

# THE CITY RECORD.

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### LEGISLATIVE DEPARTMENT.

(From proceedings of the Board of Aldermen, February 10, 1880, page 251.)

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

MAYOR'S OFFICE, NEW YORK, February 10, 1880.

To the Honorable the Board of Aldermen :

I return, without my approval, a resolution of the Board of Aldermen, passed January 27, 1880, adopting the ordinances reported by the Commissioners appointed by the Common Council to revise the Corporation Ordinances.

The last revision of the City Ordinances adopted by the Common Council was in 1859. Since that time many laws of the State relating to the city have been passed materially affecting the powers of the Corporation, and the distribution of those powers among the different branches and departments of the City Government. Many ordinances passed under former laws and not in accordance with existing laws have not been repealed by the Common Council.

A revision of the ordinances to make them conform to the present statutes is most desirable, but the adoption of a mere compilation without reference to laws now in force, and containing provisions inconsistent with law, is objectionable as re-enacting provisions contrary to law and consequently invalid. The Commissioners have recognized this principle in omitting some such ordinances, but the revision still contains many provisions which are clearly illegal.

Neither the revised ordinances nor the resolution adopting them contain any clause repealing ordinances not included in the compilation, leaving it in doubt whether all ordinances now in force in the city are embraced in the compilation or not.

Section 14 of the Charter provides that in case any ordinance or resolution involves the expenditure of money, or lease of real estate or franchises, the votes of three-fourths of all the members elected to each board shall become necessary to its passage. I think it may be fairly claimed that some of the ordinances involve the expenditure of money, and the lease of real estate and franchises, within the meaning of this provision. To avoid any question such ordinances should be adopted by a three-fourth vote. It appears by the CITY RECORD that the resolution adopting the ordinances received only sixteen votes. Any question as to the validity of the ordinances might seriously affect the interests of the city in litigations which may arise.

Section 16 of the Charter provides that no resolution or ordinance providing for or contemplating the alienation or appropriation or leasing of any property of the city, or the appropriation or expenditure of public moneys, or authorizing the incurring of any expense, shall be passed or adopted by either board until at least five days after an abstract of its provisions shall have been published. The revision contains provisions which, in my opinion, makes this section of the Charter applicable to them.

Without specifying in detail the various provisions which are now illegal, the following may be cited as illustrations :

By the Charter "the number and duties of all officers, clerks, employees, and subordinates in any department, with their respective salaries, whether now fixed by special law or otherwise, shall be such as the head of the respective department shall designate and approve." Many of the ordinances prescribe the duties of subordinates in the departments, and in some instances specify the salaries to be paid to them.

Section 3 of article 1 of chapter 5 of the proposed ordinances reported by the Commissioners, provides : "No expenditure shall be made for any work or supplies relating to any of the matters within the cognizance of the Department of Public Works, unless such work or supplies shall have been authorized by the Common Council, except that whenever any such work or supplies shall be necessary, and the total cost thereof shall not in any case exceed one thousand dollars, the Commissioner of Public Works may cause the same to be done or furnished under the supervision of the appropriate officer of the department."

It has been decided by the Court of Appeals that the Department of Public Works has exclusive control of the sewerage and drainage of the city, and that the Common Council has no jurisdiction in respect to work upon sewers and drains. The public works of the city north of the Harlem river (except repairing pavements and the Croton-water works), and certain work south of that river, are by law under the control and charge of the Department of Public Parks. The ordinances ignore these provisions and leave this work under the Department of Public Works.

Certain departments, as for instance, the Police, Fire, Charities and Correction, are charged by law with the construction, charge and maintenance of the buildings used by their respective Departments. The ordinances impose these duties upon the Superintendent of Repairs and Supplies.

Section 29 of the Charter provides that the Finance Department shall have control of fiscal concerns of the Corporation, and that it shall prescribe the form of keeping and rendering all city accounts, except as therein otherwise provided. The ordinances reported by the Commissioners make various provisions as to the manner of keeping the accounts in several of the Departments, and by several of the officers of the city government. Although paragraph 24 of section 18 of the Charter authorizes the Common Council to pass ordinances in relation to keeping accounts of the city, it is at least doubtful whether the provisions recommended by the Commissioners would be valid. At any rate, it would seem to be preferable, as the Comptroller has unquestionably certain powers in the matter, that no conflict should be raised by the re-enactment of obsolete ordinances.

There are special provisions of law which relate to the duties of the Clerk of Arrears and the entering of assessment-lists on confirmations, so as to secure a lien upon the properties assessed. The ordinances impose some of these duties upon the Collector of Assessments. This may lead to serious loss to the city. So far as the duties of the Clerk of Arrears and of the Collector of Assessments are fixed by statute, they cannot be superseded by ordinances of the Common Council, and so far as they are not so fixed it is the duty of the head of the department to prescribe those duties, and not the Common Council.

The powers of the Commissioners of the Sinking Fund to sell or lease property pledged to the Sinking Fund for the redemption of the city debt is conferred by statute, and by the ordinances adopted in 1844, which cannot be changed by Common Council without the consent of the Legislature.

The ordinances require the Comptroller to conform to the provisions of the Charter of 1857, which was repealed by the Charter of 1870.

The ordinances provide that the excise moneys shall be paid into the Sinking Fund. By law they are appropriated each year to other purposes by the Board of Estimate and Apportionment. The ordinances require the Comptroller to superintend the collection of all rents and claims payable into the Sinking Fund. By law all dock rents are to be collected by the Dock Department, and these rents are payable into the Sinking Fund.

The statutes of the State confer upon the Health Department very extensive powers in relation to the health of the city, and to nuisances. In the Commissioners report, numerous ordinances as to these matters are proposed, with various penalties for their enforcement. Such ordinances, where they conflict with the statutes of the State, or the Sanitary Code of the Board of Health, will be illegal, and where they cover the same grounds as the Sanitary Code, they are superfluous.

EDWARD COOPER, Mayor.

FRANCIS J. TWOMEY, Esq., Clerk Common Council :

SIR—The Commissioners heretofore appointed to revise the Ordinances of the City of New York, have this day concluded their labors, and herewith submit such ordinances, duly certified and authenticated, as directed by a resolution of the Board of Aldermen, approved January 10, 1880.

Several sections of the ordinances appeared to be in conflict with the State Laws, but the Commissioners were of opinion, that they were not authorized to exclude the same ; they were therefore re-lawed, and are presented for your consideration and action.

The matters relating to Stocks and Bonds, etc., which were erroneously included in our last report, has been stricken out, and is not included in this revision.

The title of the New Revision, the method of its compilation, and the system adopted, by a Special Committee, and by the Board of Aldermen, on December 31, 1879, is heartily concurred in by me.

The Commissioner is greatly indebted to you for books, papers, and valuable information, so generously furnished.

Very respectfully,  
EBENEZER B. SHAFER, Commissioner.

N. Y., January 26, 1880.

NEW YORK, January 26, 1880.

Hon. F. J. TWOMEY, Clerk of the Common Council :

DEAR SIR—The accompanying Ordinances of the City of New York have been "continued so as to embrace the whole of the year 1879," and this copy thereof is now "duly certified and authenticated" by my signature as Commissioner, and "deposited" in your office "preparatory to the adoption and publication thereof," all in compliance with the resolution of the Mayor, Aldermen and Commonalty, approved January 10, 1880.

I cannot, however, discharge my duty to the Corporation, or the public, without earnestly recommending :

First—That the title should be changed from that proposed in said resolution, so that it shall read : The Municipal Code, comprising all the Ordinances of the Mayor, Aldermen, and Commonalty of the City of New York, in force on the First day of January, A. D., 1880, etc.

Second—That all the sections should be consecutively numbered from beginning to end of the work, according to the valuable and perspicuous plan of the "United States Revised Statutes," and our "Code of Civil Procedure."

Third—That the six sections relating to trout, quail, partridge, woodcock, heathhens, and the recovery of penalties thereon, which are superseded by State laws, should be entirely omitted. These six dead sections are found in these ordinances in chapter III., article 6, sections 106, 107, 108, 109, 110, 111, and forbid exposing game for sale or having it in possession under penalties of \$5, or \$10, during certain seasons : whereas the State law, which is paramount, makes each such act a misdemeanor and also punishable with a fine of \$25, and prescribes different seasons for the prohibition.

Respectfully,  
ELLIOTT F. SHEPARD, Commissioner, etc.

### ORDINANCES OF THE MAYOR, ALDERMEN, AND COMMONALTY OF THE CITY OF NEW YORK.

Revised A. D. 1879, with the Amendments thereto, and additional Ordinances passed since the last Revision. Revised by Elliott F. Shepard and Ebenezer B. Shafer, Commissioners appointed for that purpose.

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

## Chapter 1.

*The Mayor and the Officers appertaining to the Mayor's Office.*

## ARTICLE I. The Mayor.

- II. The Chief Clerk in the Mayor's office.
- III. The Marshals in the Mayor's office.

## ARTICLE I.

*The Mayor.*

Section 1. The mayor shall appoint, by and with the advice and consent of the board of aldermen, all officers whose appointment is not by the laws of this state, or herein or otherwise provided for.

Sec. 2. The mayor may, whenever he shall deem it necessary, issue his proclamation for the apprehension of any person who may have committed a crime within the city of New York, and may, in such proclamation, offer a reward not exceeding five hundred dollars, to be paid out of the city treasury upon the certificate of the mayor that the service required has been performed.

## ARTICLE II.

*The Chief Clerk in the Mayor's Office.*

Sec. 3. It shall be the duty of the chief clerk in the mayor's office to prepare and file in the mayor's office all oaths of office required to be taken before the mayor.

Before entering upon the duties of his office the chief clerk of the mayor shall execute a bond to the corporation, with one or more sufficient sureties to be approved by the comptroller, in the penal sum of \$1,000, conditioned for the faithful performance of the duties of his office.

He shall keep the seal of the mayoralty, and cause the same to be affixed to such instruments as the mayor shall from time to time direct.

## ARTICLE III.

*The Marshals in the Mayor's Office.*

Sec. 4. There shall be an officer, to be called the first marshal, who shall be appointed by and hold his office during the pleasure of the mayor.

Sec. 5. Before entering on the duties of his office, the first marshal shall execute a bond to the corporation, with one or more sureties to be approved by the comptroller, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 6. It shall be the duty of the first marshal—

1. To issue and cause to be delivered or published all notices or requisitions to the different departments or officers of the corporation, or others, as the Mayor may direct.

2. To superintend, under the direction of the mayor, the granting of all licenses requiring the mayor's signature, and to receive the fees therefor, and to collect all fines which the mayor may be authorized to impose.

