

The Committee on Law Department, to whom was referred the annexed bill of James M. Valles, for expenses incurred and services rendered by order of the Special Committee on Investigation of the "Ring Frauds," respectfully

#### REPORT:

That the bill is approved by the Counsel who was assigned by the Counsel to the Corporation to and your Committee in the investigation, who says: "This man has worked faithfully and industriously, and has been of the very greatest assistance to me, all through the investigation."

Your Committee believes the claim to be a just and reasonable one, and that it shall be paid.

The following resolution is therefore respectfully offered for your adoption:

Resolved, That the Comptroller be and he is hereby authorized and directed to draw a warrant in favor of James M. Valles, for the sum of \$105 to be in full for annexed bill, for expenses incurred and services rendered the Special Committee on Investigating "Ring Frauds," and charge the amount to the appropriation for "City Contingencies."

SAMUEL A. LEWIS, } Committee on  
GEORGE HALL, } Law Department.

The President pro tem. put the question whether the Board would agree with said report and with the recommendation of the Committee.

Which was decided in the affirmative.

(G. O. 361.)

The Committee on Law Department, to whom was referred the annexed preamble reciting the evils of the numerous arrests for selling liquor, with resolution instructing your Committee "to inquire and report what steps are necessary to be taken to protect the rights of our citizens; to prevent illegal arrests for doubtful infractions of an unconstitutional law (License Law of 1857), and generally to report the facts and law connected with the subject, in order that prompt action may be taken in the premises," respectfully

#### REPORT:

That, in obedience to such instructions, your Committee at once entered upon the performance of the duties assigned them, and in their investigation were so fortunate as to discover, in one of the documents of the Board of Aldermen (Document No. 11, 1867), an opinion by the then law officer of the city, the Hon. Richard O'Gorman, so clear, lucid, and convincing, as to the right of the corporate authorities to issue licenses, that your Committee have deemed it proper to have it reprinted as a part of this report, and to solicit for it the most careful attention of all our citizens, for all are interested—particularly those who are engaged in the manufacture, purchase, or sale of any description of excisable liquors or other beverages.

The opinion of the eminent counsel is as follows:

LAW DEPARTMENT,  
OFFICE COUNSEL TO THE CORPORATION,  
October 3, 1867. }

To the Honorable the Board of Aldermen:

In my letter of September 24, I laid before your Honorable Body the reasons for my delay in answering the inquiries put to me in your resolution of May 6, 1867.

On further consideration, however, that the decision of the Court of Appeals, in the case referred to by me, may not be announced as soon as I had anticipated, I have thought it my duty to comply at once with your request.

Your resolution is as follows:

"Whereas, The ancient charters of the city of New York are most emphatic in granting to the corporate authorities, by the Mayor of the city, power to grant tavern licenses, that of 1730, in section twenty-five, providing as follows:

"And we do, for us, our heirs, and successors, grant, ratify, and confirm, unto the said Mayor, Aldermen, and Commonalty of the city of New York, and their successors forever, that the Mayor of the said city, for the time being, and no other whatsoever, shall have power to give and grant licenses, annually, under the public seal of the said city, to all such persons as he shall think fit to license, them and every of them, to keep a tavern, inn, ordinary, or victualling house, and to sell wine, brandy, rum, strong waters, cider, beer, ale, or any sort of excisable or strong liquors, within the city of New York, or the liberties on precincts thereof, by retail or small measure."

"And also provides that the license fees therefor shall be applied to the public uses of the Corporation, and their successors forever, without any account thereof to be rendered, made, or done to us, our heirs, or successors, or any other person whatsoever; and

"Whereas, If the city has not voluntarily surrendered the power so given as aforesaid, it yet, to all intents and purposes, remains vested in, and should be exercised by, the authorities of the said city, and the revenue derived therefrom should be applied to the public uses of the corporate authorities, thereby diminishing to that amount the burden of taxation now borne by the people of the city; be it, therefore,

"Resolved, That the Counsel to the Corporation be and he is hereby requested to report to this Board, at his earliest convenience, his opinion in reference to the above power so vested in the corporate authorities, and their right yet to exercise it, together with such facts, opinions, and recommendations as he may think proper, bearing upon the state of the excise question, as it exists at present in this city, with the date of the transfer of the Corporation of the city to the Legislature of the State."

In compliance with this resolution, I have the honor to report:

The Court of Appeals of this State had recently decided that the Constitution of the State is not violated by the present excise law (chapter 578, Laws 1866, p. 1242), whereby the power of granting licenses to keep taverns, sell liquor, etc., is vested in the Commissioners of Metropolitan Police. (Metropolitan Board of Excise vs. Barrie, 34 N. Y. Rep., 657.)

The Court was of opinion (Wright, J.) that the Legislature exercised in this instance its sovereign power for the public good. That licenses to sell liquors are not contracts between the State and the person licensed, nor are they property in the legal signification, but are only temporary permits to do what otherwise would be an offense against the general law.



The question, however, presented to me by your resolution, viz., whether the rights of the city, under its ancient charters, were violated by the appointment by the Legislature of other than municipal officers as Commissioners of Excise, does not seem to have been expressly raised in that case, and was not referred to in the opinion of the Court; neither was the Corporation a party to that litigation.

Had the question been raised, I have no reason to presume that the decision of the Court would have been altered thereby.

The tendency of legislation and of judicial construction in this State has been for some years so decidedly in the direction of limiting, impairing, and annulling the franchises and powers granted to this municipality by its ancient charters, that little confidence could have been placed on such a result.

The tide of public opinion on that subject, however, may, in the course of time and experience, turn, and the opinions of legislators and judges may change with it.

As a preparation for such an event, even if no other useful purpose be served, it may be not amiss to examine now the grounds of the claim of the municipal authorities to the exclusive right to issue licenses for selling liquors, etc., in the City of New York, as well as the reasons urged by the opponents of such claim, and the leading decisions on each side of the question.

On April 22, 1686, Thomas Dongan, then Lieutenant-Governor of New York and its dependencies, under James II., of England, lord and proprietor of the Colony and Province of New York, executed a grant, or charter, whereby for certain causes and considerations therein expressed, "and for divers other good causes and considerations him thereunto moving," he granted, ratified, and confirmed on behalf of the said King, "his heirs, successors, and assigns," unto the Mayor, Aldermen, and Commonalty of the City of New York, all such liberties, privileges, franchises, rights, royalties, free customs, jurisdictions, and immunities which they had anciently had. (Dongan's charter, section 2.)

New York had then been for many years a city, having certain corporate powers—"an ancient city"—and had acquired by prescription, as well as by charters and grants, these rights and franchises, which were by the Dongan charter enumerated and confirmed.

In 1653 the directors of the Dutch West India Company had allowed to the corporate authorities of the city of "New Amsterdam," now New York, the excise of wine and beer, on condition of their paying the public salaries.

The Dutch Government had granted, in 1657, a charter to "New Amsterdam."

In 1665, on the occupation of the city by the British, Governor Nichols had granted a charter on behalf of the British crown.

In 1674 Governor Andros also granted a charter confirming all former grants.

This charter of Governor Dongan again and more definitely confirmed the rights and franchises which had thus accrued to the city under former grants, and as far as it was possible to do so, rendered these rights perpetual.

One of these rights and franchises, so confirmed, is described in section ten of the Dongan charter as follows:

"And further I do grant and confirm, for and on behalf of His most sacred Majesty aforesaid, his heirs and successors, that the said Mayor of the said city, for the time being, and no other (according to the usage and custom practiced in the said city of New York, in the times of my predecessors, the several lieutenants, governors, and commanders-in-chief of this province), shall have power and authority to give and grant licenses annually, under the public seal of the said city, to all tavern-keepers, inn-keepers, ordinary-keepers, victuallers, and all public sellers of wine, strong waters, cider, beer, or any other sort of liquors, by retail, within the aforesaid Manhattan's Island, or the liberties and precincts thereof; and it shall and may be lawful to and for the said Mayor of said city, for the time being, to ask, demand, and receive for such licence by him to be given and granted as aforesaid, such sum or sums of money as he and the person to whom such licence shall be given or granted shall agree for, not exceeding the sum of thirty shillings for each such licence. All which money, as by the said Mayor shall be so received, shall be used and applied to the public use of the said Mayor, Aldermen, and Commonalty of the said city of New York, and their successors, without any account thereof to be rendered, made, or done, to any of the lieutenants or governors of this province, for the time being, or any of their deputies."

In April, 1691, an act of the Provincial Assembly of New York, confirmed the charters theretofore granted to the city.

On January 5, 1730, John Montgomerie, being then Governor of the Colony of New York, under George II., King of England, executed, on behalf of the King, a grant, or charter, wherein, after reciting in full and confirming the Dongan charter, and setting forth also divers considerations therefor, the charter of 1686 is confirmed, and the city of New York is ordained and constituted to be, from thenceforth and forever to remain a "free city by itself," etc., and a body corporate under the name of "The Mayor, Aldermen, and Commonalty of the city of New York."

In section thirty-nine the Montgomerie charter specially confirms the previous grants to the city of franchises, etc., and section forty contains a covenant for the quiet enjoyment of the same.

On October 14, 1732, this charter was confirmed by act of the Colonial Assembly.

The Colonial Act of 1713, July 15, had previously required the Mayor of the city to farm out yearly, at auction, to the highest bidder, the licenses to sell liquor, thus to some extent controlling the use of the franchise.

But the Montgomerie charter of 1730 did in effect, as I think, repeal this law by the confirmation of the powers granted to the Mayor by the Dongan charter of 1686.

This act of 1713 was probably passed in the excitement of troubled times. War between England and France was then pending—invasion of the city of New York was feared—the Indian tribes were doubtful in their friendship, and a negro insurrection had just occurred in the city. These were disasters sufficient to disturb men's judgments and confuse reason. At this distance of time it is not easy to discover what other causes may have led to the passage of such an act.

Let it suffice, however, to say that whether or not it was ever acted on, it was soon, in effect, repealed, and the power of the corporate authorities over the subject of licensing the sale of liquor, etc., remained as was provided in the Dongan and Montgomerie charters of 1686 and 1730.

The revolution, in ousting the jurisdiction of the British crown and establishing a State government, did not impair or annul any corporate right or franchises then existing in the city of New York. The State succeeded to all the rights of the Crown, and assumed all its obligations.

It was beyond the legal power of the Crown to revoke or annul the patents or charters granted directly by itself. (Burrows, 1656.)

The proposition had been asserted in the British Parliament, and assented to, "that the compulsory substitution of new for ancient charters, would amount to a disseisin of the subject of his freehold without trial."

The State acquired no higher right or powers in the matter than the Crown had possessed, and assumed no lighter obligations.

This principal was declared in the Constitution of the State of 1777, which provided "that nothing therein contained should annul any charters to bodies politic." The same phrase occurs in the charters of 1821 and 1846, with the addition at the end of the sentence of the words "and corporate."

We may therefore regard the franchise possessed by the city to license the sale of liquor, etc., granted and confirmed by the Dongan and Montgomerie charters, as still unimpaired at the time of the adoption of the State Constitution in 1777.

How far the Legislature of this State respected the obligations contracted in this regard by the British crown, and adopted by the State Constitution, will now be examined.

On March 1, 1788, an act of the Legislature was passed entitled "An act to lay a duty of excise on strong liquors, and for the better regulating of inns and taverns."

By this act Commissioners of Excise were appointed by the Legislature for the city, and the Mayor was made *ex officio* of such Commissioners.

The Mayor was to account to the Chamberlain for the fees, which were to be applied in part to the City Hospital, and the residue to the contingent expenses of the city.

This act affected the franchise granted to the city but very little. The power to license under the act was vested in the Mayor, as provided by the Dongan and Montgomerie charters.

On April 7, 1801 (chapter 164), the Legislature passed an act authorizing the then Council of Revision to appoint an Excise Commissioner.

This act was the first direct and substantial infringement on the right of the civic authorities to grant licenses to sell liquor, etc. Still, the proceeds of license fees, etc., when collected, were, by the act, required to be applied to the relief of the poor of the city.

A litigation arose for the recovery of a penalty under this act, in which litigation the Commissioners of the Alms-house, etc., in the City of New York were plaintiffs. The case was decided in October, 1821, in the Supreme Court. (Furman vs. Knapp, 19 Johnson, 248.)

The defendant had not taken out a license from the Commissioners of Excise appointed by the Legislature, and the ground mainly relied on for the defense was, that by the ancient charters the Mayor of New York was exclusively invested with the right to grant licenses, and that the defendant had received a license from the Mayor.

It was admitted on the argument that the Commissioners of Excise appointed by the Legislature had been long in the open exercise of the power of granting licenses.

The Court decided that there was a concurrent jurisdiction in the Mayor and the Commissioners appointed by the Legislature, and that a license from both was necessary.

He said: "It is not necessary to discuss how far the Legislature, without the consent of the Corporation, might modify or change the charter. It is sufficient that after an acquiescence by the Corporation in the act for such a length of time, we must take it that the charter was modified in this particular by their consent."

Again he says: "We are bound to presume that the statute was passed with the assent of the Corporation."

It is not easy to see on what ground the Court based that presumption, unless it was from the fact of their accepting and applying to the use of the city poor the money collected by the Commissioners appointed by the Legislature, and it may be argued that no implied assent on the part of the corporate authorities, and no waiver on their part of the exercise of any of the ancient franchises of the city, could abridge or affect the rights of the citizens to these franchises, of which the corporate

officials were only trustees. It is clear, however, that the learned judge in that case based his decision on the existence of such assent, and considered such assent necessary for the decision.

It would appear that the Corporation took the speediest means of contradicting the presumption that they had so assented, for shortly after the decision they applied to the Legislature for the repeal of this act; and on April 10, 1824, (Sessions Laws, p. 215), an act was passed declaring the Mayor, Aldermen, and Assistants to be Excise Commissioners.

On April 16, 1825 (chap. 196), another act was passed declaring that the Mayor, with the Aldermen and Assistants of each Ward, should be the Commissioners for that particular Ward, and thus the power of granting licenses was substantially restored to the hands designated by the Dongan and Montgomerie charters.

The Revised Statutes of 1830, prescribing a general law for the regulation of excise throughout the State, specially excepts New York city, as does also the act of 1845 (chapter 500).

In 1845 the Common Council passed ordinances regulating the issue of licenses, which ordinances were, with little variations, incorporated into the Revised Ordinances of 1855.