Sec. 7. He shall enter in a book to be provided for that purpose and kept in the mayor's office, open at all convenient times to public inspection, the names of all persons from whom he may receive money, as authorized by the last section, the amounts received, and on what account, and when paid; and shall daily render an account thereof, under oath, item by item, to the comptroller, and shall thereupon daily pay over the amount so received to the chamberlain; he shall also, thereupon receive from the chamberlain a voucher for the payment thereof, which he shall forthwith, on the same day, exhibit to the comptroller, and shall at the same time leave with him a copy thereof.

Sec. 8. There shall be an officer, to be denominated the second marshal, who shall be appointed, by, and hold his office during the pleasure of the mayor.

Sec. 9. Before entering upon the duties of his office, the second marshal shall execute a bond to the corporation, with one or more sureties to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 10. It shall be the duty of the second marshal to assist the first marshal and chief clerk in the performance of their duties, and during the absence of either to perform his duties and such other duties as may be required by the mayor.

## Chapter 2.

*Legislative Department.*

- ARTICLE I. The Common Council; its powers and duties.
- II. The Chief Clerk of the Common Council.

## ARTICLE I.

*The Common Council; its Powers and Duties.*

Sec. 1. Neither the common council nor any member thereof can perform any executive business whatever, except such as is or shall be specially imposed on them by the laws of this state.

Sec. 2. A committee of the board of aldermen, in reporting upon a subject referred to them, must attach to their report all resolutions, petitions, remonstrances, and other papers in their possession relative to the matters referred.

## ARTICLE II.

*The Clerk of the Common Council and his Deputy and Assistants.*

Sec. 3. The board of aldermen shall appoint a clerk, who shall hold his office during the continuance of the board by which he is appointed, and until his successor shall be duly appointed and qualified. He may, however, at any time be removed by that board, and another clerk be appointed in his stead, who shall hold his office during the unexpired term of the clerk so removed.

Sec. 4. The clerk so appointed shall, by virtue of his office, be clerk of the common council. The title of his office shall be clerk of the common council.

Sec. 5. He shall attend all the meetings of the board of aldermen, and shall keep the minutes thereof, proper records of which he shall cause to be made and kept in his office, in books to be provided for that purpose.

Sec. 6. He shall issue notices to the members of the board of aldermen, when directed by that board, and to the members of the different committees of that board, and all persons whose attendance will be required before any such committee, when directed by the chairman thereof.

Sec. 7. He shall, without delay, deliver to all officers of the corporation, and to all committees of the board of aldermen, all resolutions and communications referred to those officers or committees by that board.

Sec. 8. He shall, without delay, deliver to the mayor all ordinances or resolutions under his charge, which may require to be approved or otherwise acted upon by the mayor, with all papers on which the same were founded.

Sec. 9. He shall, on the day succeeding the approval by the mayor of any ordinance or resolution, or on the day succeeding its return by the mayor without approval or objection, deliver to the head of the appropriate department a certified copy of the same.

Sec. 10. The office hours of the clerk of the common council, hereafter, shall be from ten o'clock A. M. until four o'clock P. M., except on Saturday, when the office hours shall be from ten o'clock A. M. until three o'clock P. M.

## Chapter 3.

*Finance Department.*

## ARTICLE I. The Comptroller.

- II. The Deputy Comptroller.
- III. The Bureau for the Collection of Arrears of Taxes and Assessments.
- IV. The Bureau of Assessments.
- V. The Bureau of City Revenue.
- VI. The Bureau of Markets.
- VII. The Sinking Fund.

## ARTICLE I.

*The Comptroller.*

Sec. 1. The Comptroller shall superintend all the real estate of the corporation, and report to the common council all encroachments thereon.

Sec. 2. He shall keep and file in his office all title-deeds, leases, mortgages, or other assurances of title, and all evidences of debt, contracts, bonds of indemnity, and official bonds, except such as are directed by law or ordinance to be deposited elsewhere.

Sec. 3. He shall cause all grants, leases, and counterparts of leases or deeds, executed by the corporation, to be recorded in proper books, to be kept in his office.

Sec. 4. He shall cause a proper map or survey of all lands or premises, ceded, granted, conveyed, or leased to the corporation, to be annexed to the cession, grant, deed or lease thereof, and to be therein referred to before execution or acceptance thereof. He shall direct and superintend the collection of all rents or other moneys due to the corporation.

Sec. 5. He shall report to the common council, within thirty days after their organization in each year, a statement of all contracts made by the corporation, or directed or authorized by the common council, and not performed or completed, or upon which any money remains unpaid, with the amount of money so remaining unpaid on each.

Sec. 6. He shall direct legal proceedings to be taken, when necessary, to enforce payment of rents or other debts due to the corporation, or to obtain possession of premises to which the corporation is entitled.

Sec. 7. He shall revise, audit, and settle all accounts in which the corporation is concerned, either as debtor or credit, where provision for the settlement thereof is not otherwise provided for by law, and the settlement of which is not especially committed by ordinance to some other authority.

Sec. 8. He shall, as often as the state of the sinking fund shall render it necessary, advertise and sell at auction or private sale, as in his judgment may be most expedient, the water-lot quit-rents belonging to the corporation, in such parcels and on such terms as the common council or the commissioners of the sinking fund may prescribe, and cause proper conveyances to be executed to the purchasers: the avails of which shall be deposited in the treasury to the credit of the sinking fund.

Sec. 9. He may consent, in the name and on behalf of the corporation, that the lessee or assignee of a lease made by the corporation may assign the same or underlet the demised premises, whether or not provision is made by the lease that it shall not be assigned or the premises underlet without the consent of the corporation; but he shall not so consent unless all arrears of rent and all taxes or assessments upon the premises be paid in full.

Sec. 10. When provision shall be made by a lease to which the corporation is a party, or in which it is interested, that appraisers on behalf of the corporation to determine the rent on renewal of the lease, or the value of buildings to be paid for on the expiration thereof, shall be appointed; the appraiser or appraisers on the part of the corporation may be appointed by the mayor and the comptroller.

Sec. 11. The comptroller may accept the cession of streets or avenues, or parts thereof, not ceded or opened, on receiving a sufficient conveyance thereof to the corporation, with a map of the ceded premises annexed thereto, and a certificate of the counsel to the corporation, approving the same. But in all cases the expense of the cession must be paid by the party by whom it is made.

Sec. 12. When several lots or parcels of land belonging to different persons, are assessed for taxes in one parcel, the comptroller may make the proper apportionment of the tax among the different owners.

Sec. 13. The comptroller shall preserve, in a book to be kept in his office for that purpose, to be called the record of quit-rents, maps of all grants of land now or hereafter made by the corporation, on which quit-rents are payable, showing the original grants and the subdivisions of the same as near as they can be ascertained.

Sec. 14. He shall enter in the record of quit-rents immediately following each map the names of the owners of the different lots described thereon, with the portion of the quit-rent to which each is subject; and he may receive the sums proportionably due from each owner in payment of his portion of the moneys payable under the original grant, as the same shall from time to time become payable.

Sec. 15. He shall, on receiving written notice from the grantee of the corporation, or his assignee, of the sale of any portion of land subject to quit-rent, enter in the record of quit-rents the name of the purchaser, with the date of the sale and the portion of the land sold; and he may thereafter receive the sum proportionably due from such purchaser, in payment of his portion of the moneys payable under the original grant, as the same shall, from time to time, become payable.

Sec. 16. He shall cause to be inserted, in all grants of land subject to a quit-rent, a covenant requiring the grantee or his legal representatives, when he or they shall sell the whole or a portion of the land granted, to give to the comptroller a written notice of the sale within thirty days after it is made, specifying therein the name of the purchaser, the quantity and location of the land sold, the amount of quit-rent to be paid thereon, and the day of the sale.

Sec. 17. Upon receiving the notice mentioned in the last section, the comptroller shall enter the same in the record of quit-rents, and from that time he may receive from the owner of the lot or parcel mentioned in the notice, or his legal representatives, the sum proportionably due from him in payment of his proportion of the moneys payable under the original grant.

Sec. 18. When land heretofore granted by the corporation, subject to a quit-rent, portions of which have been assigned by the grantee, shall be re-entered by the corporation for non-payment of the quit-rent, the comptroller may grant releases in severalty to such of the assignees of portions of the land granted as shall, within six months from the re-entry, pay their respective apportionments of commutation money, and the expenses of re-entry and conveyance, with such portions of the rent as may be justly due from the respective assignees for the land held by them, and which shall be apportioned by the comptroller.

Sec. 19. The releases and apportionments mentioned in the last section shall not, however, be granted or made, unless the assignee requiring the same, or his legal representatives, shall comply with the terms and conditions prescribed in that section within thirty days after notice from the comptroller requiring such compliance.

Sec. 20. The comptroller may, from time to time, borrow on the credit of the corporation, in anticipation of its revenues, such sum or sums, not exceeding in the whole the amount of such revenues, as may be necessary to meet expenditures under appropriations for the current year.

Sec. 21. Every loan to be effected, as authorized by the last section, shall be secured by the bonds of the corporation, payable in not exceeding one year, in such sums as the comptroller may deem proper, which shall be signed by the comptroller, countersigned by the mayor, and sealed with the common seal.



## ARTICLE II.

*Deputy Comptroller and Assistants.*

Sec. 22. The deputy comptroller shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties to be approved by the comptroller, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office.

## ARTICLE III.

*The Bureau for the Collection of Arrears of Taxes and Assessments.*

Sec. 23. The clerk of arrears, before entering upon the duties of his office, shall execute a bond to the corporation, with at least two sureties to be approved by the comptroller, and filed in his office, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 24. There shall be paid to and collected by the clerk of arrears, for the benefit of the city treasury, on his furnishing a bill of arrears or making searches upon a requisition for searches on each lot or piece of property mentioned or referred to therein; in respect to Croton water rents, fifty cents; in respect to taxes, fifty cents; in respect to assessments, fifty cents; and for his certificate upon any such bill or search, when requested, ten cents.

## ARTICLE IV.

*The Bureau for the Collection of Assessments.*

Sec. 25. The collector of assessments shall, before entering upon the duties of his office, execute a bond to the corporation, with at least two sureties to be approved by the comptroller, in the penal sum of twenty-five thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 26. Immediately after receiving an assessment list the collector shall cause to be entered in a book to be kept for that purpose, and to be called "The Record of Titles of Assessments Confirmed," the title and amount of such assessment, the date of its confirmation, and the date of such entry.

Sec. 27. The collector of assessments shall also cause to be entered in books to be kept for that purpose, and to be called the "Record of Assessments," under the title of each assessment, the name of the street on which each lot assessed is situated, with the ward and the assessment, and the block number of each lot; the name of the person to whom it is assessed, the dimensions of the lot, the amount of the assessment, and the time of its confirmation; and in such books shall also be entered, before the expiration of one week from the time of the payment of any assessment by the collector or deputy collector receiving the same, the fact of such payment and the date thereof.

Sec. 28. The collector shall thereupon prepare and cause to be sent to each of the persons named in such assessment list, if such persons can be found, and if not, to be left upon the property, a notice of such assessment, specifying therein the title of the assessment, the date of its confirmation, the assessment, the ward, and the map, ward, and the block number, when and where said numbers exist, of each lot assessed in his name, and the amount so assessed.

Sec. 29. If any assessment duly confirmed, or any part thereof, remain unpaid for sixty days after the entry thereof in the Records of Titles of Assessments Confirmed, the collector may, with the consent of the comptroller, make application for a warrant to levy the same, according to law. The collector shall, after the expiration of the respective periods of sixty days mentioned in the last section, receive and collect interest thereon, except that in case of assessment and award to the same person, he shall receive and collect interest only upon the excess of the assessment over the award. The deputy collector having any assessment list in charge for collection, shall, before the expiration of one year from date of confirmation thereof, unless the same has previously been done and recorded, as next hereinafter provided, personally demand, at two several times, of each of the persons required by law to pay any part of said assessment, the payment thereof, except where such persons do not reside in the city of New York, or where after diligent search and inquiry, they cannot be determined or found. It shall be the duty of the deputy collector, within one week after making any such demand, to make an entry thereof in books to be kept for that purpose, and to be called "The Records of Demands for Payment of Assessments;" and every such entry shall be made in such manner as to identify each item of the assessment for which payment was demanded, and the name of the person on whom and the place where the demand was made, and the date thereof; and shall be verified by the signature and the affidavit of the collector or deputy collector by whom such demand was made.

Sec. 30. The collector of assessments shall, on the expiration of one year from the date of confirmation of any assessment list, transmit said list to the clerk of arrears, with an account of all items remaining unpaid thereon, stating the name of the street on which each lot on which the assessment remains unpaid is situated, with the ward and the map and the block number of each lot; the name of the person to whom it is assessed, the dimensions of the lot, and the amount of the assessment thereon; and such account shall be accompanied by a statement, in writing, specifying for each item thereof that he caused two personal notices to be duly served by a collector of assessments on the person or persons required by law to pay for the same; or that such person or persons do not reside in the city of New York; or that, after diligent search and inquiry, such person or persons cannot be determined or found; and such statement shall be verified by the signature and affidavits of the collector having the knowledge thereof, and no collections shall be made by any collector of assessments on any assessment so returned.

Sec. 31. A receipt shall be given by the collector of assessments receiving any payment on account of any assessment, to the person making the same, on which shall be stated the name of the person making the payment, and the date and amount thereof; the title of the assessment, and the ward and the map and block number of each lot on which payment is made, and every such receipt shall have printed conspicuously thereon the following words:

## "NOTICE.

"The liens for which payment has been made may be discharged of record in the office of the comptroller on the presentation of this receipt to the clerk of arrears."

It shall be the duty of the clerk of arrears, on presentation of any such receipt, to countersign the same, and to enter, in books to be kept in his bureau for that purpose, the title of the assessment for which such receipt was given, the ward and the map, or the block number of each lot on which payment was made, as specified in such receipt; the name of the person making such payment, and the date and amount thereof, and the date of the presentation of such receipt to the clerk of arrears, and the name of the person by whom presented. And it shall be the duty of the clerk of arrears, once in each week, to cause the entries so made to be compared with the accounts of the collector of assessments of moneys paid to the chamberlain filed in the office of the comptroller.

## ARTICLE V.

*The Bureau of City Revenue.*

Sec. 32. The collector of the city revenue shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of fifteen thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 33. The deputy collectors of city revenue shall, respectively, before entering upon the duties of their office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of two thousand dollars.

Sec. 34. Before entering upon the duties of his office the clerk to the collector of the city revenue shall execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

## ARTICLE VI.

*The Bureau of Markets.*

Sec. 35. The bureau of markets, the chief officer of which shall be called the superintendent of markets, is charged with the duty of superintending the public markets, the inspection, regulation, and management thereof, and of the transferring stalls and stands, and all other stalls and stands therein; and shall receive an annual salary of two thousand dollars.

Sec. 36. The superintendent of markets shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 37. He shall, from time to time, visit the several markets and examine the condition thereof; shall advise and direct the clerks thereof concerning the regulation of the same; shall examine the provisions, vegetables, and other articles of food exposed for sale in the markets or other places; and when he has reason to suspect them to be unwholesome or unfit to be exposed for sale, shall order or cause them to be removed.

Sec. 38. He shall, with the consent of the comptroller, from time to time, recommend for license as butchers such persons as may be proper; and upon such recommendation the comptroller may, from time to time, issue licenses, under his hand and seal, to the persons named therein to exercise and carry on the trade and business of a butcher in such places as may be designated in the license, but not elsewhere.

Sec. 39. He may, with the consent of the comptroller, grant permits, in writing, to such persons as may be proper to sell meat by the quarter, in such part of the public markets, respectively, as may be designated for that purpose, and which persons shall be known as permit butchers; and he may, at any time, with the like consent, annul such permits; but no such permit shall be granted to a person who holds a license from the mayor to exercise the trade or business of a butcher.

Sec. 40. He may, with the consent of the comptroller, grant permits, in writing, to such persons as may be proper, at a daily rate to be mentioned therein, to occupy stands in the public markets; and may, at any time, with the like consent, annul such permits.

Sec. 41. The comptroller may appoint proper persons to remove dirt and filth from the public markets, and to perform such other services about the public markets as are necessary to cleanse the same, at a specified compensation; and may, with the like consent, at any time remove them, or appoint others in their stead.

Sec. 42. The superintendent of markets is specially charged with the enforcement of all laws of this State, and all ordinances and resolutions of the common council regulating the markets, and is required forthwith to report to the corporation attorney all violations of the same.

Sec. 43. He shall, from time to time, report to the comptroller the condition of the several markets, and shall at all times be under the direction and control of that officer.

Sec. 44. It shall be the duty of the superintendent of markets to prepare a register or list of all permanent stalls or stands of the several markets, the name of those occupying, and the fee or rent per week or month paid for the same; and the superintendent, under the direction of the comptroller, for that purpose, shall have the power to arrange and renumber the stands or stalls in the several markets, and equalize the rents or fees thereof; and the occupants of such stands or stalls shall immediately, at their own expense, cause numbers to be placed thereon; a copy of such register or list shall, immediately after the same has been prepared, be filed by said superintendent with the comptroller; and all returns of market rents or fees shall be made in accordance with such register or list.

Sec. 45. The superintendent of markets be and is hereby authorized and directed to remove from the streets designated as stands for the sale of country produce, between the hours of 7 A. M. and 12 M., daily, the manure that shall accumulate during such occupation, and convey the same to the nearest dumping board in use by the bureau of street cleaning.

Sec. 46. No transfer or assignment of any stall or stand in any of the public markets shall be made without written permission of the comptroller and the superintendent of markets, and such transfer duly entered upon such register or list, and notice thereof given to the comptroller, who shall consent to such transfer before any removal can be made of such transfer. In case of any person being removed or any permit being annulled, the party or parties in interest shall have the privilege of making an appeal to the common council on any decision made by the comptroller concerning such removal.

Sec. 47. There shall be a clerk to the superintendent of markets to keep the books of said bureau, under the direction of the comptroller and superintendent of markets, at an annual salary of fifteen hundred dollars, who shall render such services as may be required by the head of the department or the chief officer of the bureau.

Sec. 48. The clerks of markets shall respectively, before entering upon the duties of their office, execute a bond to the comptroller in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of their respective offices.

Sec. 49. The clerks of markets shall collect daily the market fees and rents which shall have become due in their respective markets, and shall render an account daily thereof, under oath, to the comptroller, stating the amount received, and when paid, and shall thereupon pay over the amount so received to the chamberlain.

Sec. 50. They shall cause all the dirt and filth which shall accumulate in the public markets and the limits thereof to be removed daily by the persons appointed for that purpose, as prescribed by section .

Sec. 51. They may suspend any person having a stated stall or stand in a public market to which they are respectively attached, or occupying a part thereof, or of the street adjoining the same, from occupying or using any part of such market or street, whether he be a licensed butcher or not.

Sec. 52. Immediately upon such suspension the clerk making the same shall report the facts thereof, with the reasons for the suspension, to the comptroller, who shall hear the same upon sufficient notice to the person suspended, and an opportunity afforded him to be heard in his defense, and whose decision upon the matter shall be final, provided the mayor shall approve the same.

Sec. 53. The following places are hereby severally designated and declared to be the public markets of the city of New York, to wit: Catharine market, Centre market, Clinton market, Essex market, Franklin market, Fulton market, Jefferson market, Tompkins market, Washington market, Union market, and West Washington market.

Sec. 54. There shall be a deputy collector of city revenue, a clerk and deputy clerk of West Washington market, who shall be appointed in the same manner as the deputy collectors and clerks of the other public markets of this city are now appointed.

Sec. 55. Every day in the week, excepting Sunday, shall be a public market day within the city.

Sec. 56. The rent of all stalls and stands in the public markets shall be payable daily, under penalty of forfeiture; and it shall be the duty of the clerks of the respective markets to collect the same each day, and pay over the amount thereof, together with all other fees, to the city chamberlain, on Thursday in every week.

Sec. 57. It shall be the duty of the said clerks to examine all articles in each of their markets respectively, which they may suspect to be unwholesome or stale, or blown, plaited, raised, or stuffed meat, or measly pork, or flesh of animals dead by accident or disease, or known or suspected to be diseased at the killing of the same. And no person shall hinder, obstruct, or molest any clerk in the performance of the duty herein enjoined, under the penalty of fifty dollars for each offense.

Sec. 58. It shall be the duty of the said clerks to assign and set apart certain portions of the street at or near the said public markets for the purpose of exposing for sale and selling garden produce; and no person shall expose for sale or sell any garden produce, or other thing whatsoever, in any street at or near the said public market other than in the place or places so assigned and set apart by the said clerks, under the penalty of ten dollars for every such offense.

Sec. 59. It shall be the duty of the said clerks to give directions respecting the arrangement or removal of any article, vehicle, cart, wagon, box, basket, or other thing, in the market or streets adjoining thereto. And any person who shall neglect or refuse to obey such direction shall forfeit and pay for every such offense the sum of twenty-five dollars.