In 1855, an act was passed by the Legislature, entitled "An act for the prevention of intemperance, pauperism, and crime." (Laws of 1855, chapter 231.)

This act, in effect, deprived the city authorities of the power to issue licenses to sell liquor. (Section 28.) It was, however, soon after its passage, pronounced by the Court of Appeals to be unconstitutional. (Wynhammer vs. The People, 3 Kern., 378.) It should be noted, however, that as this case originated in Erie county, the question of the violation of the franchises of the city of New York was not discussed.

In 1857, an act to suppress intemperance, and to regulate the sale of intoxicating liquors, was passed. (Laws of 1857, chapter 628, p. 405.) By this act, three Commissioners of Excise, to be chosen by the Chief Justice of the Supreme Court, Presiding Judge of the Court of Common Pleas, and the Recorder, were empowered to grant licenses, the moneys realized from same to be paid over to the Treasurer of the county for the relief of the poor.

I do not see that this act expressly deprives the municipal authorities of their right to issue licenses; and applying to the act the reasoning used by the Court in Furman vs. Knapp (*supra*), the result would be that the Commissioners so chosen had concurrent jurisdiction with the Mayor and Aldermen; provided, however, that the city of New York had assented to the passage of the act.

I am not aware that any discussion arose in the courts as to the validity of this act, which continued in force until the passage of the act of 1866 (Laws of 1866, chapter 578), which is now in force.

The act transfers the power of granting licenses to the Board of Metropolitan Police—a State institution—and places in their hands the right to use part of the money so produced for State purposes, viz., the support of the Metropolitan Police, etc.

From this summary it may be gathered:

First—That until the passage of the act of 1857, the Legislature of the State never directly claimed the right of impairing the power of the city to issue licenses to sell liquor without the assent of the city itself to such an infringement; and that when the Legislature discovered that it had not the assent of the city to an act producing this effect, it hastened to repeal such act.

Second—That up to 1857 there is no decision of any competent court to the effect that the Legislature, without such assent, had the power to infringe on the exclusive right of the city to grant such licenses.

Third—That no decision had, up to that time, gone further than that, with such an assent of the city, the appointee of the Legislature might issue licenses concurrently with the civic authorities.

The question of the constitutionality of the Law of 1866 was raised in the case of the Metropolitan Board of Excise vs. Barre, recently decided. (34 N. Y. Rep., 657.)

The Court decided that, as between the person licensed and the State, licenses to sell liquor are not contracts, and give to the holder no vested right or property, but are only temporary permits. That in issuing licenses the Legislature exercises its sovereign police power for the public good.

In this case the corporation was not a party, and the question of violation of its corporate franchises was not discussed.

We are thus left without any direct decision of the court of final resort on this precise question of the exclusive right of the municipal authorities of this city to grant excise licenses, and the only case on which the question arose was decided against a defendant asserting the claims of the city, but on the presumption that the city had assented to the loss of its franchises. (Furman vs. Knapp, *supra*.)

Under these circumstances it becomes our duty to apply to the subject on hand the principles laid down in adjudged cases in which similar, or nearly similar, questions have been discussed.

I. It is decided that in the case of charters to public municipal corporations, generally the Legislature, in the exercise of its sovereign power, can exercise a large control. (Dartmouth College vs. Woodward, 4 Wheat., 697.)

As to all that concerns police, it can modify corporate charters. (Id.)

II. Where, however, a franchise coupled with an interest—a right to property or the fruits of property—is granted, the charter amounts to a contract between the sovereign and the corporation, and cannot be impaired, unless in the exercise of the right of eminent domain to which all property is subject. (Id.)

III. The question here is under which of these two categories is the license to sell liquor to be placed? Is it a mere matter of police, or a franchise, coupled with an interest, or does it consist partly of each?

There are various judicial dicta as to interference with powers vested in the Corporation by their charters, which it is proper to notice.

Sutton vs. Sutton, cited by Kent (Notes, p. 149), it was held by the Superior Court that the power given to the civic authorities by section nineteen, Montgomerie Charter, to measure grain, etc., was abrogated by act of the Legislature, April 14, 1832 (Sessions Laws, p. 219), which empowered the Governor to appoint measurers.

Chief Justice Jones said that the grant to the city to appoint grain measurers was a grant of political power, coupled with no interest save the fees as compensation for measuring, and that the grant should not be considered as property or intended as a source of revenue.

It would appear that the Legislature receded from this position of antagonism to the city franchise, into which they were thrown by this case, for in 1836 (March 16), another act was passed, admitting a concurrent power in the Corporation to appoint measurers. (People vs. Morris, 13 Wendell, 325.)

The charter of the village of Ogdensburg, granted in 1824, authorized the trustees of the village to grant licenses for keeping groceries, etc.

The defendant had taken out such license.

The State law of 1830 introduced a system of license for every town in the State (excepting New York City).

Held that the act of the Legislature superseded the village charter, which empowered a grocer to sell liquor to be drunk in his house, but did not displace the village trustees from their office of issuing licenses.

There are various other adjudged cases of interference by the Legislature with corporate franchises. In some of these cases such interference has been applied for by the Corporation itself, or assented to by it.

In some of these cases the power of the Corporation so interfered with was clearly political, and on that account legitimately controlled.

In other cases the political quality of the power so asserted was not so clear. In most of them the city was not a party, and the question of the inviolability of the ancient franchise of the city was only incidentally discussed, and as part of the case of the individual defendant.

None of these cases seem to me precisely in point.

In none of them was the franchise, granted to the Corporation by the charter, so clearly and strongly expressed to be exclusive of, and inconsistent with, the existence of a similar power elsewhere.

In none of them has the abolition of the franchise been so direct and complete as has occurred in the act of the Legislature of 1866, whereby the power of issuing licenses to sell liquor in this city is vested in a Board of Police, appointed by the Governor of the State, who receive license fees, and apply the proceeds therefor, not primarily to the relief of the poor of the city, or to any other civic purpose, but to the support of a police force, over which no municipal authority has any control.

If the dicta of the learned Judge (Denio) who delivered the opinion of the majority of the Court of Appeals in Darlington vs. The Mayor (N. Y. Reports) are to be regarded as the settled law of this State, the right of the Legislature to control this franchise of this municipality, as well as almost all the other franchises which it had been used to regard as beyond all danger of legislative interference, is altogether at the mercy of the State Legislature, composed, to a great extent, of men who are utterly ignorant of the habits and necessities which city life always and everywhere engenders.

But these dicta, although entitled to all respect, due to the distinguished Judge by whom they were uttered, have no such conclusive authority.

They were not necessary to the determination of the case then at the bar, and formed, necessarily, no part of the argument on which that case was decided.

Besides, they were not agreed on by one of the associate Judges, who concurred in the decision on other grounds, nor by another (Ingraham, J.), who dissented both from the decision and the argument on which it was founded.

In a case (Baldwin vs. Jaycox) recently decided by the Court of Appeals, in which a manuscript of the opinion of the Court is in my hands, the Judge (Peckham), delivering the opinion of the Court, suggested doubts as to some of the legal positions taken by Denio, J., in Darlington vs. The Mayor, and in fact the decision of Baldwin vs. Jaycox was directly contrary to one of these positions.

Under these circumstances the authority of the case of Darlington vs. The Mayor must be confined to the precise question involved in it, or necessarily determined, and beyond that the opinion of the Judge cannot be regarded as final or conclusive.

Further investigation of this question by me now would be out of place.

It would serve no useful end to seek to exhaust the arguments which might be used for and against the constitutional power of the Legislature to deprive the city of New York of this its ancient franchise.



I can only say that no judicial opinion or dictum that I have yet seen has satisfied me that such constitutional power exists.

The charters called the Dongan and Montgomerie charters were, in my opinion, grants from the Crown to this Corporation for expressed good and valuable considerations, and other valuable considerations may have been given, although not expressed in the grant.

The faith of the Crown was expressly pledged for the quiet enjoyment by the municipality of these franchises. A valid and binding contract was thereby created.

This obligation was transferred to the State, and cannot be ignored.

The franchise now in question seems to me to have been coupled with an interest of a direct pecuniary nature, viz., the receipt of fees constituting property in the legal sense, and legislative interference with the exercise of such franchise seems to me to be a violation of the Constitution of this State and of the United States.

I do not mean to say that the Legislature cannot lawfully change in any respect the regulations affecting the liquor traffic in this city, many of which do probably concern mere matters of police. I only say that, in my opinion, it cannot lawfully change the franchise in question in the manner and to the extent proposed by the excise law of 1867. It cannot, in my opinion, transfer to officials other than corporate officials, the office and power of issuing licenses, and cannot place the disposition of the moneys so produced in the hands but those of municipal officers, nor cause it to be applied to any but municipal purposes.

In so far as the excise law of 1866 (chapter 578) attempts to do these things, it does, in my opinion, violate the Constitution of the State of New York, and of the United States.

I do not think that the city has ever voluntarily surrendered the power of granting licenses to sell liquors, etc., and the corporate authorities have, in my opinion, yet a right to exercise that power.

In what manner that right can be asserted with most propriety, under the circumstances, is another subject, and one entitled to careful consideration.

I have above stated all that occurs to me, as proper to be stated by me as your counsel, in answer to your inquiry.

What other "facts, opinions, or recommendations" suggest themselves to me, as to the wisdom of recent legislation on this subject of the traffic in liquor in this city, and the probable results of such legislation on the health, happiness, or morality of the citizen, are foreign from my present duty, which is merely to state to you my conclusions of law on the questions submitted to me, and my reasons for the same.

Legislation of this nature, having for its object to regulate the appetites of the citizens, and forcibly and suddenly to alter their tastes and habits of life, is not new to the world, and the historian can easily satisfy himself as to the result.

Respectfully submitted.

RICHARD O'GORMAN,

Counsel to the Corporation.

Your Committee desire to call attention, particularly, to that portion of the opinion of the Council relating to chapter 628, Laws of 1857, the stringent provisions of which, the Police Force have recently attempted to enforce.

The opinion of the Council to the Corporation, above printed, was elicited in reply to a resolution of the Board of Aldermen, passed at a time when police outrage and espionage were exercised in this city to an extent in excess of that witnessed during the late spasmodic "raid." The year 1867 is memorable in municipal annals, and will even outrank 1877, for the malignity with which a reputable class of our citizens were persecuted, and our whole population annoyed and inconvenienced.

Before action was taken by a special Committee of Three, to whom the communication or opinion was referred, at the time (October 7, 1867) the "raiding" had in a great measure ceased, the excitement occasioned thereby died out, the advent of a new year introduced a new Common Council, and no further action was taken at that time.

A renewal of the arrests then perpetrated, after an interval of ten years, renews the interest in the question of the right of the corporate authorities to exercise the power of granting tavern licenses, and it is to be hoped, this time, with no evanescent result, as formerly. It is a grave question, if the failure of the corporate authorities to exercise their power, as indicated in the opinion of their law officer at that time, and subsequently, does not render them responsible for the injury to the city's interests, and the suffering and wrong inflicted upon many of our citizens. This should, apart from any other consideration, impel them to exercise this power at once, or at least to attempt to exercise it, leaving entirely out of the question the right of the city to the ownership of the franchise. In view of both interests a sacred duty is imposed upon them, and they will be held to a strict accountability if they neglect it any longer.

As the learned Counsel for the Corporation, Mr. O'Gorman, well says, the right of the city to the ownership of this franchise has never been tested directly in the courts. It is, in the judgment of your Committee, the imperative duty of the city authorities to try it now, and forever settle the question of the power of the Legislature of this State to deprive this city of vested pecuniary rights which are held to be sacred and removed from interference by superior power, by every other people living under any form of government where the English language is spoken.

This test can only be made, as pointed out in a preamble and resolution adopted by your Honorable Body, on the 10th instant, requesting his Honor the Mayor to grant tavern licenses, or at least to grant one, in order to bring the case properly before the courts.

This action, your Committee believe, should at once be taken by his Honor the Mayor, and in the hope of influencing him in this regard, they respectfully recommend that your Honorable Body reiterate your request, and direct the Clerk of the Board to transmit to his Honor a copy of this report.

SAMUEL A. LEWIS, } Committee on  
GEORGE HALL, } Law Department.

Which was laid over.

(G. O. 362.)

The Committee on County Affairs, to whom were referred applications from the Eighth, Ninth, and Twelfth Regiments, N. G. S. N. Y., and the Washington Grey Troop Cavalry, for armory and drill-room purposes in this city, respectfully

#### REPORT:

That, in order to render the action taken by the Committee effective, the Committee invited and received the counsel and co-operation of his Honor the Mayor, and the Comptroller, who kindly associated themselves with the Committee and favored them with their counsel and advice. The necessity for better accommodations for some of the organizations in the first division, or a settlement of the question of Armories held under leases that had already expired, presented themselves to your Committee and it was decided, all parties agreeing, that ample accommodations should be afforded the Military, while at the same time care was taken to act in the interest of the taxpayers. The recent efficient services, as well as the moral effect of a well ordered and disciplined Militia in times of domestic violence or threatened disturbances of the peace were never better or more fully exemplified than on the recent memorable occasion alluded to, and were of such a character as to warrant the authorities in exerting their powers, while conserving other interests, in providing for the wants of the Militia.

In relation to the application of the Eighth Regiment, your Committee would state that the premises now occupied by them, in Twenty-third street and Seventh and Eighth avenues, were formerly leased at a rental of \$36,000 per annum. Your Committee addressed a communication to the owner of the premises, Mr. W. H. Ogilvie, offering to lease the same for three years, with the privilege of an additional two years at the City's option, at an annual rental of seven thousand dollars. Mr. Ogilvie declined the offer in writing. Your Committee then inspected the building formerly occupied by the Eighth Regiment, situated on the southwest corner of Ninth avenue and Twenty-seventh street, and in the immediate vicinity of the present Armory of said Eighth Regiment, and which, in the opinion of your Committee, and military officers, is well adapted for military purposes. Your Committee would state that the above premises were built with express reference to being occupied and used for military purposes; that they were fitted up and furnished by the city at an expense of over twenty-five thousand dollars (\$25,000); that the owners of said premises have offered to lease the same for a period of five years, at an annual rental of six thousand seven hundred dollars, and agreeing to heat the same with steam, at their own expense, during said period. In view of the fact that this will be a saving of \$29,300 per annum to the city, your Committee recommend the leasing of the same.