Sec. 60. In case of the refusal or neglect to obey the directions of the said clerks, or either of them, it shall be lawful for and shall be the duty of the said clerk of any such market forthwith to remove, or cause such article, cart, vehicle, wagon, box, basket, or other thing to be removed, to such place as he shall have previously directed, or to such other place as he shall think proper, in such market or streets adjoining thereto.

Sec. 61. If such article, cart, vehicle, wagon, box, basket, or other thing, shall be replaced after having been removed, as provided in the last preceding section of this chapter, or shall remain in, or incumber, or obstruct such market or street adjoining thereto, it shall be lawful for and shall be the duty of the clerk of such market to order and cause the same to be removed into the market depot yard of the superintendent of repairs to public buildings of the city of New York, or other suitable place within the city.

Sec. 62. The said clerk shall have power to suspend any person having a stated stall or stand in any public market, or occupying any part of said market, or the street adjoining the same, from occupying or using any part of such market or the streets adjacent thereto, whether such person be a licensed butcher or not; and the said clerk shall, immediately after such suspension, report to the superintendent of markets the reasons of such suspension; and the decision of such superintendent, in all cases shall be final.

Sec. 63. In case of such suspension the said clerk making such suspension shall, with all convenient dispatch, make a report of the same, in writing, with the reasons therefor, to the superintendent of markets.

Sec. 64. No person suspended as aforesaid, after being served with a written notice of such suspension, shall occupy any part of such market, or the streets adjoining the same, with anything whatsoever, until the said superintendent shall have acted in the matter, and either restored such person, or confirmed the said suspension and removed such person from the market, under the penalty of ten dollars for each offense.

Sec. 65. In case of suspicion respecting the weight of any article sold, or offered for sale, by weight, or of the quantity of any article sold, or offered for sale, by measure, in any of the public markets, market-places, or streets contiguous thereto, it shall be the duty of the said clerk of such market to weigh or measure the same, and if any such article shall be found deficient in weight or measure, the person selling or offering the same for sale shall forfeit and pay ten dollars for each offense.

Sec. 66. It shall be the duty of the said clerks, once in every month, or oftener if they shall think fit, to inspect and examine all the weights, measures, and beams used in weighing or measuring in their respective markets, or in the streets at or near the said markets. And if any person shall neglect or refuse to exhibit his or their weights, measures, or beams, or any of them, for the purpose of examination or inspection as aforesaid, or shall obstruct, hinder, or molest either of the said clerks in the performance of the duties enjoined by this section, he, she, or they shall forfeit for every such offense the sum of twenty-five dollars.

Sec. 67. It shall be the duty of the said clerks to keep a list of all persons holding stalls or stands in their respective markets; and the said clerks are hereby enjoined and required forthwith to report all violations of any of the provisions of this chapter to the attorney of the corporation for prosecution.

Sec. 68. The clerks of the respective markets shall report, at least once in three months, to the comptroller, the amount of fees and rents received by them from persons occupying stalls and stands in the public markets, and who are permanent occupants, stating particularly the names of the different occupants and the amount each of them pays, and how often they pay.

Sec. 69. The comptroller of the city of New York shall, from time to time, issue licenses, under his hand and seal, to exercise and carry on the trade and business of butcher in such public market as may be designated in such licenses.

Sec. 70. All licenses so issued, or which have been issued heretofore, shall expire and cease on the first Monday of December after the granting thereof, and shall be renewed by the said comptroller.

Sec. 71. For every license issued as aforesaid shall be paid the sum of one dollar to the comptroller on granting the same, and for every renewal of such license the sum of twenty-five cents.



Sec. 72. No person shall exercise or carry on the trade or business of a butcher, or any branch or part thereof, in the public markets, without being licensed or permitted for that purpose by the comptroller, under the penalty of fifty dollars for each offense.

Sec. 73. No person other than those licensed so to do shall cut up in any of the markets of the city of New York any beef, pork, veal, mutton, or lamb, and sell or expose the same for sale, by the joint or in pieces, under the penalty of fifty dollars for each offense.

Sec. 74. No licensed butcher, or his agent or servant, shall cut up, or expose for sale, or sell, any beef, pork, veal, mutton, or lamb in any part of the public market other than at his own licensed stall, under the penalty of ten dollars for each offense.

Sec. 75. Every butcher shall have and use his own scale, beams and weights, which shall be suspended in some conspicuous place in front of or at the side of his stall, on a line parallel with the front of his stall, under the penalty of five dollars for every day's omission or neglect.

Sec. 76. The last preceding section shall not be construed to prevent any two butchers whose stalls are adjoining each other from using one set of scales and weights in common, provided the same can be suspended in a conspicuous place on a line with and between the said stalls.

Sec. 77. No butcher or other person shall use within the limits of any public market any weight, measure, or beam which is not sealed by the sealer of weights, measures, and beams, under the penalty of ten dollars for each offense.

Sec. 78. The following shall be the rent or daily payment to be demanded and received by the clerks of the several markets for the occupation of unrented stalls or stands, to be collected by the said clerks immediately on such stall or stand being occupied, to wit:

1. For a stand for the sale of vegetables and fruit out of the country market, one shilling per day.
2. For every stand for a fisherman, six cents and one-quarter per day.
3. For every stand occupied by a countryman bringing the produce of his own farm to market, twenty-five cents per day.

4. Whenever another person shall be employed, he shall be considered an agent; and if he be agent for one farmer only, he shall pay twenty-five cents for a stand per day.

8. All women hucksters, twenty-five cents per day.

9. All men hucksters, twenty-five cents per day, within three hundred yards of a market.

Sec. 79. No person or persons shall occupy any part of any public market, or the streets contiguous thereto, within the distance of three hundred yards from any part of such market, for the purpose of exposing and offering for sale and selling any article or thing whatsoever without having first paid the rent or market-fees, according to the rates specified in this article, when demanded by the clerk of the said market, under the penalty of twenty-five dollars for every such offense.

Sec. 80. No person shall sell or expose for sale, any meat, beef, mutton, veal, or lamb in any of the said public markets other than at a butcher's stall, under the penalty of ten dollars for each offense.

Sec. 81. The last preceding section shall not be construed to prevent countrymen from bringing to market and selling the meats raised and slaughtered on their own farms.

Sec. 82. No person shall sell, or expose for sale, any article of provision, or other thing whatsoever, in any market or the limits thereof, or in any street within the distance of three hundred yards from any part of such market, except at a stall or stand to be hired by such person of the clerk of the said market, under the penalty of ten dollars for each offense.

Sec. 83. No butcher or other person shall sell, or offer or expose for sale, in any of the public markets, or in any part of the city of New York, any unwholesome or stale articles of provisions, or any flesh of any animal dead by accident or disease, or known or suspected to be diseased at the killing of the same, under the penalty of twenty-five dollars for each offense.

Sec. 84. No person shall bring into any market, or the limits thereof, or offer or expose for sale, any blown, plaited, raised, or stuffed meat, within the city of New York, under the penalty of ten dollars for each offense.

Sec. 85. No butcher or other person shall, between the first day of May and the first day of November in any year, bring into or place, or suffer or permit to be brought into or placed, in any market any untried fat, commonly called gut fat; nor at any time or season, the head of any sheep or lamb, unless the same shall be skinned and properly cleaned, nor any sheep or lamb in carcase or quarter, with any foot or trotters thereto, nor any hides or skins, excepting calves' skins, under the penalty of ten dollars for each offense.

Sec. 86. No person shall at any time bring into any market, or sell, or offer or expose for sale, in any public market or other place in the city of New York, any meagre or backshad, under the penalty of ten dollars for every such offense.

Sec. 87. No person or persons shall sell or expose for sale any fresh fish in any of the said markets, or the streets contiguous thereto, excepting fishermen or persons who shall have purchased the fish at the fishing places from the fishermen, under the penalty of ten dollars for each offense.

Sec. 88. No person shall sell, or expose for sale, any poultry, eggs, or butter, in any of the said markets, or streets contiguous thereto, except the same shall have been raised on the farm of such person, or unless such person shall have been himself or herself into the country and there purchased the same from the farmer who raised the same, under the penalty of ten dollars for each offense.

Sec. 89. Any person having market produce in any of the said markets of which he is not the owner, shall, when required by the clerk of said market, produce a written authority from the owner of such produce, describing the quantity thereof, and authorizing such person to sell the same, and any person who shall neglect or refuse to produce such authorization, or who shall produce a fictitious or false one, shall be considered a forestaller in the said market, and shall forfeit and pay for every such offense the sum of twenty-five dollars.

Sec. 90. No person shall sell, or offer or expose for sale, in any of the public markets or the limits thereof, any butter, except by weight, under the penalty of five dollars for every such offense.

Sec. 91. No person shall sell, or offer or expose for sale in any of the public markets or the limits thereof, any butter in less quantities than in rolls of one pound weight each, without any fraction of a pound; or if the butter be contained in tubs, pails, or firkins, the same shall be sold by the tub, pail, or firkin, and by no less quantity, under the penalty of five dollars for each offense.

Sec. 92. No person shall sell, or offer or expose for sale in any of the markets or the limits thereof, any butter in any vessel other than such as has the weight of such vessel marked thereon, before the same is brought into the market, under the penalty of five dollars for each offense.

Sec. 93. No person commonly called a huckster shall sell, or expose for sale, in any of the public markets, or in any street within the city of New York, any provisions or articles of any kind, excepting vegetables or fruit, without having received a permit for the sale of the same, under the penalty of ten dollars for each offense.

Sec. 94. No person shall occupy any part of the said markets or market places for the purpose of selling or exposing for sale, any article or thing whatsoever, without first having obtained a permit, in writing, for that purpose, and having the same registered with the deputy clerk of said market, under the penalty of twenty-five dollars for each offense.

Sec. 95. No provisions, country produce, or other article, which shall have been sold or bargained for in any manner after its arrival in the city of New York, shall be exposed for sale or sold in any of the public markets of the said city, under the penalty of ten dollars for each offense.

Sec. 96. No licensed butcher or any other person shall sell, or expose for sale, any kind of meat or other article in any of the said public markets, or the limits thereof, after the hour of one o'clock in the forenoon of each day between the first day of May and the last day of October in every year, nor after the hour of two o'clock in the afternoon of each day between the first day of November and the last day of April in every year, except on Saturday, nor on that day after the hour of eleven o'clock in the evening, under the penalty of five dollars for each offense.

Sec. 97. Every cart, wagon, or other vehicle, in which articles shall be brought to market, or which shall come within the limits of any market, shall be removed therefrom at or before seven o'clock in the morning of each day, between the first day of May and the first day of October, and at or before eight o'clock in the morning of each day during the remainder of the year, under the penalty of five dollars for each offense, to be paid by the owner or person having charge thereof.

Sec. 98. Every cart, wagon, or other vehicle in which any garden produce or other thing shall be brought to market, shall be unloaded immediately on its arrival at the said market, and forthwith removed from said market, or the limits thereof, under the penalty of ten dollars for every refusal or neglect to remove the same, to be recovered from the owner or owners, or person or persons having charge thereof, severally and respectively.

Sec. 99. All carts, wagons or other vehicles, and all boxes, baskets, or other things, and all market produce or other articles whatsoever, which shall not be removed, as directed by the clerks of the respective markets, as hereinbefore in this article provided, shall be removed by the said clerks to the corporation yard, and such part thereof as will pay the penalty imposed by this chapter shall be forthwith sold; and the said penalty, when thus received, shall be paid over by the said clerks to the chamberlain of the city.

Sec. 100. The said clerks shall also sell so much of the said article or thing as will pay the expense of removal, and the remainder thereof shall continue in the place to which it was removed until the owner thereof shall pay to the said clerk, for the use of the city of New York, the sum of six cents for every cart or wagon load thereof for every day the same shall have remained in the said place of removal.

Sec. 101. The owner of every cart or other vehicle used for the purpose of bringing meat, garden produce, or other thing, to any of the public markets to be sold, shall cause his or her name to be painted in a plain manner and on a conspicuous part of such cart or other vehicle, under the penalty of five dollars for every time the same shall be used or driven in the city of New York without such name, to be recovered from the owner or driver thereof, severally and respectively.

Sec. 102. The last preceding section shall not be construed to apply to the carts used by licensed cartmen of this city, nor to wagons, carts, or other vehicles, owned by countrymen and bringing such countrymen's produce to market.

Sec. 103. No butcher or other person shall erect under his shambles or stall in any market, any box, drawer, or closet, which shall approach within twelve inches of the floor of the market, under the penalty of five dollars for each offense.

Sec. 104. No person shall bring into any market any article intended for sale which shall be conveyed in any covered chest or other thing where it is hidden from the sight or view, under the penalty of five dollars for each offense.

Sec. 105. No butcher or any other person shall have or keep in any of the public markets any refrigerator, ice-box, or cask containing ice or pickle, unless the same be placed within the limits of and in the rear of his stall or stand, and be lined with lead or some other metallic substance, so as to be water-tight, and provided with a pipe of lead, zinc, or copper, leading therefrom to the nearest gutter, under the penalty of twenty-five dollars for the violation of each and every provision of this section.

Sec. 106. No person shall expose for sale or have in his or her possession, in the city of New York, any trout between the fifteenth day of October and the fifteenth day of March in any year, under the penalty of five dollars for each trout so exposed for sale or had in possession.

Sec. 107. No person shall expose for sale or have in his or her possession, in the city of New York, any heath-hens between the first day of January and the first day of October in any year, under the penalty of ten dollars for each heath-hen so exposed for sale or so had in possession.

Sec. 108. No person shall expose for sale or have in his or her possession in the city of New York, any quail between the fifth day of January and the twenty-fifth day of October in any year, under the penalty of five dollars for each quail so exposed for sale or had in possession.

Sec. 109. No person shall expose for sale or have in his or her possession, in the city of New York, any partridge between the fifth day of January and the twenty-fifth day of October in any year, under the penalty of ten dollars for each partridge so exposed for sale or had in his or her possession.

Sec. 110. No person shall expose for sale or have in his or her possession, in the city of New York, any woodcock between the first day of February and the first day of July in any year, under the penalty of five dollars for each woodcock so exposed for sale or so had in his or her possession.

Sec. 111. The above penalties may be sued for and recovered in any justice's court by any person or persons who will prosecute for the same, in which case one-half of the said penalty shall go to the person or persons who shall prosecute to conviction, and the other half to the commissioners of the alms-house for the benefit of the poor.

Sec. 112. The word street or streets, whenever used in article 6 of this chapter, shall be deemed to include not only the carriageway and sidewalk, but every portion thereof, as established by law or ordinance, and also every porch, stoop, step, platform, stand, case, balustrade, post, rail, stairway, and every other structure, and every area, cellarway, and space, standing, placed, or being in or upon any portion of the ground which forms any such street or streets, as so established.

#### ARTICLE VII.

##### *The Sinking Fund.*

##### OF THE SINKING FUND FOR THE REDEMPTION OF THE CITY DEBT.

Sec. 113. All moneys heretofore received and hereafter to be received from the following sources are hereby pledged and appropriated to, and constitute and form a fund called "The Sinking Fund of the City of New York for the Redemption of the City Debt," until the whole of the stocks of the city of New York shall be finally and fully redeemed, namely:

1. For commutation of quit-rents on grants.
2. For quit-rents arising from such grants as were issued prior to the year one thousand eight hundred and four.
3. The net proceeds of all sales of real estate belonging to the corporation when sold.
4. The net proceeds of all bonds and mortgages payable to the corporation when collected.
5. For licenses to pawnbrokers and dealers in the purchase or sale of second-hand furniture, metals, or clothes.
6. For hackney-coach licenses and street vaults.
7. For exclusive occupation of private wharves, basins, and piers.
8. For market-fees and market rents.
9. The proceeds of all bonds and mortgages which may have or shall become the property of the Corporation, in pursuance of the ordinance creating "The Fire Loan Stock of the City of New York."
10. The buildings included in the establishment called the Alms-house, at Bellevue, together with the lots of land and water rights attached thereto when sold, and the rents when leased.
11. Such portions thereof of the annual taxes levied in the city and County of New York as may be collected for the redemption of the "Floating Debt Stock of the City of New York," and "The Fire Indemnity Stock of the City of New York."
12. All such other sources of revenue or sums of money as the said corporation shall hereafter think proper to appropriate to said fund.

##### THE SINKING FUND FOR THE PAYMENT OF INTEREST ON THE CITY DEBT.

Sec. 114. All moneys hereafter to be received from the following sources are pledged, appropriated or applied to, and constitute and form a fund to be called "The Sinking Fund of the City of New York for the payment of the interest accruing and to accrue upon the Stocks of the City of New York," until the same shall be fully and finally redeemed, namely:

1. For interest on all bonds and mortgages owned by the corporation.
2. For commutation of alien passengers.
3. For mayoralty fees.
4. For fines and penalties.
5. For fees and fines collected by the clerks of courts for the corporation.
6. For rents from all sources not already pledged.
7. For tavern and excise licenses.
8. For sales of all property of the corporation other than real estate.
9. Such portion of the annual taxes levied in the water district of the city of New York as may be collected to supply the deficiency of interest accruing on the water stocks of the city of New York.
10. Nothing in this chapter shall be so construed as to impair or affect any pledge heretofore made and now existing of any property or its proceeds embraced in this chapter or in the ordinances relating to the city debt.

##### THE OFFICERS OF THE SINKING FUND.

Sec. 115. The mayor, recorder, comptroller, chamberlain, and treasurer of the said city, and the chairman of the finance committee of the board of aldermen, for the time being, shall constitute and be denominated "The Commissioners of the Sinking Fund of the City of New York."

Sec. 116. Any four or more of the persons named in the 115th section of this article, of whom the comptroller shall be one, shall be, and are hereby authorized to discharge the trusts and duties vested in them by this article.

Sec. 117. All purchases to be made of the city stocks, shall be made by, or under the direction of the commissioners of the sinking fund, as herein and hereby constituted.

Sec. 118. The said commissioners shall, from time to time, invest the moneys which shall constitute the sinking fund for the redemption of the city debt, or as much as they can, in the purchase of stocks created by the corporation of the city of New York, at the market price, not exceeding the par value thereof; and if, at any time, such investments cannot be made at par, then the said commissioners shall be authorized to invest the said moneys, or such part thereof as they may see fit, either in the purchase of the said stock or the stock of the state of New York, or the stock of the United States, notwithstanding such stock may be above the par value thereof.

Sec. 119. The powers conferred on the said commissioners in the preceding section of this article shall be so construed as to render it imperative on the said commissioners, at all times, to give preference to the purchase of city stock, if the same can be procured at a reasonable rate.

Sec. 120. Whenever the said commissioners shall have invested any part of the said fund in the purchase of the stocks of this state and of the United States, and shall at any time thereafter be enabled to purchase any of the city stocks at such prices as they may judge best for the public interest, they shall forthwith sell and dispose of the same and invest the said stocks of the state or of the United States, or the net proceeds thereof, in the city stock, if, in their opinion, such disposition would be beneficial to the public interest.

Sec. 121. Whenever the said commissioners shall have invested any part of the said fund in the purchase of city stock, and shall at any time thereafter be enabled to purchase any of the city stock, which shall be by its terms redeemable at an earlier day, they may forthwith sell the same and invest the net proceeds in such other city stock, if, in their opinion, such exchange shall be desirable and beneficial to the public interest.

Sec. 122. Whenever any of the moneys constituting "the sinking fund for the redemption of the city debt" shall be required for any such purchases or investments as are in this article before mentioned, or for the redemption of any of the city stocks at their maturity, the amount of money respectively required shall be paid from the treasury, by warrant, signed by the said commissioners, or any four of them, the comptroller being one.

Sec. 123. All stocks and securities which shall be purchased by the said commissioners shall be transferred to the said commissioners; and all transfers thereof, when disposed of pursuant to the provisions of this article, shall be made by the said commissioners, or any four of them, of whom the comptroller shall be one.

Sec. 124. The city stock, which shall be purchased by the commissioners, shall not be canceled by them until the final redemption of the said stock; and all interest accruing thereon shall regularly be carried to the said sinking fund for the redemption of the city debt.

Sec. 125. The revenues herein assigned for the redemption of the city debt shall be kept distinct from all other revenues belonging to the said commissioners.



Sec. 126. All moneys constituting the fund for the payment of the interest on the city debt, whenever required to meet such interest, shall be drawn from the treasury in the manner prescribed in section contained of this article.

Sec. 127. Nothing in this ordinance shall be so construed as to prevent the said commissioners from temporarily investing the unemployed moneys belonging to the sinking fund in the temporary bonds of the corporation.

Sec. 128. It shall be the duty of the comptroller to keep a correct journal of the proceedings of the said commissioners, to be verified by any four of them, himself being one; and once in each year, or oftener if required, to render unto the common council a full and detailed report of the proceedings of the said commissioners.

Sec. 129. The said report shall specify the disbursements, purchases, exchanges, and sales made by the said commissioners; the prices at which and the parties from whom such purchases, with whom such exchanges, and to whom such sales shall have been made; the amounts and descriptions of the stocks of this city purchased by the said commissioners; the amounts and descriptions of the stocks of this state and of the United States then held by them; the amounts paid for interest on the city stocks, with a detailed statement of the receipts and the unemployed moneys in the city treasury to the credit of each division of the sinking fund.