In relation to the application of the Ninth Regiment, your Committee find that the premises now occupied by said regiment, situated in Twenty-sixth street, between Seventh and Eighth avenues, were heretofore leased at an annual rental of twenty-four thousand dollars, and are well adapted for military purposes; and recommend that they be leased for the use of said regiment for a term of three years, with the privilege of two years at an annual rental of eight thousand dollars, which your Committee deem equitable and just, and will be a saving of sixteen thousand dollars per annum to the city.

In relation to the application of the Twelfth Regiment and Washington Grey Troop Cavalry, your Committee find that they are now occupying the premises heretofore leased for them, and situated in the building on the east side of Broadway, between Forty-fourth and Forty-fifth streets, and in Forty-fifth street; that the building is of great strength and superior construction, and every way suitable for military purposes; that the said premises were heretofore leased for the sum of \$24,000 per annum for both commands, and as the owner has agreed to accept the offer made by your Committee to lease the same for nine thousand dollars per annum (seven thousand dollars for the premises occupied and used by the Twelfth Regiment, and two thousand dollars for those of the Washington Grey Troop Cavalry) for a period of the three (3) years, with the privilege of two (2) years, which will be a saving to the city of \$15,000 per annum.

Your Committee beg leave to offer for adoption the following resolutions:

Resolved, That the leasing of premises for an armory and drill-room, for the use and occupation for military purposes of the Eighth Regiment of the National Guard in the City and County of New York, be and the same is hereby authorized, and that the Clerk of this Board be and he is hereby authorized and directed to execute a lease in the name of the Mayor, Aldermen, and Commonalty of the City of New York, and to affix the seal of the said Corporation thereto, of the hall and rooms on

the upper story of the building situated on the southwest corner of Ninth avenue and Twenty-seventh street, and known as Nos. 281, 283, 285, and 287 Ninth avenue, and Nos. 404, 406, 408, and 410 West Twenty-seventh street, for the term of five years from the first day of January, one thousand eight hundred and seventy-eight, at the yearly rental of six thousand seven hundred dollars, payable quarterly, to be used and occupied by all the Companies of the Eighth Regiment, for a Regimental Armory; that the said lease shall provide that no alterations or additions to the said premises shall be made by the said Corporation or the said regiment without the previous written consent of the owners; also, that the said premises be heated by steam at the expense of said owners, and that the superstructure shall be kept in good repair during the term of said lease by and at the expense of the owners of said property; and that there be inserted in said lease the usual fire clause, and that the Comptroller be and he is hereby directed to pay the said rent quarterly.

Resolved, That the leasing of premises for an armory and drill-room for the use and occupation for military purposes of the Ninth Regiment of the National Guard in the City and County of New York, be and the same is hereby authorized, and that the Clerk of this Board be and he is hereby authorized and directed to execute a lease in the name of the Mayor, Aldermen, and Commonalty of the City of New York, and to affix the seal of the said Corporation thereto, for the executors of the estate of Paran Stevens, of the premises in Twenty-sixth street, between Seventh and Eighth avenues, now occupied by the Ninth Regiment, N. G. S. N. Y., for a term of three years and four months, from the first day of January, 1878, with the privilege that the City of New York, at the expiration of such term, upon a notice of four (4) months having been previously given by the Comptroller of said city to the owner of these premises, may at its option continue such term at the same rent until January 1, 1883, at an annual rent of eight thousand dollars for the use of said regiment as an armory and drill-room, and the Comptroller is hereby authorized and directed to pay said rent quarterly from the proper appropriation; that the said lease shall provide that no alterations or additions to the said premises shall be made by the said corporation or the said regiment without the previous written consent of the owner; also, that the superstructure shall be kept in good repair during the term of said lease by and at the expense of the owner of said property; and that there be inserted in said lease the usual fire clause.

Resolved, That the leasing of premises for an armory and drill-room for the use and occupation for military purposes of the Twelfth Regiment of the National Guard in the City and County of New York be and the same is hereby authorized, and that the Clerk of this Board be and he is hereby authorized and directed to execute a lease in the name of the Mayor, Aldermen, and Commonalty of the City of New York, and to affix the seal of the said Corporation thereto, from R. T. Ford, of the hall and rooms on the second story of the building situated on the east side of Broadway, between Forty-fourth and Forty-fifth streets, being the same premises that were formerly leased for and are now occupied by the Twelfth Regiment, N. G. S. N. Y., for a term of three (3) years and four (4) months from January 1, 1878, with the privilege that the City of New York, at the expiration of such term, upon a notice of four months having been previously given by the Comptroller of said city to the owner of these premises, may at its option continue such term at the same rent until January 1, 1883, at the yearly rent of seven thousand dollars, payable quarterly, to be used and occupied by all the companies of the Twelfth Regiment, for a regimental armory; that the said lease shall provide that no alterations or additions to the said premises shall be made by the said corporation or the said regiment without the previous written consent of the owner; also, that the superstructure shall be kept in good repair during the term of said lease by and at the expense of the owner of said property, and that there be inserted in said lease the usual fire clause.

Resolved, That the leasing of premises for an armory and drill-room for the use and occupation for military purposes of the Washington Grey Troop of the National Guard, in the City and County of New York, be and the same is hereby authorized, and that the Clerk of this Board be and he is hereby authorized and directed to execute a lease, in the name of the Mayor, Aldermen, and Commonalty of the City of New York, and to affix the seal of the said Corporation thereto, from R. T. Ford of the rooms on the second story of the building situated on the south side of Forty-fifth street, near the corner of Broadway, being the same premises now occupied by said Washington Grey Troop, for a term of three years and four months, from January 1, 1878, with the privilege that the City of New York, at the expiration of such term, upon a notice of four months having been previously given by the Comptroller of said city to the owner of these premises, may at its option continue such term at the same rent until January 1, 1883, at the yearly rent of two thousand dollars, payable quarterly, to be used and occupied by the said Washington Grey Troop for an armory; that the said lease shall provide that no alterations or additions to the said premises shall be made by the said corporation, or the said company, without the previous written consent of the owner; also, that the superstructure shall be kept in good repair during the term of said lease by and at the expense of the owner of said property, and that there be inserted in said lease the usual fire clause.

Which was laid over.

#### MOTIONS AND RESOLUTIONS AGAIN RESUMED.

(G. O. 363.)

Alderman Tuomey moved to discharge the Committee on Streets from the further consideration of a resolution as follows:

Resolved, That Fourth avenue, from the north to the south side of Seventieth street, be paved with Belgian or trap-block pavement, and that, at the several intersecting streets and avenues crosswalks be laid where not now laid, and relaid where those now laid are, in the opinion of the Commissioner of Public Works, not in good repair, or are not upon a grade adapted to the grade of the proposed new pavement, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

The paper was then laid over.

(G. O. 364.)

Alderman Reilly moved to discharge the Committee on Law Department from the further consideration of a resolution as follows:

Resolved, That permission be and the same is hereby given to retain a storm-door in front of Hudnut's Pharmacy, No. 218 Broadway; such permission to continue only during the pleasure of the Common Council.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

The paper was then laid over.

Alderman Lewis moved that the original copy of the Annual Report of the Department of Docks be taken from on file, and returned, upon request, to the Department, in order that it may be printed.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

#### UNFINISHED BUSINESS.

Alderman Pinckney called up G. O. 350, being an ordinance, as follows:

AN ORDINANCE to amend section 55 of chapter XLV. of the Revised Ordinances of 1866, as amended by ordinances of July 27 and September 17, 1877, entitled, "of nuisances, and noxious things and practices."

The Mayor, Aldermen, and Commonalty of the City of New York do ordain as follows:

Section 1. Section 55 of the above-entitled ordinance is hereby amended by adding thereto the following:

No person shall blow, or cause, or permit to be blown, any steam-whistle, or other similar instrument attached to or contiguous to any workshop or factory, for a longer period of time than five seconds on each morning, prior to 9 o'clock; nor at any time after 9 o'clock of each night, under a penalty of ten dollars for each offense. So that said section when so amended, shall read as follows, viz:

Sec. 55. No person shall beat any drum, or other instrument, or blow any horn, or other instrument, for the purpose of attracting the attention of passengers, in any street in the City of New York, to any show of beasts or birds, or other things, in said city, under the penalty of ten dollars for each offense; nor shall any person use or perform with any hand-organ or other musical or other instrument for pay, or in expectation of payment, in any of the streets or public places in the City of New York, before 9 o'clock A. M. or after 9 o'clock P. M. of each day, under a penalty of ten dollars for each offense.

The provisions of this section shall apply only to itinerant musicians, and shall not be construed so as to affect any band of music or organized musical society engaged in any military or civic parade, or in serenading, who shall comply with the laws of the State relating to parades in the city of New York. Nor shall any person blow or cause or permit to be blown any steam-whistle or other similar instrument attached to or contiguous to any workshop or factory, for a longer period of time than five seconds on each morning prior to 9 o'clock, nor at any time after 9 o'clock of each night, under a penalty of ten dollars for each offense.

Sec. 2. The Commissioners of Police are hereby requested to enforce rigidly the provisions of this ordinance.

Sec. 3. All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance are hereby repealed.

Sec. 4. This ordinance shall take effect immediately.

The President pro tem. put the question whether the Board would agree with said ordinance.

Which was decided in the negative by the following vote (three-fourths of all the members elected not voting in favor thereof):

Affirmative—Aldermen Cowing, De Vries, Ehrhart, Howland, Joyce, Morris, Phillips, Pinckney, Simonson, and Tuomey—10.



Negative—The President, Aldermen Cole, Guntzer, Hall, Keenan, Lamb, Reilly, Salmon, Sauer, Sheils, and Slevin—11.

On motion of Alderman Pinckney the above vote was reconsidered and the paper again laid over.

Alderman Pinckney called up G. O. 352, being a resolution, as follows :

Resolved, That the resolution approved November 3, 1875, designating Hudson street, from Canal street to Ninth avenue, as a stand for farmers' wagons, be and the same is hereby rescinded and repealed.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote (three-fourths of all the members elected voting in favor thereof) :

Affirmative—Aldermen De Vries, Guntzer, Hall, Howland, Joyce, Lamb, Morris, Phillips, Pinckney, Reilly, Salmon, Sauer, and Simonson—13.

Negative—The President, Aldermen Keenan, Sheils, Slevin, and Tuomey—5.

Alderman Ehrhart called up G. O. 344, being a resolution, as follows :

Resolved, That the Commissioner of Public Works be authorized to have a six-inch water-pipe, with stop-cocks, hydrants, etc., laid on Ward's Island, from the end of the present pipe, to, and for the protection of the New York City Asylum for the Insane and Homoeopathic Hospital against fire, in pursuance of chapter 477, section 2, Laws of 1875.

The President pro tem. put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote (three-fourths of all the members elected voting in favor thereof) :

Affirmative—The President, Aldermen Cole, De Vries, Ehrhart, Guntzer, Hall, Howland, Joyce, Keenan, Lamb, Morris, Phillips, Pinckney, Reilly, Salmon, Sauer, Sheils, Simonson, Slevin, and Tuomey—20.

Negative—Alderman Cowing—1.

The President here resumed the chair.

Alderman Ehrhart called up G. O. 341, being an ordinance, as follows :

AN ORDINANCE in relation to ashes and garbage and receptacles therefor.

Section 1. The owner or owners of any building occupied as a dwelling-house situate upon any street or avenue in the city of New York, in which a sewer is or shall be constructed, shall cause to be constructed in front of said building or buildings below the grade of the sidewalk and adjoining the curb or gutter next to the roadway, a metal ashes and garbage receptacle, which shall consist of separate compartments for ashes and garbage ; said compartments shall contain movable metal vessels of sufficient capacity to receive all of the ashes and garbage deposited from each dwelling-house, and the receptacle for garbage shall be perforated so as to permit all liquid matter to flow therefrom into the sewer, and shall be connected in every instance by a trapped connection with the sewer or a drain-pipe leading thereto, and the covers of said receptacles shall be so adjusted as to remain open only while filling or emptying the same ; and said receptacles shall be subject to the inspection and regulation of the Board of Health, so far as relates to their cleanliness and the necessity of disinfecting them.

No person shall deposit any ashes in any receptacle other than that constructed for such purpose in front of the building occupied by such person, and no garbage shall be deposited by any person in any receptacle other than that constructed for such purpose in front of the building occupied by such person.

Sec. 2. On and after the first day of June, eighteen hundred and seventy-eight, in all cases of failure to comply with the provisions of this ordinance, upon a complaint made to any Police Justice of the city of New York, said Police Justice shall issue a warrant and cause the person complained of to be brought before him for trial. Upon satisfactory proof of a willful violation of any of the provisions of this ordinance, such Police Justice shall impose a fine not to exceed ten dollars for such violation, and shall commit the offender, in default of payment, to the City Prison until such fine be paid, but not exceeding ten days, each day of imprisonment to liquidate one dollar of such fine.

Sec. 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Sec. 4. This ordinance shall take effect immediately, except as herein provided.

Alderman Sheils moved to refer to the Committee on Law Department.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative by the following vote, on a division being called by Alderman Sauer, viz. :

Affirmative—Aldermen Cowing, Ehrhart, Howland, Joyce, Keenan, Lamb, Morris, Phillips, Reilly, Salmon, and Sheils—11.

Negative—The President, Aldermen Cole, De Vries, Guntzer, Hall, Pinckney, Sauer, Simonson, Slevin, and Tuomey—10.

Alderman Tuomey called up G. O. 349, being a resolution, as follows :

Resolved, That two lamp-posts be erected and Boulevard lamps placed and lighted thereon in front of the Church of St. Agnes, in Forty-third street, between Lexington and Third avenues, under the direction of the Commissioner of Public Works.

The President put the question whether the Board would agree with said resolution.

Which was decided in the negative by the following vote, three-fourths of all the members elected not voting in favor thereof :

Affirmative—The President, Aldermen Cole, De Vries, Guntzer, Hall, Joyce, Keenan, Lamb, Reilly, Salmon, Sauer, Sheils, Slevin, and Tuomey—14.

Negative—Aldermen Cowing, Ehrhart, Howland, Morris, Phillips, Pinckney, and Simonson—7.

On motion of Alderman Tuomey the above vote was reconsidered, and the paper again laid over.

Alderman Sauer called up G. O. 195, being a resolution, as follows :

Resolved, That the resolution permitting John Gilmartin to keep a stand in front of No. 168 Chatham street, which became adopted March 23, 1877, and the resolution permitting John Hogan to keep a stand in front of No. 182 Chatham street, which became adopted May 12, 1877, be and they are hereby severally and respectively annulled, rescinded, and repealed.

Which was referred to the Committee on Streets.

Alderman Salmon called up G. O. 299, being a resolution and ordinance, as follows :

Resolved, That a crosswalk be laid across Third avenue, near One Hundred and Seventy-third street, in front of the entrance to Public School No. 63, under the direction of the Department of Public Parks ; and that the accompanying ordinance therefor be adopted.

The President put the question whether the Board would agree with said resolution and ordinance.

Which was decided in the affirmative by the following vote (three-fourths of all the members elected voting in favor thereof) :

Affirmative—The President, Aldermen Cole, Cowing, De Vries, Ehrhart, Guntzer, Hall, Howland, Joyce, Keenan, Lamb, Morris, Phillips, Pinckney, Reilly, Salmon, Sauer, Sheils, Simonson, Slevin, and Tuomey—21.

#### MOTIONS AND RESOLUTIONS AGAIN RESUMED.

Alderman Sauer moved that when this Board adjourn it do adjourn to meet again on Monday, December 24, 1877.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

#### UNFINISHED BUSINESS RESUMED.

Alderman Salmon called up G. O. 345, being a resolution and ordinance, as follows :

Resolved, That One Hundred and Forty-seventh street, from St. Nicholas avenue to Twelfth avenue, be regulated and graded, the curb and gutter stones set, and the sidewalks flagged a space four feet wide through the centre thereof, where not already done, under the direction of the Commissioner of Public Works ; and that the accompanying ordinance therefor be adopted.

The President put the question whether the Board would agree with said resolution and ordinance.

Which was decided in the affirmative by the following vote (three-fourths of all the members elected voting in favor thereof) :

Affirmative—The President, Aldermen Cole, De Vries, Ehrhart, Guntzer, Hall, Howland, Joyce, Keenan, Lamb, Morris, Phillips, Pinckney, Reilly, Salmon, Sauer, Sheils, Simonson, Slevin, and Tuomey—20.

Alderman Cole called up G. O. 302, being a resolution, as follows :

Resolved, That gas-mains be laid, lamp-posts erected, and street-lamps lighted in Seventy-fifth street, between First avenue and Avenue A, under the direction of the Commissioner of Public Works.

The President put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote (three-fourths of all the members elected voting in favor thereof) :

Affirmative—The President, Aldermen Cole, De Vries, Ehrhart, Guntzer, Hall, Howland, Joyce, Keenan, Lamb, Morris, Phillips, Pinckney, Reilly, Salmon, Sauer, Simonson, Slevin, and Tuomey—19.

Alderman Keenan called up G. O. 343, being a resolution, as follows :

Resolved, That gas mains be laid, lamp-posts erected, and street lamps lighted in St. Ann's avenue, between One Hundred and Forty-ninth and One Hundred and Fifty-sixth streets, under the direction of the Commissioner of Public Works.

The President put the question whether the Board would agree with said resolution.

Which was decided in the affirmative by the following vote (three-fourths of all the members elected voting in favor thereof) :

Affirmative—The President, Aldermen Cole, De Vries, Ehrhart, Guntzer, Hall, Joyce, Keenan, Lamb, Morris, Phillips, Reilly, Salmon, Sauer, Sheils, Slevin, and Tuomey—17.

Alderman Joyce called up G. O. 311, being a resolution, as follows :

"Resolved, That the President be requested to make application on behalf of this Department to the Common Council for an ordinance directing that Seventy-seventh street, from Eighth avenue to Ninth avenue be regulated, graded, paved, and curbed, and that the south sidewalk on said portion of said street be flagged."

Alderman Joyce moved to refer to the Committee on Public Works.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

#### MOTIONS AND RESOLUTIONS AGAIN RESUMED.

Alderman Sauer moved that the Board do now adjourn.

The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

And the President announced that the Board stood adjourned until Monday, December 24, 1877, at 2 o'clock P. M.

FRANCIS J. TWOMEY, Clerk.

## LAW DEPARTMENT.

The following schedules form a report of the transactions of the office of the Counsel to the Corporation for the week ending December 15, 1877 :

*The Mayor, Aldermen, and Commonalty of the City of New York are defendants, unless otherwise mentioned.*

#### SCHEDULE "A."

##### SUITS AND SPECIAL PROCEEDINGS INSTITUTED.

##### SUPREME COURT.

William Edelsten—Professional services as Counsel to the Commissioners of the New County Court-house in 1871, \$5,000.

In re Isaac Bernheimer—To vacate sale for non-payment of assessment for opening public square.

The Mayor, etc., against The Second Avenue Railroad Company—For paving and repairing in Second avenue, between Houston and Forty-second streets, \$1,981.42.

Frederick Mohr—To recover amount of assessment paid for paving Sixty-second street, \$166.

Mary M. Jones—To recover amount of assessment paid for paving Fifty-eighth street, \$718.80.

In re Roman Catholic Orphan Asylum in the City of New York—To vacate sale for non-payment of assessment for Madison avenue sewer.

In re Abraham Scholle—To vacate sale for non-payment of assessment for Madison avenue paving.

In re Moses Taylor et al., executors—To vacate assessment for underground drains, between Ninety-second and One Hundredth and Sixth streets.

In re Michael Kane—To vacate assessment for underground drains between Ninety-second and One Hundred and Sixth streets.

In re Mary McGay—To vacate or reduce assessment for regulating, etc., One Hundred and Fourth street, from Fifth avenue to Harlem river.

John J. Townsend, trustee—To vacate 65 per cent. of the taxes imposed on plaintiff's property for the year 1877, \$689.

James A. Flack, No. 1—For goods furnished by Keeper of County Jail, \$10,240.

James A. Flack, No. 2—For goods furnished by Keeper of County Jail, \$7,744.05.

In re Mary T. Thain—To vacate sales for non-payment of assessments for various improvements.

Michael Finn—Assignee of market cartmen's claims, \$1,071.

In re S. W. Dana—To vacate sale for non-payment of assessment for Eightieth street curbing, etc.

In re S. W. Dana—To vacate sale for non-payment of assessment for Seventy-ninth and Eightieth-sixth street sewers.

National Ice Company—To recover amount of assessment paid for paving Forty-eighth street, \$1,409.10.

In re Martin B. Brown—To vacate sale for non-payment of assessment for Fifty-seventh street sewer.

Clement B. Barclay and another—To foreclose mortgage ; city made party as judgment creditor.

In re Patrick Morgan—To vacate sale for non-payment of assessment for Sixty-sixth street outlet sewer.

In re Wm. T. Graft—To vacate sale for non-payment of assessment for Fifty-fifth street sewers.

In re Don A. Hulett—To vacate sale for non-payment of assessment for One Hundred and Fifteenth street sewer.

In re William C. Wetmore—To vacate sales for non-payment of various assessments.

In re Ruth Ann Wallace—To vacate sales for non-payment of assessments for Sixth avenue crosswalks and Fifty-second street flagging.

In re Arabella S. Perry—To vacate assessment for pavement on Twentieth street, Third avenue to East river.

William M. Kitchell—Salary as Clerk Seventh District Court, \$4,450.

In re William McDonald—To vacate assessment for underground drains between Ninety-second and One Hundred and Sixth streets.

David Weil against Julia Elsbach, et al.—To foreclose mortgage ; city made party as judgment creditor.

John McGuire—For an accounting to ascertain amount due to Joseph C. Brady on contracts for shed on Pier 43, \$30,000, and Pier 46, \$39,000.

In re Henry W. Clark, executor, etc.—To vacate sale for non-payment of assessment for curbing, etc., Lexington avenue.

In re Martin Zbarowski—To vacate sale for non-payment of assessment for opening Eighty-seventh street.

##### SUPERIOR COURT.

Thomas A. Davies—For rent of premises No. 317 Broadway, \$2,000.

##### COMMON PLEAS.

Otto Meyer against Frederick A. Niemeister and another—Order directing Comptroller to pay judgment-creditor amount awarded by Armory Commission, \$13,500.

#### SCHEDULE "B."

##### JUDGMENTS ENTERED AND ORDERS OF THE SPECIAL AND GENERAL TERMS.

In re Charles Salomon—Orders entered vacating assessment.

In re Charles Salomon et al.—Orders entered vacating assessment.

In re Sarah Crouchley—Order entered to vacate sale.

Patrick McDermott—Judgment entered in favor of plaintiff for \$223.31.

Frederick Lambart—Judgment entered in favor of plaintiff for \$370.57.

Matthew Kane—Discontinued without costs.

John Long—Judgment entered in favor of plaintiff for \$661.04.

In re John McCloskey—Entered order ordering a re-hearing.

People, ex rel. Augustus Miller, against Board of Police—Order entered denying motion to modify return.

In re Simon Rothschild—Order entered vacating assessment.

In re George Hoffman—Order entered denying motion to vacate assessment, with \$10 costs and disbursements.

Jacob Lorillard—Judgment entered in favor of plaintiff for \$625.96.

Bernard Maloney—Judgments entered in favor of plaintiff for \$25,128.49, and \$7,371.51.

Leopold Eidlitz—Judgment entered in favor of plaintiff for \$4,868.

In re Rector, etc., Protestant Episcopal Church of St. Marks, Bowery—Order of General Term entered reversing Special Term, with \$10 costs and disbursements.

John Quinn—Order entered to allow defendants to serve amended answer.

Patrick Reid—Judgment entered in favor of plaintiff for \$346.16.

In re Patrick Callaghan—Order entered denying motion to vacate sale.

In re Edwin P. Smith—Order entered to vacate assessment.

In re Isaac A. Moran—Order entered to vacate assessment.

Methodist Episcopal Church, of Harlem—Order entered sustaining demurrer of the City.

Isaac T. Hecker et al.—Judgment entered in favor of plaintiff to vacate taxes.

Madison M. Marshall—Judgment entered in favor of plaintiff for \$272.26.

In re Trustees Presbytery City of New York—Order entered to vacate assessment.

George W. Town—Order entered in favor of city, affirming order of Special Term.

#### SCHEDULE "C."

##### SUITS AND SPECIAL PROCEEDINGS TRIED OR ARGUED.

Madison M. Marshall—Tried before Barrett, J. ; judgment for plaintiff.

Matilda D. Wallbridge—Motion to make Brown party ; plaintiff argued.

John Baird—Motion to amend answer argued.

John Warren—Plaintiff examined before trial.

Thomas O'Rourke—Tried before Van Hoesen, J., and jury ; verdict directed for plaintiff for \$567.09, subject to opinion of General Term.



In re Broadway widening—Reference proceeded.  
Cyrus Curtis, receiver—Motion to dismiss argued.  
Robert Cushing—Reference proceeded.  
Owen Moran—Tried before Donohue, J., without a jury; decision reserved.  
People, ex rel. J. S. Goldsmith, against Trustees of Nineteenth Ward—Motion for mandamus dismissed.

WILLIAM C. WHITNEY, Counsel to the Corporation.