Sec. 130. The terms "city debt" and "city stock," used in this article, shall be construed to mean any stock or fund created by the corporation of the city of New York.

#### THE DISPOSITION OF REAL ESTATE.

Sec. 131. It shall be the duty of said comptroller to take charge of all the real estate belonging to the corporation, and to prevent all encroachments thereon.

Sec. 132. It shall be the duty of said comptroller to keep all title deeds, leases, bonds, and mortgages, and other assurances of title, and all certificates of stock belonging to the sinking fund.

Sec. 133. It shall be the duty of said comptroller to superintend the collection of all rents, interests, and demands due the said sinking fund, and to direct all necessary measures to compel the payment of them, and report the condition of the same to the common council quarterly.

Sec. 134. It shall be the duty of said comptroller to consent, in the name and behalf of the corporation, whenever he deems it proper, that the lessee or assignee of any lease made by the corporation may assign such lease or underlet the demised premises; but no such consent shall be given unless all arrears of rent be paid in full, and all taxes and assessments due thereon.

Sec. 135. It shall be the duty of said comptroller, under the sanction of the commissioners of the sinking fund, to appoint appraisers on behalf of the corporation to settle the rent on renewal of any leases, or the value of the building, to be paid for on the expiration of any lease in which the corporation is or shall be interested, whenever, by the provisions of such lease, the appointment of such appraisers is required.

Sec. 136. The said comptroller is hereby authorized, with the sanction of the said commissioners, to assign any bond or mortgage held by the commissioners of the sinking fund to any person or persons who may elect to take such assignment, upon the payment in full of the principal and interest due on said bond and mortgage; and the mayor and clerk of the common council are hereby authorized and directed to execute, under their hands and seal of the city, any such assignment, upon evidence being exhibited to them showing that the principal and interest of such bond and mortgage have been paid into the treasury of said city to the credit of the commissioners of the sinking fund.

Sec. 137. Upon the payment of any bond and mortgage in full, it shall be the duty of the said comptroller to prepare and cause to be executed a proper satisfaction of such bond and mortgage; and the said mayor and clerk of the common council are hereby authorized to execute the same, upon the production of evidence that the same has been paid, as provided in the preceding section of this article. But no release of any part of the premises contained in such mortgage from the lien created by such mortgage thereon shall be made or executed by them.

Sec. 138. Whenever any person or persons may desire to commute any quit-rent due the corporation, it shall be the duty of the said comptroller to calculate such commutation at the rate of six per cent.; and upon the production of evidence that the same and all arrears of rent have been paid into the treasury, as provided in section 136 of this article, it shall be the duty of the mayor and clerk to execute a release of such quit-rent.

Sec. 139. Whenever any property belonging to the corporation is unproductive, or the term for which it may have been leased or let shall have expired or be about expiring, it shall be the duty of the said comptroller to let the same for a term not exceeding one year, as provided in the next succeeding section, if, in his judgment, it will be beneficial to the public interest to do so.

Sec. 140. Whenever, in the judgment of said comptroller, it shall be more advisable to lease property belonging to the corporation, it shall be his duty to communicate the same, with his reasons therefor, to the commissioners of the sinking fund; and, if they concur with him, they are hereby authorized and empowered to lease the same in such manner as they may deem most fit for the interest of the city, conforming in such leasing to the provisions of the act entitled "An act further to amend the charter of the city of New York," passed April 12, 1857; and upon the production of a certificate, signed by a majority of said commissioners, of whom the comptroller shall be one, it shall be the duty of the said mayor and clerk of the common council to execute such leases, under their hands and seal of the city; said lease to be submitted to the common council for their sanction before being executed.

Sec. 141. In all cases of grants hereafter to be made of land under water on the shores of the island of New York, or on the shores of Long Island, and within the limits of the various charters of the city of New York, and in all cases of extensions of grants previously made, it shall be the duty of the comptroller and the commissioner of public works of the said city of New York to report to the commissioners of the sinking fund what sum of money shall, in their judgment, be charged as consideration for such grant; and if the said commissioners, or a majority of them, shall agree to the terms reported by the said comptroller and commissioner of public works, then the said comptroller shall be and is hereby authorized to cause such grants to be issued to the parties who may be legally entitled to the same.

Sec. 142. The preceding section shall not apply to grants to be made on the North or Hudson river, between Hammond and Thirtieth streets, so far as the consideration money is concerned; but the rates to be charged for grants between said Hammond and Thirtieth streets shall be as follows:

For each running foot along the exterior lines of the present grants (excluding the width of streets) and along the westerly line of the Eleventh avenue (excluding the width of streets), when not granted, viz.:

For grants between Hammond and Bank streets.....	\$20 00
For grants between Bank and Bethune streets.....	19 00
For grants between Bethune and Troy streets.....	18 00
For grants between Troy and Jane streets.....	17 00
For grants between Jane and Horatio streets.....	16 00
For grants between Horatio and Gansevoort streets.....	15 00
For grants between Gansevoort and Twelfth streets.....	14 00
For grants between Twelfth street and the centre of the block between Thirteenth and Fourteenth streets.....	13 00
For grants between Thirteenth, Fourteenth, and Nineteenth streets.....	10 00
For grants between Nineteenth and Twenty-fourth streets.....	12 00
For grants between Twenty-fourth and Thirtieth streets, west of the Eleventh avenue.....	10 00

Sec. 143. No grant shall be made by virtue of these ordinances except for a specific consideration, to be paid in cash or in five annual installments, secured by bond and mortgage on the premises granted, with annual interest at the rate of seven per cent. per annum; the first installment to be paid on the issuing of the grants.

Sec. 144. All grants made by virtue of these ordinances shall contain the usual covenants, including those in relation to streets or avenues passing through them, and also in relation to bulkheads and wharfrage.

Sec. 145. No grant made by virtue of this article shall authorize the grantee to construct bulkheads or piers, or make land in conformity thereto, without permission so to do is first had and obtained from the common council; and the grantees shall be bound to make such land, piers, or bulkheads at such time and in such manner as the common council shall direct, under penalty of forfeiture of such grant for non-compliance with such directions of the common council.

Sec. 146. Nothing contained in the two next preceding sections shall be construed as applying to water grants to be made on the shores of Long Island.

Sec. 147. The commissioners of the sinking fund are hereby authorized to sell and dispose of all real estate belonging to the corporation and not in use for or reserved for public purposes at public auction, at such times and on such terms as they may deem most advantageous for the public interest, in conformity with the provisions of the statute in this article before referred to; provided, however, that no property shall be disposed of for a smaller sum than that affixed to the description of said property under sections 148, 149, 150, and 151 of this article, and at least thirty days previous notice of the time and place of such sale, including a description of the property to be sold, be published in each of the newspapers employed by the corporation.

#### OF THE VALUATION AT WHICH REAL ESTATE BELONGING TO THE SINKING FUND SHALL BE SOLD.

Sec. 148. Real estate under lease, without covenants of renewal, shall not be sold for a less sum than the same may be appraised at by the commissioners of the sinking fund and the commissioner of public works, or a majority of them, at a meeting to be held and on an appraisal made within one month prior to the date of the sale.

Sec. 149. Real estate under lease, with covenants of renewal, shall not be sold for a less sum than an amount equal to a commutation on the present rents reserved, calculated at six per cent.

Sec. 150. Real estate not embraced in the last two preceding sections, shall not be sold for a less sum than the same may be appraised at, pursuant to section 148 of this article.

Sec. 151. Whenever any real estate shall have been sold pursuant to the preceding sections of this article, it shall be the duty of the commissioners of the sinking fund, or a majority of them, to give a certificate, under their hands, that the same has been sold pursuant to the provisions of this article; and upon the production of such certificate and the evidence that the proceeds of such sale have been paid into the treasury to the credit of the sinking fund for the redemption of the city debt, it shall be the duty of the mayor of the city and the clerk of the common council to execute proper conveyances of such real estate, under their hands and the seal of the city corporation.

## Chapter 4.

### Law Department.

- ARTICLE I. The Counsel to the Corporation.  
II. The Bureau of the Corporation Attorney.  
III. The Bureau of the Public Administrator.

#### ARTICLE I.

##### The Counsel to the Corporation.

Sec. 1. The counsel to the corporation shall, before entering upon the duties of his office, execute a bond to the corporation, with two sufficient sureties, to be approved by the mayor and filed in the office of the comptroller, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 2. He shall draw such ordinances as may be required of him by the board of aldermen, or by any committee thereof.

Sec. 3. He shall, when required by the common council, propose the draft of any bill to be presented by the corporation of the city to the legislature for passage, with a proper memorial for the passage thereof.

Sec. 4. He shall draw the leases, deeds, and other papers connected with the finance department, and all contracts for any of the other departments of the corporation, when so required by the head of the department.

Sec. 5. When he shall recover a debt due to the corporation which may have been placed in his hands for collection he shall forthwith render an account thereof, under oath, to the comptroller, stating the nature of the debt, the person against whom it was recovered, and the amount and time of the recovery, and shall immediately thereupon pay over the amount so received to the chamberlain. He shall also thereupon receive from the chamberlain a voucher for the payment thereof, which he shall forthwith, on the same day, exhibit to the comptroller, and shall at the same time leave with him a copy thereof.

Sec. 6. He shall keep in proper books to be provided for that purpose a register of all actions prosecuted or defended by him, and all proceedings had therein.

Sec. 7. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the counsel to the corporation shall forthwith, on demand, deliver to his successor in office all deeds, leases, contracts, and other papers in his hands belonging to the corporation, or delivered to him by the corporation or any of its officers, and all papers in actions prosecuted or defended by him, then pending and undetermined; together with his register thereof, and of the proceedings therein, and a written consent of substitution of his successor, in all such actions then pending and undetermined.

#### ARTICLE II.

##### The Bureau of the Corporation Attorney.

Sec. 8. The corporation attorney is charged with the prosecution of all actions for violations of the ordinances of the common council, or arising under the charter of the city, or under the laws of this State, where a penalty is given to the corporation or to the overseers of the poor, or to the alms-house, and with the conducting of all proceedings before justices, or upon appeal, in relation to bastardy cases and the prosecution of bastardy and abandonment bonds.

Sec. 9. The corporation attorney shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 10. He shall institute an action in any of the cases mentioned in section 8 of this article, when instructed to do so by the common council, or the chief officer of any department or bureau, or upon the complaint of any other person, when, in his judgment, the public interest requires that the same shall be prosecuted.