## DEPARTMENT OF DOCKS.

At a meeting of the Board of Docks held 14th March, 1877.  
Present—the full Board.  
The reading of the minutes of the previous meetings, not already approved, was  
On motion, dispensed with.  
An application was received from Phelps Brothers & Co. for permission to erect a shed on Pier 40, East river; and, being read,  
On motion, it was  
Resolved, That permission be and the same is hereby granted to Phelps, Brothers & Co., Agents of the Mediterranean Line of Steamships, to erect and maintain on Pier 40, East river, when possession thereof shall be obtained, under lease purchased at public sale on 12th instant or otherwise, a shed and other structures, for the protection of property received and discharged thereat; the said shed, etc., to be about 325 feet by 40 feet, and to be constructed subject to the regulations of the Superintendent of Buildings, as required by chapter 249 of the Laws of 1875, and in accordance with the directions of Engineer-in-Chief of this Department, and to be removed when so ordered by this Board or its successor, free of all claim of any kind whatsoever against the Corporation.  
On motion, the communication received from the Captain of the Port, relating to the use of said Pier 40, heretofore received at meeting held 14th ultimo, was  
Taken from the table and placed on file.  
A communication was received from Thomas I. Madge, lessee of the easterly half of Pier 18, East river, to have the mooring-pile, damaged consequent upon the gale of the 9th instant, repaired by the Department; and, being read,  
On motion, it was  
Resolved, That Thomas I. Madge, lessee, be and he is hereby informed and notified that the mooring-post damaged on the 15th instant, on Pier 18, East river, must be put in good condition and repaired, at his cost and expense, the terms of the lease under which he occupies the easterly half of said pier requiring the lessee to make all repairs thereto.  
A report was received from the Engineer-in-Chief on condition of the bulkhead between Piers 40 and 41 East river, and recommending certain repairs thereto; and, being read,  
On motion, the Engineer-in-Chief was directed to make the necessary repairs at an expense of about \$160, by using old material as proposed.  
A report was received from the Engineer-in-Chief that certain repairs, costing about \$170, were required on the northerly side of Pier 34 (old number) North river, and that by direction of the President the work was now being done; and, being read,  
On motion, the action of the President was confirmed.  
A report was received from the Engineer-in-Chief to the effect that the Agent of the "White Star Line" declined to repair the mooring post on new Pier 46, North river, as directed by resolution of the Board adopted on the 21st ultimo; and, being read,  
On motion, the Secretary was directed to call the attention of the "White Star Line" to the said resolution, and request that the said mooring post be placed in good condition and repair, without further delay.  
A report was received from the Engineer-in-Chief, stating that the pier at Sixteenth street, North river, required repairs, and estimating the cost thereof at about \$421.65; and, being read,  
On motion, the Engineer-in-Chief was directed to do the work without delay; and also to examine the depth of water alongside the said pier, and report as to the dredging, if any, necessary to be done and the cost of doing the same.  
A communication was received from the Comptroller, advising that Johnson and Wilson are not in arrears or default to the Corporation; and, being read,  
On motion, the proposals received this date for furnishing cement were  
Taken from the table and placed on file, and the following resolutions adopted:  
Resolved, That the contract for furnishing 5,000 barrels of fresh burnt "Portland" cement be and the same is hereby awarded to Johnson & Wilson, of 96 Liberty street, their bid being the lowest under the proposals publicly opened 14th March, 1877, and the Comptroller having advised that they are not in default or arrears to the Corporation,  
Resolved, That the Secretary be and he is hereby directed to prepare in proper form the necessary contract for the above award; and that the officers of the Board be and they are hereby empowered to execute the same.  
A communication was received from F. W. J. Hurst, Manager National Steamship Company, asking that slip on south side of Pier 44, North river, be dredged, it having been used during the winter months by the Police Department for dumping ice and dirt; and, being read, and the President stating that he had directed the Engineer-in-Chief to examine and report as to the necessity of such dredging and the cost of doing the work,  
On motion, the communication was laid on the table and the action of the President approved.  
A communication was received from the Engineer-in-Chief, recommending that a yard for the making of Beton blocks be established on the bulkhead between Piers 57 and 58, North river, in place of the space now occupied for that purpose at new Pier 1, North river, and which will have to be surrendered upon the leasing that pier, as now contemplated, on 1st May proximo; and, being read,  
On motion, it was  
Resolved, That application be and the same is hereby made to the Department of Public Works for permission to erect a wooden fence along the centre of Thirteenth avenue, extending from the southerly side of the pier north of Bloomfield street southerly to the southerly side of the pier north of Bogart street, so as to inclose the westerly space as a temporary yard, for the uses and purposes of this department; and also for permission to connect the same with the department yard opposite, on the easterly side of said Thirteenth avenue, by a portable railway track, to facilitate the handling of cement and other materials used in the manufacture of Beton blocks.  
The following communications were received, read, and,  
On motion, laid on the table, action directed to be taken as stated respectively, to wit:  
From Lombard, Ayres & Co.—To erect shed on pier between Sixty-sixth and Sixty-seventh streets, North river. Petitioners to call.  
From Department of Public Charities and Correction—To have repairs made to piers at Twenty-sixth street, East river, and on Blackwell's Island, etc. Engineer to examine and report repairs required.  
From Stonington Steamboat Company—In relation to the continued occupancy of south side of Pier 34, North river.  
From the Engineer-in-Chief—As to repairs to pier at One Hundred and Sixth street, Harlem river. Referred to the President.  
From Engineer-in-Chief—As to repairs to Pier 6, East river (easterly side). E. L. Donnelly, lessee, to call.  
The following communications were received and read, and  
On motion, placed on file:  
From Finance Department—In relation to unpaid wharf rents, etc.  
From Engineer-in-Chief—Report of work performed during week ending 10th instant.  
From Engineer-in-Chief—In relation to condition of bulkhead Thirty-second street, East river.  
From Engineer-in-Chief—In relation to broken cornice on shed on new Pier 46, North river.  
From Treasurer—Reports of receipts and disbursements for week ending 13th instant.  
The President presented the "summons and complaint" served upon the Commissioners this date in matter of action before the Supreme Court, to recover damages from the city consequent upon building the new bulkhead wall on North river, to wit:  
Between Leroy and Clarkson streets—Woodbury G. Langdon and Cecilia L. Nottbeck, plaintiffs.  
Between Clarkson and West Houston streets—Louisa D. Kane, Woodbury G. Langdon, Marian Langdon, and Anne L. Langdon, plaintiffs.  
Between West Houston and Charlton streets—Walter Langdon, Matthew Wilks and wife, and Matthew Wilks, plaintiffs; and,  
On motion, the Secretary was directed to transmit the papers to the Counsel to the Corporation, with the request to take such necessary action as will fully protect the interests of the city in the premises.  
The Auditing Committee presented an audit of two bills amounting to the sum of \$7,057.38, for work done and material furnished by John A. Bouker; and, being read, was,  
On motion, accepted and adopted, and the Secretary directed to forward the same, together with a proper requisition for the amount, to the Finance Department for payment.  
A communication was received from H. J. Jewett, Receiver of Erie Railway Company, in relation to the laying of tracks for steam freight cars on new Pier 45, North river, and stating at length the objections of that company to the granting of the necessary permission therefor to the "White Star Line"; and being read, and the postponement of the further consideration of the subject being requested, on behalf of a large number of property-owners, by the representative of Mr. John McKeon,  
On motion, the communication was laid on the table; and the further consideration of the subject postponed until Saturday, the 17th instant, at 2 o'clock P. M.  
On motion, the Board adjourned.

EUGENE T. LYNCH, Secretary.

## OFFICIAL DIRECTORY.

STATEMENT OF THE HOURS DURING WHICH all the Public Offices in the City are open for business, and at which each Court regularly opens and adjourns, as well as of the places where such offices are kept and such Courts are held.

**EXECUTIVE DEPARTMENT.**  
Mayor's Office, No. 6, City Hall, 10 A. M. to 3 P. M.  
Mayor's Marshal, No. 7, City Hall, 10 A. M. to 3 P. M.  
Permit Bureau, No. 1, City Hall, 10 A. M. to 3 P. M.  
License Bureau, No. 1, City Hall, 10 A. M. to 3 P. M.

**LEGISLATIVE DEPARTMENT.**  
Board of Aldermen and Supervisors, No. 9, City Hall, office hours from 10 A. M. to 4 P. M.  
Clerk of the Common Council and of Board of Supervisors, No. 8, City Hall, 10 A. M. to 4 P. M.

**FINANCE DEPARTMENT.**  
NEW COUNTY COURT-HOUSE, OFFICE HOURS 9 A. M. TO 4 P. M.  
Comptroller's Office, second floor, rooms 19 and 20.  
1. Bureau for the collection of the revenue accruing from rents and interest on bonds and mortgages, and revenue arising from the use or sale of property belonging to or managed by the City, first floor, room 6.  
2. Bureau for the Collection of Taxes; Brown stone building, City Hall Park.  
3. Bureau for the Collection of Arrears of Taxes and Assessments and Water Rents, first floor, room 5.  
4. Auditing Bureau, second floor, west end, room 19.  
5. Bureau of Licenses, first floor, room 6.  
6. Bureau of Markets, first floor, room 6.  
7. Bureau for the reception of all moneys paid into the Treasury in the City, and for the payment of money on warrants drawn by the Comptroller and countersigned by the Mayor, at the Office of Chamberlain and County Treasurer, second floor, room 18.  
8. Bureau for the Collection of Assessments, second floor, room 16.

**LAW DEPARTMENT.**  
Counsel to the Corporation, Staats Zeitung Building, third floor, 9 A. M. to 5 P. M.  
Public Administrator, 115 and 117, Nassau street, 10 A. M. to 4 P. M.  
Corporation Attorney, 49 Beekman street, 8½ A. M. to 4½ P. M.  
Attorney for the Collection of Arrears of Personal Taxes, No. 51 Chambers street, second floor.  
Attorney to the Department of Buildings, 2 Fourth avenue, 9 A. M. to 5 P. M.

**POLICE DEPARTMENT.**  
NO. 300 MULBERRY STREET, ALWAYS OPEN.  
Commissioners' Office, second floor.  
Superintendent's Office, first floor.  
Inspectors' Office, first floor.  
Chief Clerk's Office, second floor, 8 A. M. to 5 P. M.  
Property Clerk, first floor (rear).  
Bureau of Street Cleaning, Avenue C, from Sixteenth to Seventeenth street, 8 A. M. to 5 P. M.  
Bureau of Elections, second floor (rear), 8 A. M. to 5 P. M.

**DEPARTMENT OF PUBLIC WORKS.**  
CITY HALL, 9 A. M. TO 4 P. M.  
Commissioner's Office, No. 19.  
Chief Clerk's Office, No. 20.  
Contract Clerk's Office, No. 21.  
Engineer in charge of Sewers, No. 21.  
Boulevards and Avenues, No. 18½.  
Bureau of Repairs and Supplies, No. 18.  
Lamps and Gas, No. 13.  
Incumbrances, No. 13.  
Street Improvements, No. 11.  
Chief Engineer Croton Aqueduct, No. 11½.  
Water Register, No. 10.  
Water Purveyor, No. 4.  
Streets and Roads, No. 13.

**DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.**  
Commissioners' Office, No. 66 Third avenue, 8 A. M. to 5 P. M.  
Out Door Poor Department, No. 66 Third avenue, always open, entrance on Eleventh street.  
Reception Hospital, Ninety-ninth street and Tenth avenue, always open.  
Bellevue Hospital, foot of Twenty-sixth street, East river, always open.

**FIRE DEPARTMENT.**  
NOS. 153, 155 AND 157 MERCER ST., 9 A. M. TO 4 P. M.  
Commissioners' Office, Chief of Department.  
Inspectors of Combustibles, Fire Marshal.

**HEALTH DEPARTMENT.**  
NO. 301 MOTT STREET.  
Commissioners' Office, second floor, 9 A. M. to 4 P. M.  
Attorney's Office, third floor, 9 A. M. to 4 P. M.  
Sanitary Superintendent, always open, third floor.  
Register of Records, third floor, for granting burial permits, on all days of the week, except Sunday, from 7 A. M. to 6 P. M., and on Sundays, from 8 A. M. to 5 P. M.

**DEPARTMENT OF PUBLIC PARKS.**  
Commissioners' Office, 35 Union Square, 9 A. M. to 5 P. M.

**DEPARTMENT OF DOCKS.**  
Commissioners' Office, 117 and 119 Duane street, A. M. to 4 P. M.

**DEPARTMENT OF TAXES AND ASSESSMENTS.**  
Commissioners' Office, Brown-stone building, City Hall Park, 9 A. M. to 4 P. M. On Saturday, 9 A. M. to 3 P. M.  
Surveyor's Bureau, 19 Chatham street, 9 A. M. to 4 P. M.  
Board of Assessors.

**DEPARTMENT OF BUILDINGS.**  
Superintendent's Office, 2 Fourth avenue, 9 A. M.

**BOARD OF EXCISE.**  
Commissioners' Office, first floor, 299 Mulberry street, 6 A. M. to 4 P. M.

**BOARD OF EDUCATION.**  
CORNER GRAND AND ELM STREETS  
Office of the Board, 9 A. M. to 5 P. M.  
Superintendent of Schools, 9 A. M. to 5 P. M.

**COMMISSIONERS OF ACCOUNTS.**  
Commissioners' Office, 27 Chambers street, second floor, front office.

**COMMISSIONERS OF THE COUNTY COURT-HOUSE.**  
Office, Room 28, third floor, northwest corner County Court-house.

**THE CITY RECORD.**  
Office, No. 2 City Hall, northwest corner basement, 8 A. to 6 P. M.

**MISCELLANEOUS OFFICES.**  
HOURS 9 A. M. TO 4 P. M.  
Coroners' Office, 40 East Houston street, second floor.  
Sheriff's Office, first floor, southwest corner of New County Court-house, rooms 3 and 4.  
County Clerk's Office, first floor, northeast corner of New County Court-house, rooms 7 and 8.  
Surrogate's Office, first floor, southeast corner of New County Court-house, room 1.  
Surrogate's Court, first floor, southeast corner of New County Court-house, room 2.  
Register's Office, Hall of Records, City Hall Park.  
District Attorney's Office, second floor, Brown-stone building, City Hall Park, 9 A. M. to 5 P. M.

**COMMISSIONER OF JURORS.**  
Commissioner's Office, room 17, second floor, New County Court-house, 9 A. M. to 4 P. M.

## COURTS.

[SUPREME COURT.]

Second floor, New County Court-house, 10½ A. M. to 3 P. M.  
General Term, Room No. 9.  
Special Term, Room No. 10.  
Chambers, Room No. 11.  
Circuit, Part I, Room No. 12.  
Circuit, Part II, Room No. 13.  
Circuit, Part III, Room No. 14.  
Judges' Private Chambers, Room No. 15.

## LEGISLATIVE DEPARTMENT

**THE COMMITTEE ON STREETS WILL MEET** every Friday, at 1 o'clock P. M.  
BRYAN REILLY,  
JAMES J. SLEVIN,  
LEWIS J. PHILLIPS,  
Committee on Streets.

**THE COMMITTEE ON FINANCE WILL MEET** in Room No. 16, City Hall, every Monday, at 3 o'clock P. M.

PATRICK KEENAN  
WILLIAM L. COLE,  
SAMUEL A. LEWIS,  
JOHN J. MORRIS,  
JOSEPH C. PINCKNEY,  
Committee on Finance.

**THE COMMITTEE ON LAW DEPARTMENT** will meet every Monday, at 2 o'clock P. M., in Room No. 16, City Hall.

SAMUEL A. LEWIS,  
GEORGE HALL,  
HENRY E. HOWLAND,  
Committee on Law Department.

**THE COMMITTEE ON PUBLIC WORKS WILL** meet in Room No. 16, City Hall, every Wednesday at 2 o'clock P. M.

THOMAS SHEILS,  
WILLIAM JOYCE,  
WILLIAM SALMON,  
STEPHEN N. SIMONSON,  
JOSEPH C. PINCKNEY,  
Committee on Public Works.

## JURORS.

### NOTICE

IN RELATION TO JURORS FOR STATE COURTS

OFFICE OF THE COMMISSIONER OF JURORS,  
NEW COUNTY COURT-HOUSE,  
NEW YORK, June 1, 1877.

**APPLICATIONS FOR EXEMPTIONS WILL BE** heard here, from 9 to 4 daily, from all persons hitherto liable or recently serving who have become exempt, and all needed information will be given.  
Those who have not answered as to their liability, or proved permanent exemption, will receive a "jury enrollment notice," requiring them to appear before me this year. Whether liable or not, such notices must be answered (in person, if possible, and at this office only) under severe penalties. If exempt, the party must bring proof of exemption; if liable, he must also answer in person, giving full and correct name, residence, etc., etc. No attention paid to letters.

Persons "enrolled" as liable must serve when called or pay their fines. No mere excuse will be allowed or interference permitted. The fines, received from those who, for business or other reasons, are unable to serve at the time selected, pay the expenses of this office, and if unpaid will be entered as judgments upon the property of the delinquents.

All good citizens will aid the course of justice, and secure reliable and respectable juries, and equalize their duty by serving promptly when summoned, allowing their clerks or subordinates to serve, reporting to me any attempt at bribery or evasion, and suggesting names for enrollment. Persons between sixty and seventy years of age, summer absentees, persons temporarily ill, and United States and District Court jurors are not exempt.