Sec. 11. He may compromise with the party complained of, either before or after an action shall have been brought for any violation of an ordinance of the common council, when the penalty does not exceed twenty-five dollars, and when, in his judgment, the public interest does not require that an action should be prosecuted therefor, and he shall have the power to discontinue any action upon such terms as to him may seem equitable.

Sec. 12. In all actions which he is required by section 8 of this article to prosecute he shall appear as the attorney and counsel of the corporation.

Sec. 13. He shall not bring an appeal in any action in which judgment shall have been given against the corporation, except with the consent of the counsel to the corporation.

Sec. 14. If his accounts shall exhibit a balance in his hands in favor of the corporation he shall forthwith pay over such balance to the chamberlain, and shall thereupon receive from the chamberlain a voucher for the payment thereof, which he shall forthwith, on the same day, exhibit to the comptroller, and shall, at the same time, leave with him a copy thereof.

Sec. 15. If the account exhibit a balance against the corporation, the comptroller upon being satisfied of the correctness thereof, shall draw a warrant in favor of the corporation attorney for the amount of such balance; but in every such case he shall report the fact, with the account so rendered, to the common council.

Sec. 16. Every officer employed by the corporation attorney to serve process in an action brought by him in the name of the corporation shall pay to the corporation attorney all moneys which he may receive, both for penalty and costs, upon a judgment; and the corporation attorney shall, at least once in each month, pay every officer so employed by him his legal costs and fees.

Sec. 17. He shall, on the twentieth day of December in each year, report to the common council the titles of all the actions in his hands, which he is authorized by section 8 of this article to prosecute on behalf of the corporation, then pending and undetermined, with the statement thereof, and with such other information in respect thereto as he may deem necessary or proper.

Sec. 18. He shall keep in proper books to be provided for that purpose a register of all actions prosecuted by him, pursuant to section 8 of this article, and of all proceedings had therein.

Sec. 19. The salary to be paid to the corporation attorney shall be a full compensation, as between him and the corporation, for all the services he may be required to render.

Sec. 20. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, the corporation attorney shall forthwith, on demand, deliver to his successor in office all papers in his hands belonging to, or delivered to him by the corporation, or the alms-house department thereof, or any of their officers, and all papers in actions prosecuted by him, as authorized by section 8 of this article, and which are then pending and undetermined; together with his register thereof, and of the proceedings therein, and a written consent of substitution of his successor in all such actions then pending and undetermined.

#### ARTICLE III.

##### The Bureau of the Public Administrator.

Sec. 21. This bureau, the chief officer of which shall be called the public administrator, is charged with the administration of the estates of persons dying intestate where no other administrator is appointed.

Sec. 22. The public administrator shall, before entering upon the duties of his office, execute a bond to the corporation, with such sureties as shall be approved by the mayor of the city of New York, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of all duties enjoined on him by law; and particularly that he will account for and pay over all moneys and property which may come to his hands as such administrator, according to law.

Sec. 23. He shall possess the powers and perform the duties conferred and imposed upon him by the laws of this state.

Sec. 24. He shall furnish the comptroller with copies of all letters of administration which shall be granted by him within three days after the granting thereof.

Sec. 25. He may employ an attorney or counsel in any action commenced by or against him where the creditors or persons interested in the distribution of the estate shall advise or assent to the prosecution or defense thereof, and where the funds belonging to the estate are sufficient to pay the costs and fees incurred therein. But in no such case shall a charge for costs or fees be made against the corporation by the public administrator or by the attorney or counsel employed by him.

Sec. 26. He shall, on the twentieth day of December in each year, report to the common council the titles of all actions prosecuted by or against him, and then pending and undetermined, with such other information in respect thereto as he may deem necessary or proper.

Sec. 27. He shall report to the comptroller, on the first Thursday in each month, and oftener, if required, the amount of money received by him since his last return on account of any estate upon which he shall have administered.



Sec. 28. He shall render to the common council, on the first day of January in each year, or within fourteen days after that day, a statement, on oath, and in a tabular form, of the following particulars in each case in which he shall have taken charge of and collected any effects, or in which he shall have administered on any estate during the preceding year:

1. The name of the deceased.
2. His occupation.
3. The place of his residence at the time of his death.
4. The country or place from which he came, if he were not a resident of this State at the time of his death.
5. The moneys received for commissions and expenses.
6. The total amount of his receipts and expenditures.
7. The total amount of debts ascertained and allowed.
8. The amount of costs.
9. The amount distributed.
10. The date of the letters of administration.

Sec. 29. He shall at the same time report to the common council a transcript of such of his accounts as have been closed or finally settled, and of those on which any money has been received by him as part of the proceeds of any estates on which he has administered; he shall deposit all moneys by him collected and received, as required by law, in such bank as the counsel to the corporation shall designate.

Sec. 30. The public administrator must deposit all moneys by him collected and received within two days after the receipt thereof, in the bank designated in the last section, to the joint credit of himself and the comptroller, except so much as may be necessary to pay the current expenses of any proceedings authorized by law, to be allowed by the surrogate, and which shall not exceed twenty dollars in any one case.

Sec. 31. He shall, whenever required, exhibit to the comptroller the bank-book showing such deposits, and all other vouchers and documents relating to his office.

Sec. 32. The money so deposited can be drawn out only on the joint check of the public administrator and the comptroller, in the cases where by law the public administrator is required to pay out moneys, and the comptroller must preserve a register of all checks signed by him as a part of the documents of his office.

Sec. 33. The comptroller, before signing any check for money so deposited, shall examine the bank-book showing the deposit, and the vouchers on which the check is required to be drawn, and shall satisfy himself fully as to the correctness thereof, and in case of doubt or difficulty, he shall report the case to the common council for their direction.

Sec. 34. The comptroller may distribute and pay any unadministered balance of an intestate's estate remaining in the city treasury, to the persons legally entitled thereto, whenever he and the public administrator shall be satisfied that the person claiming the same is legally entitled thereto; but if they be not satisfied thereof, they shall report the case to the common council for their direction.

Sec. 35. The public administrator may employ in his bureau a competent person, who shall, under the direction of the said public administrator, be especially charged with the care of the administration of the estates of soldiers dying intestate in the city of New York, or dying elsewhere, whose last place of residence was this city, and with collecting information regarding their claims against the government, and also with compounding with their relatives, friends, or heirs, interested in said estates.

Sec. 36. Such special agent shall receive for his services an annual salary of two thousand dollars.

## Chapter 5.

### Board of Public Works.

- Article I. Commissioner of Public Works.
- II. Deputy Commissioner of Public Works.
  - III. Bureau of the Chief Engineer of the Croton Aqueduct.
  - IV. Bureau of Incumbrances.
  - V. Bureau of Lamps and Gas.
  - VI. Bureau of Repairs and Supplies.
  - VII. Bureau of Street Improvement.
  - VIII. Surveyors and Surveying.
  - IX. Bureau of the Water Purveyor.
  - X. Bureau of the Water Register.

#### ARTICLE I.

##### Commissioner of Public Works.

Sec. 1. The commissioner of public works, before entering upon the duties of his office, shall execute a bond to the corporation, with at least two sureties, to be approved by the mayor and filed in the office of the comptroller, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 2. All contracts for work, materials, or supplies, relating to any of the matters under the cognizance of the department of public works, shall be made by the commissioner of public works, and bonds, to be approved by the comptroller, shall be taken for the faithful performance thereof; all such contracts shall be executed in triplicate by the commissioner of public works, on the part of the corporation, and by the contractor; one original copy so executed shall be kept and filed in the office of the commissioner of public works, one shall be filed in the office of the comptroller, and the third shall be given to the contractor.

Sec. 3. No expenditure shall be made for any work or supplies relating to any of the matters within the cognizance of the department of public works, unless such work or supplies shall have been authorized by the common council, except that whenever any such work or supplies shall be necessary, and the total cost thereof shall not, in any one case, exceed one thousand dollars; the commissioner of public works may cause the same to be done or furnished under the supervision of the appropriate officer of the department; but no such expenditure shall be made without the written order of the commissioner of public works, and a certificate by him, of the necessity thereof, in each case; and a copy of all such orders and certificates shall be filed in the office of the commissioner of public works and of the bureau by which the expenditure is made.

Sec. 4. No payment shall be made on any work or job done by contract, for any extra work thereon not specified in the contract, unless such extra work shall have been done by the written order of the commissioner of public works, directing the same, and stating that such work is not included in the contract. And no such expenditure shall in any case be made, the total amount of which, on any one work, shall exceed one thousand dollars, unless the same be authorized by the common council.

Sec. 5. All moneys payable by the corporation, for work done, or supplies furnished by contract or otherwise, under the department of public works, shall be paid by the comptroller, by warrant drawn in favor of the person or persons to whom payments are due, except as otherwise provided in this article, and except that in the case of a pay-roll for labor performed under the supervision of the department of public works, the comptroller may draw a warrant for the total amount of such pay-roll, in favor of the chamberlain, who shall make the payments therein specified.

Sec. 6. No payments shall be made for any work or supplies within the cognizance of the department of public works, except upon the requisition of the commissioner of public works, upon duplicate vouchers duly certified. Receipts shall be taken upon each of such vouchers at the time of payment, one of which shall be filed in the office of the comptroller.

Sec. 7. The commissioner of public works shall, when required by the common council, inquire into and report upon any of the matters within the cognizance of the department of public works, and shall, from time to time, communicate to the common council any information or suggestion which he may deem important in relation thereto.

Sec. 8. He shall issue proposals and advertise for bids for all contracts exceeding one thousand dollars connected with his department; and whenever a survey or plans shall be necessary for any work duly authorized, or for the purpose of reporting any necessary information, he shall cause such survey or plans to be made by a competent surveyor, architect, or engineer, as the nature of the work may require.

Sec. 9. He shall control and direct all expenditure to be made by the department of public works, shall countersign and draw his requisition upon the comptroller for the payment of all bills and accounts therefor which in his judgment are correct, and which may be duly certified by the superintendent of the bureau under whose supervision the expenditure was incurred; and no requisition shall be drawn by the commissioner of public works for the payment of any bills or accounts until the same shall have been duly certified as aforesaid, or, if not so certified, until the facts in the case shall have been communicated to the common council, except that the bills and accounts for expenditures for the removal of incumbrances or for other expenditures authorized by ordinance, but not under the immediate supervision of any bureau of the department of public works, shall be certified by the commissioner of public works.