Every man must attend to his own notice. It is a misdemeanor to give any jury paper to another to answer. It is also punishable by fine or imprisonment to give or receive any present or bribe, directly or indirectly, in relation to a jury service, or to withhold any paper or make any false statement, and every case will be fully prosecuted.

THOMAS DUNLAP, Commissioner,  
County Court-house (Chambers street entrance.)

## THE CITY RECORD.

**COPIES OF THE CITY RECORD CAN BE** obtained at No. 2 City Hall (northwest corner, basement). Price three cents each.

## POLICE DEPARTMENT.

POLICE DEPARTMENT OF THE CITY OF NEW YORK,  
300 MULBERRY STREET,  
PROPERTY CLERK'S OFFICE, ROOM 39,  
NEW YORK, December 1, 1877.

**OWNERS WANTED BY THE PROPERTY** Clerk of the Police Department, of the City of New York, 300 Mulberry street, Room 39, for the property now in his custody without claimants:

Two boats, ten revolvers, hand carts, two cases cloth, gold and silver watches, trunks and contents, bags, catsup, blankets, male and female clothing, two pair opera glasses, piece cloth, also small amount of money taken from prisoners and found in street.

C. A. ST. JOHN,  
Property Clerk.

## HEALTH DEPARTMENT.

HEALTH DEPARTMENT OF THE CITY OF NEW YORK,  
NO. 301 MOTT STREET,  
NEW YORK, November 27, 1877.

**AT A MEETING OF THE BOARD OF HEALTH** of the Health Department of the City of New York, held at its office on the 27th day of November, 1877, the following resolution was adopted:

Resolved, That under the power conferred by law upon the Health Department, the following amendments of the Sanitary Code for the security of life and health be and the same are hereby adopted, and declared to form a portion of the Sanitary Code:

Resolved, That section 190 of the Sanitary Code be and is hereby amended so as to read as follows:  
Section 190. All sinks, basins, and stationary tubs in every hotel, lodging, tenement, boarding-house, or other dwelling in the City of New York, shall be provided with proper stretch traps directly under each sink, basin or stationary tub, so connected with the waste or soil-pipe, and so constructed as directed or approved by the Board of Health, and with the traps so adjusted as to prevent the escape therefrom of foul odors and gases.

Resolved, That section 193 of the Sanitary Code be and is hereby amended so as to read as follows:  
Section 193. The waste or soil pipe in every tenement, lodging house or other dwelling in the City of New York shall be ventilated by extending the same by means of a pipe of the same size to a height of not less than two feet above the roof of the building, or pursuant to the terms of a permit in writing from the Board of Health.

CHARLES F. CHANDLER,  
President.  
EMMONS CLARK,  
Secretary.



HEALTH DEPARTMENT OF THE CITY OF NEW YORK,  
No. 301 MOTT STREET,  
NEW YORK, November 27, 1877.

AT A MEETING OF THE BOARD OF HEALTH of the Health Department of the City of New York, held at its office on the 27th day of November, 1877, the following resolution was adopted:

Resolved, That, under the power conferred by law upon the Health Department, the following amendments of the Sanitary Code, for the security of life and health, be and the same are hereby adopted and declared to form a portion of the Sanitary Code:

Resolved, That section 190 of the Sanitary Code be and is hereby amended by adding thereto after lodging-house "or other dwelling."

Resolved, That section 193 of the Sanitary Code be and is hereby amended by adding thereto after lodging-house "or other dwelling."

[L. S.] CHARLES F. CHANDLER, President.

EMMONS CLARK, Secretary.

HEALTH DEPARTMENT OF THE CITY OF NEW YORK,  
No. 301 MOTT STREET,  
NEW YORK, November 21, 1877.

AT A MEETING OF THE BOARD OF HEALTH of the Health Department of the City of New York, held at its office on the 21st day of November, 1877, the following resolution was adopted:

Resolved, That under the power conferred by law upon the Health Department, the following additional sections of the Sanitary Code for the security of life and health be and the same are hereby adopted, and declared to form a portion of the Sanitary Code:

SECTION 196. That it shall be the duty of every owner, lessee, or tenant of any vacant, sunken, or excavated lot in the City of New York to keep the same at all times clean and unoffensive, and to provide around the same a proper tight board fence, not less than six (6) feet in height, so as to effectually prevent the throwing or depositing therein or thereupon of any garbage or offensive thing whatsoever, and also to prevent persons passing from falling into such excavation.

SECTION 197. That no live geese, ducks, or other fowls shall be kept in any yard, area, cellar, coop, building, or other place within the built-up portion of the City of New York, excepting in the public markets, without a permit in writing from this Department.

[L. S.] CHARLES F. CHANDLER, President.

EMMONS CLARK, Secretary.

## DEPARTMENT OF DOCKS.

DEPARTMENT OF DOCKS,  
117 AND 119 DUANE STREET,  
NEW YORK, December 18, 1877.

### TO CONTRACTORS.

#### PROPOSALS FOR FURNISHING SMALL COBBLE, RIP-RAP AND BROKEN STONE AND SAND.

SEALED PROPOSALS FOR FURNISHING these materials, indorsed with proper title, and addressed to "The President of the Department of Docks," will be received at this office until 12 o'clock M. of

MONDAY, JANUARY 7, 1878.

at which time and place the bids will be publicly opened by the head of said Department and read. The award of the contract or contracts will be made as soon as practicable after the opening of the bids.

The Engineer's estimate of the quantities to be furnished is as follows:

- Class 1.—Small Cobble and Rip-rap Stone for Bulkhead or River Wall, to be deposited in place by Contractor.
- A. About 25,000 cubic yards of Small Cobble Stone.
- B. About 30,000 cubic yards of Rip-rap Stone.
- Class 2.—Broken Stone for Concrete.
- About 3,000 cubic yards of Broken Stone.
- Class 3.—Sand.
- About 1,000 cubic yards of Sand.

Proposals may be made for one or more of the above three classes.

The above material to be furnished in accordance with specifications, and to be delivered as called for by orders from the Engineer-in-Chief.

The small cobble and rip-rap stone for the bulkhead or river wall is to be delivered and properly deposited around and between the piles, and in front and rear of the work, at such points on the North river, south of Fourteenth street, as may be designated by the Engineer. The small cobble only is to be placed between the piles, and the rip-rap is to be placed in front and rear of the foundation, and is to be properly mixed with small cobble.

The broken stone and sand are to be delivered and unloaded upon the scows of the Department or upon piers or bulkheads, at such point or points along the North river water-front, south of Fourteenth street, as shall be designated, from time to time by the Engineer.

All material will be measured in bulk, on board the vessels of the contractor, at the place of delivery.

The foregoing are the quantities which have been estimated approximately for the construction of that part of the bulkhead or river wall proposed to be completed during the next calendar year. They form, however, no part of the contract, and persons bidding are cautioned that the Department of Docks do not hold themselves responsible that any of them shall strictly obtain in the construction of the work, and reserve the right to terminate the contract at any time after the delivery of the following quantities, to wit:

- Class 1.—A. 5,000 cubic yards.
- B. 5,000 cubic yards.
- Class 2.—1,000 cubic yards.
- Class 3.—500 cubic yards.

Any bidder for this contract must be known to be engaged in and well prepared for the business, and shall give security for the faithful performance of his contract, in the manner prescribed and required by ordinance, in the sum of ten thousand dollars, in case the whole contract shall be awarded to him; or in the sum of eight thousand dollars for the contract for small cobble and rip-rap stone only; or in the sum of two thousand dollars for the contract for broken stone only; or in the sum of five hundred dollars for the contract for sand only.

This contract is to cease and terminate on the 27th day of December, 1878, and a penalty of fifty dollars per day, as liquidated damages, will be exacted for each day that the delivery of any part of the said materials has been delayed through neglect to furnish the same within ten days after the receipt of the necessary order therefor, Sundays and holidays not to be excepted.

Bidders will state in their proposals the price per cubic yard, for either or all of the above three classes of materials, respectively, by which the bids will be tested. The price is to cover the expenses of freight, loading and unloading, towing, tools, run-ways, and all other expenses necessary for the complete fulfillment of the contract.

Bidders will write out the price bid, in addition to inserting the same in figures.

Should the lowest bidder or bidders neglect or refuse to accept this contract within forty-eight (48) hours after written notice that the same has been awarded to his or their bid, or if after acceptance, he or they should refuse or neglect to execute the contract for forty-eight hours after notice that the same is ready for execution, he or they shall be considered as having abandoned it, and as in default to the Corporation; and the contract will be re-advertised and relet, and so on until it be accepted and executed.

Bidders are required to state in their proposals their names and places of residence, the names of all persons interested with them therein; and if no other person be so interested, the proposal shall distinctly state that fact; also that the bid is made without any connection with any other person making any estimate for the same material, and that it is in all respects fair, and without collusion or fraud; and also that no member of the Common Council, head of a department, chief of a bureau, deputy thereof, or clerk therein, or other officer of the Corporation is directly or indirectly interested therein, or in the supplies

or work to which it relates, or in any portion of the profits thereof; which proposals must be verified by the oath, in writing, of the party making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each proposal shall be accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person or persons making the bid, they will, on its being so awarded, become bound as his or their sureties for its faithful performance; and that if said person or persons shall omit or refuse to execute the contract, they will pay to the Corporation any difference between the sum to which said person or persons would be entitled on its completion, and that which the Corporation may be obliged to pay to the person to whom the contract shall be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of the contract, and stated in the proposals, over and above all his debts of every nature, and over and above his liabilities as bail, surety and otherwise; and that he has offered himself as surety in good faith and with the intention to execute the bond required by section 27 of chapter VIII. of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person for whom he consents to become surety. The adequacy and sufficiency of the sureties offered are to be approved by the Comptroller of the City of New York after the award is made and prior to the signing of the contract.

Bidders are informed that no deviation from the specifications will be allowed, unless under the written instructions of the Engineer-in-Chief.

No proposal will be accepted from, or contract awarded to, any person who is in arrears to the Corporation, upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The right to decline all the proposals is reserved, if deemed for the interest of the Corporation.

Bidders are requested, in making their bids, to use the blank prepared for that purpose by the Department, a copy of which, together with the form of the agreement, including specifications, and showing the manner of payment for the material, can be had upon application at the office of the Department, Room No. 6.

JACOB A. WESTERVELT,  
HENRY F. DIMOCK,  
JACOB VANDERPOEL,  
Commissioners of the Department of Docks.

## DEPARTMENT OF PUBLIC PARKS.

DEPARTMENT OF PUBLIC PARKS,  
36 UNION SQUARE,  
NEW YORK, December 4, 1877.

### PROPOSALS FOR LIGHTING THE PUBLIC LAMPS.

PROPOSALS, IN SEALED ENVELOPES, WILL be received at the office of the above-named Department, No. 36 Union square, New York City, until Wednesday, the 19th day of December, 1877, at the hour of half-past nine o'clock A. M., when they will be publicly opened and read, for furnishing Illuminating Material, and Lighting, etc., all or any portion of the Public Lamps, on the Public Parks, Places and Bridges of the City of New York (except the ornamental lamps on the north side of Union square), under the control of the Department of Public Parks, from the first day of January, 1878, until the thirtieth day of April, 1878, both days inclusive.

Each proposal must state the description or kind of Illuminating Material proposed to be used, and also a price shall also include the lighting, cleaning, and reglazing the same, and replacing the cocks, tubes, standpipes, burners, and other appliances which may be used for a like purpose, and crossheads, lamp-irons, and lanterns thereto, and keeping each lamp and lamp-post in repair, in the manner mentioned in the specifications, during the period above mentioned.

The said Department reserves the right to determine, after the proposals are opened, what illuminating material shall be used in said public lamps during the period, and will award the contract to the lowest bidder whose proposal is made in accordance with the law and ordinances in such case, and who proposes to furnish the illuminating material so determined to be used.

No proposal will be considered unless accompanied by the consent, in writing, of two responsible householders or freeholders of the City of New York, their respective places of business or residence being named, to the effect that they will become bound as sureties in the sum of ten thousand dollars for the faithful performance of the contract, should it be awarded upon that proposal.

Each proposal must state the name and place of residence of the person making the same; the names of all persons interested with him therein; that it is made without collusion with any other person making an estimate for the same work; and that no member of the Common Council or other officer of the Corporation is directly or indirectly interested therein, or in any portion of the profits thereof.

The Department reserves the right to reject any or all proposals.

Proposed sureties must verify their consent by affidavit. Forms of proposals may be obtained, and the terms of the contract (including the specifications), settled, as required by law, seen at the office of the Secretary, at the above address.

Proposals must be addressed to the President of the Department of Public Parks, and indorsed "Proposals for Lighting Public Parks and Places," and shall also be indorsed with the name or names of the person or persons presenting the same and the date of presentation.

WM. R. MARTIN, President;  
JAMES F. WENMAN,  
WM. C. WETMORE,  
SAMUEL CONOVER,  
Commissioners D. P. P.

WM. IRWIN,  
Secretary D. P. P.

DEPARTMENT OF PUBLIC PARKS,  
36 UNION SQUARE,  
NEW YORK, December 4, 1877.

### CONCRETE FLOORS, MUSEUM OF ART, CENTRAL PARK.

PROPOSALS, IN SEALED ENVELOPES, WILL be received at the office of the Department of Public Parks, 36 Union Square, New York City, until Wednesday, the 19th day of December, 1877, at the hour of half-past nine o'clock A. M., when they will be publicly opened by the head of said Department and read—

For constructing and laying concrete floors for the basement of the Museum of Art, in the Central Park.

Each proposal must state, both in writing and in figures, a gross price for the whole work.

The work is to be completed within one month from the date of the contract thereof.

No proposal will be considered unless accompanied by the consent, in writing, of two responsible householders or freeholders of the City of New York, their respective places of business or residence being named, to the effect that they will become bound as sureties in the sum of two thousand dollars for the faithful performance of the contract, should it be awarded upon that proposal, and that if the said person or persons making the proposal shall omit or refuse to execute said contract, they will pay to the Corporation any difference between the sum to which he or they would be entitled upon its completion, and that

which the Corporation may be obliged to pay to the person to whom the contract shall be awarded at any subsequent letting.

Each proposal must state the name and place of residence of the person making the same; the names of all persons interested with him therein; that it is made without collusion with any other person making an estimate for the same work; and that no member of the Common Council, head of a Department, chief of a bureau, deputy thereof, or clerk therein, or other officer of the Corporation is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof.

The Department reserves the right to reject any or all proposals. Proposed sureties must verify their consent by affidavit.

Forms of proposals may be obtained, and the plans and the terms of the contract (including the specifications), settled as required by law, seen at the office of the Secretary, at the above address.

Proposals must be addressed to the President of the Department of Public Parks, and indorsed "Proposals for Concrete Floors, Museum of Art," and shall also be indorsed with the name or names of the person or persons presenting the same, and the date of presentation.

WM. R. MARTIN, President;  
JAMES F. WENMAN,  
WM. C. WETMORE,  
SAMUEL CONOVER,  
Commissioners D. P. P.

WM. IRWIN,  
Secretary D. P. P.

DEPARTMENT OF PUBLIC PARKS,  
36 UNION SQUARE,  
NEW YORK, December 4, 1877.

### GALVANIZED IRON AND ZINC CASING TO ARCHES AND PURLINS OF ROOF OF MAIN HALL, MUSEUM OF ART, CENTRAL PARK.

PROPOSALS, IN SEALED ENVELOPES, WILL be received at the office of the Department of Public Parks, 36 Union Square, New York City, until Wednesday, the 19th day of December, 1877, at the hour of half-past nine o'clock A. M., when they will be publicly opened by the head of said Department and read—

For the construction and erection of Galvanized Iron and Zinc Casing to Arches and Purlins of Roof of Main Hall of the Museum of Art in the Central Park, in the City of New York.

Each proposal must state, both in writing and in figures, a gross price for the whole work.

The work is to be completed within three months from the date of the contract thereof.

No proposal will be considered unless accompanied by the consent, in writing, of two responsible householders or freeholders of the City of New York, their respective places of business or residence being named, to the effect that they will become bound as sureties in the sum of five thousand dollars for the faithful performance of the contract, should it be awarded upon that proposal, and that if the said person or persons making the proposal shall omit or refuse to execute said contract, they will pay to the Corporation any difference between the sum to which he or they would be entitled upon its completion, and that which the Corporation may be obliged to pay to the person to whom the contract shall be awarded at any subsequent letting.

Each proposal must state the name and place of residence of the person making the same; the names of all persons interested with him therein; that it is made without collusion with any other person making an estimate for the same work; and that no member of the Common Council, head of a Department, chief of a bureau, deputy thereof, or clerk therein, or other officer of the Corporation is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof.

The Department reserves the right to reject any or all proposals. Proposed sureties must verify their consent by affidavit.

Forms of proposals may be obtained, and the plans and the terms of the contract (including the specifications), settled as required by law, seen at the office of the Secretary, at the above address.

Proposals must be addressed to the President of the Department of Public Parks, and indorsed "Proposals for Iron and Zinc Casing, Museum of Art," and shall also be indorsed with the name or names of the person or persons presenting the same, and the date of presentation.

WM. R. MARTIN, President;  
JAMES F. WENMAN,  
WM. C. WETMORE,  
SAMUEL CONOVER,  
Commissioners D. P. P.

WM. IRWIN,  
Secretary D. P. P.

## DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 15, 1877.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Charity Hospital, Blackwell's Island—Mary Thompson (colored); aged 20 years; 5 feet 6 inches high; black hair and eyes. Had on when admitted, blue and white plaid dress, white skirt, buttoned gaiters. Nothing known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 17, 1877.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Idiot Asylum, Randall's Island, December 15, 1877—Mary N. Austin; aged 24 years. Admitted October 12, 1868. Nothing known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 13, 1877.

### PROPOSALS FOR CONDENSED MILK.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 9 o'clock A. M. of Thursday, December 27, 1877, at which time they will be publicly opened and read by the head of said Department, for supplying the institutions under their charge with condensed milk of the best quality, from the first day of January, 1878, up to and including the thirty-first day of December, 1878.

Parties proposing for the above will submit samples for examination and analysis, and the milk selected will be the standard for future delivery. The milk delivered under the contract will be analyzed by a competent chemist at such times as the Commissioners may determine.

The above to be delivered daily at the foot of Twenty-sixth street, East river, or at such other places as may be required, free of all expense to the Department.

The award of the contract will be made as soon as practicable after the opening of the bids.

No proposal will be considered unless accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded under that proposal, they will, on its being so awarded, become bound as sureties in the estimated amount of fifty per cent. for its faithful performance, which consent must be verified by the justification of each of the persons signing the same for double the amount of surety required. The sufficiency of such security to be approved by the Comptroller.

The Department of Public Charities and Correction reserve the right to decline any and all proposals, if deemed to be for the public interest, and to accept an offer for the whole bid, or for any single article included in the proposal, and no proposal will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is defaulter, as security or otherwise, upon any obligation to the Corporation.

Blank forms of proposals and specifications, which are to be strictly complied with, can be obtained on application to the office of the Department, and all information furnished.

THOMAS S. BRENNAN,  
ISAAC H. BAILEY,  
TOWNSEND COX,  
Commissioners.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 13, 1877.

### PROPOSALS FOR FRESH BEEF, MUTTON, VEAL, PORK, AND CORNED BEEF.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 9 o'clock A. M. of Thursday, December 27, 1877, at which time they will be publicly opened and read by the head of said Department, for furnishing and delivering daily, from the first day of January, 1878, up to and including the thirty-first day of December, 1878, at the foot of East Twenty-sixth street, and at such other places as may be required, free of all expense—

Fresh Beef and Mutton, and for the use of the officers and employees of the various institutions, Fresh Beef, Mutton, Veal, Pork, and Corned Beef.

The award of the contract will be made as soon as practicable after the opening of the bids.

No proposal will be considered unless accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that, if the contract be awarded under that proposal, they will, on its being so awarded, become bound as sureties in the estimated amount of fifty per cent. for its faithful performance, which consent must be verified by the justification of each of the persons signing the same for double the amount of surety required. The sufficiency of such security to be approved by the Comptroller.

The Department of Public Charities and Correction reserve the right to decline any and all proposals if deemed to be for the public interest, and to accept an offer for the whole bid or for any single article included in the proposal, and no proposal will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is defaulter, as security or otherwise, upon any obligation to the Corporation.

Blank forms of proposals and specifications, which are to be strictly complied with, can be obtained on application at the office of the Department, and all information furnished.

THOMAS S. BRENNAN,  
ISAAC H. BAILEY,  
TOWNSEND COX,  
Commissioners.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 7, 1877.

### PROPOSALS FOR POULTRY.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 9 o'clock A. M. of Thursday, December 20, 1877, at which time they will be publicly opened and read by the head of said Department, for furnishing and delivering, at the foot of East Twenty-sixth street, free of all expense to the Department—

- 6,500 pounds Turkeys.
- 7,500 pounds Chickens.

To be of good quality as to age and condition and subject to careful inspection, and all delivered on Saturday, December 22, 1877.

The award of the contract will be made as soon as practicable after the opening of the bids.

No proposal will be considered unless accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that, if the contract be awarded under that proposal, they will, on its being so awarded, become bound as sureties in the estimated amount of fifty per cent. for its faithful performance, which consent must be verified by the justification of each of the persons signing the same for double the amount of surety required. The sufficiency of such security to be approved by the Comptroller.

The Department of Public Charities and Correction reserve the right to decline any and all proposals if deemed to be for the public interest, and to accept an offer for the whole bid or for any single article included in the proposal, and no proposal will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is defaulter, as security or otherwise, upon any obligation to the Corporation.

Blank forms of proposals and specifications, which are to be strictly complied with, can be obtained on application at the office of the Department, and all information furnished.

THOMAS S. BRENNAN,  
ISAAC H. BAILEY,  
TOWNSEND COX,  
Commissioners.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 13, 1877.

### PROPOSALS FOR FRESH FISH.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 9 o'clock A. M. of Thursday, December 27, 1877, at which time they will be publicly opened and read by the head of said Department, for furnishing and delivering, from the first day of January, 1878, up to and including the thirty-first day of December, 1878, at the foot of East Twenty-sixth street, and at such other places as may be required, free of all expense—

Fresh Cod, Porgies, and Blue Fish.

The award of the contract will be made as soon as practicable after the opening of the bids.

No proposal will be considered unless accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that, if the contract be awarded under that proposal, they will, on its being so awarded, become bound as sureties in the estimated amount of fifty per cent. for its faithful performance, which consent must be verified by the justification of each of the persons signing the same for double the amount of surety required. The sufficiency of such security to be approved by the Comptroller.

The Department of Public Charities and Correction reserve the right to decline any and all proposals if deemed to be for the public interest, and to accept an offer for the



whole bid or for any single article included in the proposal, and no proposal will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is defaulter, as security or otherwise, upon any obligation to the Corporation.

Blank forms of proposals and specifications, which are to be strictly complied with, can be obtained on application at the office of the Department, and all information furnished.

THOMAS S. BRENNAN,  
ISAAC H. BAILEY,  
TOWNSEND COX,  
Commissioners.

DEPARTMENT OF  
PUBLIC CHARITIES AND CORRECTION,  
CORNER OF THIRD AVENUE AND ELEVENTH ST.,  
NEW YORK, December 14, 1877.

IN ACCORDANCE WITH AN ORDINANCE OF the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Charity Hospital, Blackwell's Island—William McCann; aged 24 years; 5 feet 5 inches high; light hair; gray eyes. Had on when admitted, dark diagonal coat, striped pants, brown cap, laced shoes. Nothing known of his friends or relatives.

At Hart's Island Hospital—Hannah Healy; 5 feet 3 inches; gray hair and eyes. Had on when admitted, brown calico dress, white muslin skirt, black woolen shawl, gaiters. Nothing known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

## FIRE DEPARTMENT.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 AND 157 MERCER STREET,  
NEW YORK, December 1, 1877.

SEALED PROPOSALS FOR FURNISHING THIS Department with ten thousand (10,000) feet of two and one-half inch three or four ply hose, suitable for the use and purposes of this Department, in lengths of fifty feet each, with New York thread couplings attached, to be capable of resisting a pressure test of four hundred pounds to the square inch, and to be warranted to bear the wear and tear of this Department for a term of two years (for which a special guarantee will be required), will be received at these Headquarters until 10 o'clock A. M., on Wednesday, the 19th instant, when they will be publicly opened and read.

No proposals will be received or considered after the hour named.

A sample length of hose, with couplings attached, must be submitted with each proposal.

Two responsible sureties will be required with each proposal, who must each justify thereon, prior to its presentation, in not less than one-half the amount thereof.

The contractor will be required to furnish all of the said hose within sixty days after the execution of the contract.

The form of contract, to which especial attention is called, can be seen on application to these Headquarters, where further information and blank proposals may also be obtained.

Proposals must be addressed upon the envelope to the Board of Commissioners of this Department, be indorsed "Proposal for furnishing hose," and state the names of the parties making the same.

The Commissioners reserve the right to reject any or all of the proposals submitted, if deemed to be for the interests of the city, and to increase the quantity of hose required under the terms of this advertisement to any amount not exceeding fifteen thousand (15,000) feet.

VINCENT C. KING,  
JOSEPH L. PERLEY,  
JOHN I. GORMAN,  
Commissioners.

## FINANCE DEPARTMENT.

WILLIAM KENNELLY, AUCTIONEER.

CORPORATION SALE OF LEASE OF THE HAY SCALES AT TOMPKINS MARKET.

THE LEASE OF THE HAY SCALES AT TOMPKINS Market until May 1, 1879, will be sold at public auction at the new Court-house, on Thursday, December 13, 1877, at 12 o'clock noon.

### TERMS OF SALE.

Twenty per cent. on the yearly rent bid to be paid to the Collector of City Revenue at the time and place of sale; and the successful bidder will be required, at the same time, to have an obligation executed by two sureties, to be approved by the Comptroller, for carrying into effect the terms of sale.

Twenty per cent., when paid, will be credited on the first quarter's rent; or forfeited, if the lessee does not execute the lease and bond within fifteen days after the sale; and the Comptroller shall be authorized, at his option, to resell the premises bid off by those failing to comply with the terms as above; and the party so failing to comply to be liable for any deficiency that may result from such resale.

No person will be received as lessee or surety who is delinquent on any former lease from the Corporation. No bid will be accepted from any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as security or otherwise, upon any obligation to the Corporation. (Sec. 99 of Charter of 1873.)

The lease will contain the usual covenants and conditions, reserving to the Corporation the right to cancel the lease whenever the premises may be required by them for public purposes.

All repairs will be made at the expense of the lessees, and no deduction whatever will be allowed for damage by reason of any sickness or epidemic that may prevail in the city during the continuance of the lease.

The lessees will be required to give a bond for double the amount of the annual rent, with two sureties, to be approved by the Comptroller, conditioned for the payment of the rent quarter-yearly, and the fulfillment on their part of the covenants of the lease.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, December 7, 1877.

The above sale is adjourned to Thursday, December 27, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, December 13, 1877.

DEPARTMENT OF FINANCE,  
BUREAU FOR THE COLLECTION OF ASSESSMENTS,  
COURT-HOUSE, PARK, NO. 32 CHAMBERS STREET,  
NEW YORK, December 1, 1877.

## NOTICE TO TAX-PAYERS.

ALL PERSONS WHO HAVE OMITTED TO PAY their taxes for the year 1877, are hereby notified, as required by law, to pay the same to the Receiver of Taxes, at his office, on or before the 1st day of January, 1878.

One per cent. will be collected on all taxes paid before the 15th day of December instant, two per cent. on all taxes paid on and after that date, and interest at the rate of 12 per cent. per annum, computed from the 15th of October last (the day on which the assessment rolls and warrants were delivered to the Receiver), on all taxes remaining unpaid on and after the said 1st day of January, 1878.

No money will be received after 2 o'clock P. M.

Office hours, from 8 A. M. to 2 P. M.

MARTIN T. MCMAHON,  
Receiver of Taxes.

WILLIAM KENNELLY, AUCTIONEER.

## SALE OF FERRY FRANCHISES.

THE FRANCHISES TO RUN THE FOLLOWING ferries and a lease of the wharf property belonging to the city, if any, set apart for ferry purposes at each of said ferries, will be sold at public auction to the highest bidder, at the office of the Comptroller of the City of New York, on Thursday, November 8, 1877, at 12 o'clock, noon, for the period of five years from November 1, 1877, except as otherwise stated:

Ferry from Peck Slip, New York City, to the foot of One Hundred and Thirtieth street at Third avenue, Harlem, with an intermediate landing at or near Eighty-fourth street, East river, until May 1, 1879.

Ferry from Fulton Market slip, New York City, to Mott Haven, with an intermediate landing at or near Eighty-fourth street, East river, until May 1, 1879.

Ferry as now established from foot of Roosevelt street, in the City of New York, East river, to South Seventh street, Brooklyn, Eastern District, together with the bulkheads and slips adjacent to and east of the wharf property at foot of Roosevelt street, East river, owned by the Bridge Company, and now occupied for said ferry.

Bidders must bid for the franchise and lease of wharf property of each ferry separately, but no bid will be received unless it includes an offer for both the ferry franchise and wharf property.

The form of the lease required to be executed by the highest bidder can be seen at the office of the Comptroller. All bids will be regarded as made with reference to said form of lease, and in case the highest bidder shall neglect to execute a lease according to said form, for ten days after said sale, his bid will, at the option of the Comptroller and the Board of the Department of Docks, be rejected.

The leases will contain a covenant requiring the lessees to pay rent quarter-yearly to the Comptroller.

The minimum rate for which the ferry franchise or license to operate such ferries shall be used or enjoyed has been ascertained and set by the Commissioners of the Sinking Fund at five per cent. per annum upon the gross receipts for ferriage collected at the New York Landing-place for the ferry as now established from the foot of Roosevelt street, New York, to South Seventh street, Brooklyn, and at two and one-half per cent. per annum upon the gross receipts collected for ferriage for the ferries from Peck Slip, New York, to the foot of One Hundred and Thirtieth street, Third avenue, Harlem; and from Fulton Market slip, New York, to Mott Haven, such percentage to be paid quarter-yearly to the Corporation, and a covenant will be contained in each lease requiring the lessees to make and deliver to the Comptroller of the City of New York, quarter-yearly, a statement in writing, verified by oath or affirmation of the lessee, or of such proper officer of the lessee as may be designated by the Comptroller, of the actual total gross receipts for ferriage received by such lessee during the preceding three months, and also, that the lessee shall keep regular books of account, showing the daily gross receipts of the ferry leased, and allow said Comptroller, or any person designated by him, to examine such books.

The franchise will be put up and knocked down to the person offering to pay the largest percentage.

All moneys received for the conveyance of passengers, animals, vehicles or freight from New York to be collected at the landing place in New York, or, if collected elsewhere, to be included in the receipts upon which such percentage is to be calculated and paid.

No bid less than such percentage on such gross receipts will be entertained.

The successful bidder will be required to pay to the Collector of City Revenue the sum of fifteen hundred dollars immediately after the franchise shall have been struck down to him, as security for the execution and performance of the lease, such amount to be credited on the rent when the same becomes due.

Security, satisfactory to the Comptroller, will be required for the punctual performance by the lessees of the covenants of the lease of the franchise in their behalf.

Each purchaser of a lease will be required, at the time of the sale, and in addition to the auctioneer's fees, to pay to the Department of Docks twenty-five per cent. of the amount of the annual rent bid for the wharf property, as security for the execution of the lease, and which twenty-five per cent. will be applied to the payment of the rent for such property first accruing under the lease, when executed, or forfeited if the lessee neglects or refuses to execute the lease and bond after being duly notified that the lease is prepared and ready for signature, or, in case the bid be finally rejected, will be returned to the bidder.

Lessees will be required to pay their rent for the wharf property quarterly, in advance, in compliance with a stipulation therefor in the form of the lease adopted.

The franchise and the lease of the wharf property, if any, of each ferry will be put up and sold together to the highest bidder, subject to the condition hereinafter expressed, and subject also to the right of the Comptroller and the Board of the Department of Docks to reject any or all bids, if deemed to be for the interest of the city.

The right to reject any bid, if deemed to be to the interest of the City of New York, is reserved by the Commissioners of the Sinking Fund.

By order of the Commissioners of the Sinking Fund.

JOHN KELLY,  
Comptroller.

JACOB A. WESTERVELT,  
HENRY F. DIMOCK,  
JACOB VANDERPOEL,  
Board of Department of Docks.

COMPTROLLER'S OFFICE,  
NEW YORK, November 1, 1877.

The above sale is adjourned to Thursday, November 15, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, November 8, 1877.

The above sale is adjourned to Thursday, November 22, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, November 15, 1877.

The above sale is adjourned to Thursday, December 13, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, November 22, 1877.

The above sale is adjourned to Thursday, December 27, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, December 13, 1877.

## WILLIAM KENNELLY, AUCTIONEER.

## SALE OF FERRY FRANCHISE.

### PURSUANT TO ADJOURNMENT.

THE FRANCHISE TO RUN THE FOLLOWING ferry and a lease of the wharf property belonging to the city, set apart for ferry purposes at said ferry, will be sold at public auction to the highest bidder, at the office of the Comptroller of the City of New York, on Thursday, October 25, 1877, at 12 o'clock, noon, for the period of five years from November 1, 1877, namely:

Ferry from Ninety-second street, East river, to Astoria, Queens County, Long Island.

Bidders must bid for the franchise and lease wharf property of said ferry separately, but no bid will be

received unless it includes an offer for both the ferry franchise and wharf property.

The form of the lease required to be executed by the highest bidder can be seen at the office of the Comptroller.

All bids will be regarded as made with reference to said form of lease, and in case the highest bidder shall neglect to execute a lease according to said form for ten days after said sale, his bid will, at the option of the Comptroller and the Board of the Department of Docks, be rejected.

The leases will contain a covenant requiring the lessees to pay rent quarter-yearly to the Comptroller.

The successful bidder will be required to pay to the Collector of City Revenue the sum of fifteen hundred dollars immediately after the franchise shall have been struck down to him, as security for the execution and performance of the lease, such amount to be credited on the rent when the same becomes due.

Security, satisfactory to the Comptroller, will be required for the punctual performance by the lessees of the covenants of the lease of the franchise in their behalf.

The minimum price for which the lease of said wharf property connected with the ferry from Ninety-second street, East river, to Astoria, Long Island, will be sold, has been fixed by the Board of the Department of Docks at the following sum, namely:

For bulkhead at foot of Ninety-second street, East river, and for premises at foot of Fulton street, Astoria, as now occupied for ferry purposes, at \$250 per annum.

The premises connected with the said ferry, to be taken in the condition in which they were in on the 1st day of August, 1877, and all repairs and rebuilding thereof, and dredging at said ferry during the term leased, to be done at the expense and cost of the lessees.

The purchase of the lease will be required, at the time of the sale, and in addition to the auctioneer's fees, to pay to the Department of Docks twenty-five per cent. of the amount of the annual rent bid for the wharf property, as security for the execution of the lease, and which twenty-five per cent. will be applied to the payment of the rent for such property first accruing under the lease, when executed, or forfeited if the lessee neglects or refuses to execute the lease and bond after being duly notified that the lease is prepared and ready for signature, or, in case the bid be finally rejected, will be returned to the bidder.

Lessees will be required to pay their rent for the wharf property quarterly, in advance, in compliance with a stipulation therefor in the form of the lease adopted.

The franchise and the lease of the wharf property, of said ferry will be put up and sold together to the highest bidder, subject to the condition hereinafter expressed, and subject also to the right of the Comptroller and the Board of the Department of Docks to reject any or all bids, if deemed to be for the interest of the city.

The right to reject any bid, if deemed to be to the interest of the City of New York, is reserved by the Commissioners of the Sinking Fund.

By order of the Commissioners of the Sinking Fund.

Dated New York, October 20, 1877.

JOHN KELLY,  
Comptroller.

JACOB A. WESTERVELT,  
HENRY F. DIMOCK,  
JACOB VANDERPOEL,  
Board of Department of Docks.

The above sale is adjourned to Thursday, November 8, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, October 25, 1877.

The above sale is adjourned to Thursday, November 15, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, November 15, 1877.

The above sale is adjourned to Thursday, December 13, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, November 22, 1877.

The above sale is adjourned to Thursday, December 27, 1877, at 12 o'clock, noon, at the same place.

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, December 13, 1877.

## REAL ESTATE RECORDS

THE ATTENTION OF LAWYERS, REAL Estate Owners, Monetary Institutions engaged in making loans upon real estate, and all who are interested in providing themselves with facilities for reducing the cost of examinations and searches, is invited to these Official Indices of Records, containing all recorded transfers of real estate in the City of New York from 1653 to 1877, prepared under the direction of the Commissioners of Records.

Grantees, grantees, suits in equity, insolvents and Sheriffs' sales, in 61 volumes, full bound, price, \$100 00  
The same, in 25 volumes, half bound, price, 50 00  
Complete sets, folded, ready for binding, 15 25  
Records of Judgments, 25 volumes, bound, 10 00  
Orders should be addressed to "Mr. Stephen Angell, Comptroller's Office, New County Court-house."

JOHN KELLY,  
Comptroller.

COMPTROLLER'S OFFICE,  
NEW YORK, February 6, 1877.

## LOCAL ASSESSMENTS—NOTICE TO PROPERTY-OWNERS.

FINANCE DEPARTMENT—COMPTROLLER'S OFFICE,  
NEW YORK, December 10, 1877.

THE COMPTROLLER OF THE CITY OF NEW York hereby gives notice to the owners of property liable to assessments for local improvements, for the expense of which assessments were confirmed prior to the passage of an act of the Legislature entitled, "An act relating to the payment of assessments for local improvements in the City of New York," passed April 17, 1877, that the provision of law contained in the first section of said act authorizing the payment thereof in three annual installments and reducing the rate of interest thereon from 12 to 8 per cent. per annum, expires by limitation on the 31st day of December, 1877, to wit:

"All assessments for local improvements in the City of New York, confirmed prior to the passage of this act, except as provided in section four of this act, may be paid by the person liable to pay the same, in three equal installments, as follows: The first installment on or before the thirty-first day of December, eighteen hundred and seventy-seven, the second installment on or before the thirty-first day of December, eighteen hundred and seventy-eight, and the third installment on or before the thirty-first day of December, eighteen hundred and seventy-nine, with interest at the rate of eight per cent. per annum thereon. But nothing in this section shall prohibit the person liable to pay an assessment from paying the whole amount of such assessment in one payment, under the provisions of law in force prior to the passage of this act."

Under this statute the privilege of paying such assessments in installments, at a lower rate of interest, will cease and determine on the 31st day of December, instant, if the first installment is not paid on or before that day, and the whole assessment will be payable in one payment only, at the rate of twelve per cent. per annum, from the date of confirmation.

JOHN KELLY,  
Comptroller.

DEPARTMENT OF FINANCE,  
BUREAU FOR THE COLLECTION OF ASSESSMENTS,  
NO. 16 NEW COURT-HOUSE, CITY HALL PARK,  
NEW YORK, December 3, 1877.

## NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTIFIED that the following assessment lists were received this day in this Bureau for collection:

CONFIRMED AND ENTERED NOVEMBER 27, 1877.

Broadway, sewer, between Manhattan and 133d streets, 130th street, sewer, between Broadway and 10th avenue. 152d street, sewer, between 10th avenue and Avenue St. Nicholas.

Clinton street, basins, northeast and northwest corners of South street.

Little 12th street, curbing, guttering and flagging, south side, between Washington street and Tenth avenue. 64th street, curbing and guttering, between 8th and 9th avenues.

56th street, flagging, between 6th and 7th avenues. 58th street, flagging, from southeast corner of 9th avenue to 34th W. 58th street.

60th street, flagging, south side, between 1st and 2d avenues. 64th street, flagging, between 8th and 9th avenues.

Marion avenue, flagging, from Kingsbridge road to Ridge street (24th Ward).

Berrian avenue, flagging, west side, from the 2d angle north of Kingsbridge road to Isaac street.

Berrian avenue, crosswalk and flagging, between Kingsbridge road and Isaac street.

4th avenue, paving, from north to south side, 71st street to 56th street, " " 6th to 7th avenue. 95th " " " 1st " 2d " 105th " " " 8th avenue to Boulevard. 106th " " " 3d " to Harlem river. 121st " " " 1st " to 4th avenue.

Broadway, fencing vacant lots, from 2d to 30th street. 43d street, fencing vacant lots, south side, between 3d and Lexington avenues.

45th street, fencing vacant lots, north side, between 9th and 10th avenues.

54th street, fencing vacant lots, northwest corner 6th avenue.

60th street, fencing vacant lots, north side, between 10th and 11th avenues.

62d street, fencing vacant lots, north side, between Boulevard and 8th avenue.

71st and 72d streets, fencing vacant lots, between 2d and 3d avenues (block).

73d and 74th streets, fencing vacant lots, between 5th and Madison avenues (block).

83d and 84th streets, fencing vacant lots, between 5th and Madison avenues (block).

All payments made on the above assessments on or before February 1, 1878, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of confirmation.

The Collector's office is open daily, from 9 A. M. to 2 P. M., for the collection of money, and until 4 P. M. for general information.

EDWARD GILON,  
Collector of Assessments.

## DEPARTMENT OF FINANCE,

BUREAU FOR THE COLLECTION OF ASSESSMENTS,  
NO. 16 NEW COURT-HOUSE, CITY HALL PARK,  
NEW YORK, December 6, 1877.

## NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTIFIED that the following assessment lists were received this day in this Bureau for collection:

CONFIRMED AND ENTERED NOVEMBER 30, 1877.

76th street, regulating, grading, etc., from 8th avenue to Riverside Drive.

West street, flagging (full width on east side), from Horatio to Gansevoort street.

109th street, curb, gutter, and flagging, from 3d to 5th avenue.

173d street, flagging (north side), from 3d to Railroad avenue (Twenty-third Ward).

Waverley place, sewer, between Charles and Perry streets.

44th street sewer, between 2d and 3d avenues.

West 59th street, sewer extension.

103d street, sewer, between 4th and Lexington avenues.

South street, basin, northwest corner Corlears street.

145th street, lamp-posts, between Willis and St. Ann's avenues (Twenty-third Ward).

90th street, paving, from 3d to 5th avenue.

92d street, paving, from 8th avenue to Boulevard.

All payments made on the above assessments on or before February 4, 1878, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of confirmation.

The Collector's office is open daily from 9 A. M. to 2 P. M., or the collection of money, and until 4 P. M. for general information.

EDWARD GILON,  
Collector of Assessments.

## CORPORATION NOTICES