Sec. 10. The commissioner of public works shall present and report to the counsel or attorney of the corporation all encroachments on the streets or avenues in the city of New York which may be brought to his notice, or take such other action thereon as may be prescribed by ordinance in relation thereto. He shall appoint a competent inspector of contract work connected with his department, in all cases where he may deem the public interest requires such inspector. Each inspector so appointed shall receive two dollars and fifty cents per day, and in all cases where an assessment shall be levied for any improvements, the amount paid for inspection on any contract work connected therewith, shall be assessed and collected with the other expenses of such improvement, except where the inspector's wages are legally chargeable to the contractor.

Sec. 11. In all cases where provision is made by ordinance that the consent of the commissioner of public works, may be obtained to authorize any act to be done, he may grant permits therefor, subject to the restrictions of the ordinances in relation thereto.

Sec. 12. He shall cause such books and accounts to be kept in the department of public works, and in the several bureaux thereof as may be necessary at all times to exhibit a full and complete record of all the transactions and expenditures of the department.

Sec. 13. He shall cause to be entered in books to be provided for the purpose and kept in his office, open at all convenient times to public inspection, the names of all persons from whom he may receive money for the corporation, on trust account or otherwise; the amounts received, on what account, and when paid; and shall render a certified account thereof, under oath, item by item, to the comptroller, on Thursday of each week, and shall thereupon pay over the amount so received to the chamberlain. He shall thereupon receive from the chamberlain duplicate vouchers for the payment thereof, one of which he shall, on the same day, file in the office of the comptroller.

Sec. 14. He shall make to the mayor, once in three months, and at such other times as the mayor may direct, reports of the operations and transactions of the department of public works.

Sec. 15. He may direct the removal of any article or thing whatsoever which may incumber or obstruct a street or avenue, in the city of New York, under the penalties prescribed by law.

Sec. 16. For the purpose of defraying any expense, which may be incurred in pursuance of the last section, the commissioner of public works may, by a requisition, draw upon the comptroller for a sum not exceeding one hundred dollars. He may, in like manner, renew the draft as often as may be said commissioner of public works be deemed necessary, to the extent of the appropriation set apart for that specific purpose; but no such renewal shall be made until the money paid upon the preceding draft shall be accounted for to the comptroller by the transmittal of a voucher or vouchers, certified by the commissioner of public works, covering the expenditure of the money paid thereon.

For the further purpose of defraying any other minor or incidental expenses contingent to the department of public works, as cannot be conveniently accounted for on separate vouchers, the commissioner of public works may, by a requisition, draw upon the comptroller for a sum not exceeding one hundred dollars, which shall be deemed separate and independent of the appropriation for removing obstructions.

The commissioner of public works may, in like manner, renew the draft as often as may be him be deemed necessary, to the extent of the appropriation set apart for the contingencies of the department of public works; but no such renewal shall be made until the money paid upon the preceding draft shall be accounted for to the comptroller by the transmittal of a voucher or vouchers, certified by the commissioner of public works, covering the expenditure of the money paid thereon.

Sec. 17. The commissioner of public works shall keep separate accounts with the two appropriations, one for the removal of incumbrances, and the other for contingencies of the department of public works, and the several drafts shall be made upon the comptroller charging each appropriation with the respective drafts designated in section 15 of this article, and the comptroller shall draw his warrant in each case in favor of the commissioner of public works for the amounts thereof.

Sec. 18. All articles removed as provided in this article may be redeemed by the owner upon his paying to the commissioner of public works, for the use of the corporation, the necessary expenses of removal, together with six cents per day for every cart-load thereof during the time it shall remain unclaimed.

Sec. 19. The commissioner of public works shall enter in a book, to be provided for that purpose, a list of all articles so removed, with the time of removal and the expenses thereof; and when the same shall be redeemed he shall likewise enter therein the name of the person redeeming the same and the amount received therefor, and shall render a certified account thereof to the comptroller on Thursday of each week, and shall thereupon pay over the amount so received to the chamberlain. He shall also, thereupon, receive from the chamberlain duplicate vouchers for the payment thereof, one of which he shall, on the same day, file in the office of the comptroller.

Sec. 20. He shall, between the first and tenth days of February, May, August, and November, in each year, advertise and sell at public auction all such articles so removed as shall have been in the public yard, or other suitable place, one month prior to the time of advertising; and he shall immediately after such sale account for and pay the proceeds thereof into the city treasury in the manner provided in the last section.

Sec. 21. The jurisdiction over the corporation yards, including the appointment of the keepers thereof, is vested in the commissioner of public works.

#### ARTICLE II.

##### Deputy Commissioner of Public Works.

Sec. 22. The deputy commissioner of public works shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office.

#### ARTICLE III.

##### Bureau of the Chief Engineer of the Croton Aqueduct.

Sec. 23. The chief engineer of the Croton aqueduct shall perform such duties as may be required of him by the commissioner of public works, according to law.

Sec. 24. No new works connected with the Croton aqueduct shall be constructed, nor shall any mains or pipes be constructed or laid down, except with the authority of the common council; and except, also, that in case of any unexpected casualty or damage to the pipes, reservoirs, or other structures connected with the aqueduct, the chief engineer, under direction of the commissioner, shall take immediate measures for the preservation and repair of the same, the expense of which shall be paid on his requisition by the warrant of the comptroller.

Sec. 25. The commissioner of public works is requested to abate all trespasses on the Croton aqueduct property, and prevent lands of the Croton aqueduct being used for roads, except at crossings; also, to inclose the Croton aqueduct lands through all the villages, and at such other places as in his opinion the proper preservation of the work and the city title to the lands may require.

Sec. 26. All persons contracting for a supply of water shall pay the cost of the materials and labor used and expended on the streets necessary to make the connection with the conduit-pipes, or pay such annual interest thereon as required by the rules and regulations of the commissioner of public works. No street shall be opened, or pipes bored, or connection made, unless under the direction of the commissioner of public works, under the penalty of fifty dollars for each offense.

Sec. 27. If any person shall bathe in, go into the Croton water at either of the reservoirs, or any part of the Croton aqueduct, or shall throw any stones, chips, or dirt, or any other material, substance, or thing whatever into the reservoirs or into the water, or gate-houses, or into the ventilators, or aqueduct or fountain basins, or shall in any manner injure or disfigure any part of the Croton aqueduct works, he shall be subject to a fine not to exceed fifty dollars, to be imposed by any police justice or any magistrate, either on his view or in a summary manner; and in default of payment of any fine so imposed such police justice or magistrate shall commit such offender to the city prison for a period not to exceed thirty days, unless such fine is sooner paid.

Sec. 28. In case any person shall trespass on any part of the embankment of the Croton aqueduct reservoirs, or go or remain on the same without permission of the proper persons having charge of the same; or in case any person does not comply with the regulations of the commissioner of public works as to the times they shall leave the embankment of said reservoirs, or the grounds or buildings attached to said reservoirs, such person shall be subject to a fine of twenty-five dollars, to be levied and collected in the manner prescribed in the last section; and, in default of payment, imprisonment, as in like manner, not to exceed twenty days, in the city prison.

Sec. 29. No person or persons, except the mayor and aldermen of the respective districts, shall, without previous permission, in writing, from the commissioner of public works, unscrew or open any hydrant belonging or attached to the Croton aqueduct works, erected for the extinguishment of fires, except in cases of fires in the neighborhood; nor shall leave said fire-hydrant open for a longer time than shall be limited in said permission; nor shall use the water for other purposes than may be mentioned in said permission; under the penalty of not less than five dollars nor more than twenty-five dollars for each offense, in the discretion of the magistrate before whom the complaint shall be made.

Sec. 30. No person or persons, except such as may be licensed by the commissioner of public works to sell water to shipping, shall take the water from any hydrant erected or to be erected in the city of New York, and attached to the Croton water-pipes, for the purpose of selling the said water or offering it for sale, under the penalty of twenty-five dollars.

Sec. 31. The commissioner of public works is instructed to cause the hydrants to be kept closed, and report all violations of the law to the corporation attorney.

Sec. 32. The commissioner of public works shall, at all times when the general supply of water is not thereby endangered, permit the hydrants to be used for cleaning the streets, under the regulation of said commissioner.

Sec. 33. No person or persons shall use the Croton water for washing streets, sidewalks, steps, or buildings, from the first day of May to the first day of November following in each year, after eight A. M., and from the first day of November to the first day of May following, after nine A. M., under the penalty of five dollars for each offense.

Sec. 34. Any person or persons who shall obstruct the access to the different stop-cocks connected with the water-pipes by placing thereon stone, brick, lumber, dirt, or any other materials, or who shall permit any such materials to be placed thereon by those in his or their employ, shall be subject to the penalty of fifty dollars for each offense, with an additional sum of twenty-five dollars for each day the same shall be continued after notice of removal shall have been served.



Sec. 34. The penalties prescribed in sections of this article shall be imposed on the offender in like manner as is provided in section 27 of this article, in respect to the penalty therein prescribed; and in default of the payment the offender shall be subject to like punishment by imprisonment, as in the said section prescribed.

## ARTICLE IV.

*Bureau of Incumbrances.*

Sec. 35. No person shall incumber or obstruct any street which has been opened, regulated and graded according to law, in the city of New York, with any article or thing whatsoever, without first having obtained written permission from the commissioner of public works, under the penalty of five dollars for each offense, and a further penalty of five dollars for each day or part of a day such incumbrance or obstruction shall continue.

Sec. 36. All persons are prohibited, under the full penalty of two hundred and fifty dollars for each offense, from constructing or placing any bay-window or other projection beyond the house line, on any house or building on any street, avenue or public place within the corporate limits of the city of New York, unless permission therefor be first given by the common council; nor shall any petition for or resolution giving permission for the construction of any such bay-window or other projection, be received, entertained, or passed by common council, unless the owner of such building shall request such permission, by written application, signed by such owner personally, which shall contain the street number of the house, a diagram showing the exact location and dimensions of the proposed bay-window or other projection, and be accompanied by the written consent of the owners of fifty feet of the property on each side of such house, if in or near the centre of a block, and of fifty feet adjoining such house, exclusive of the lot upon which said house is built, if on a corner building fronting a street, and fifty feet adjoining if on a corner building and fronting on an avenue. These provisions in no way to affect any bay-window or other projection now erected or in process of erection, by virtue of any permission of the common council, or other legal authority. The commissioner of public works is hereby empowered and directed to enforce these provisions.

Sec. 37. No person or persons shall hereafter construct any porch over a cellar-door, under the penalty of two hundred and fifty dollars.

Sec. 38. No person or persons shall construct or continue any platform, stoop, or step in any street in the city of New York which shall extend more than one-tenth part of the width of the street, nor more than seven feet, nor with any other than open backs or sides or railings; nor of greater width than is necessary for the purpose of a convenient passage-way into the house or building; nor any stoop or step which shall exceed five feet in height, under the penalty of two hundred and fifty dollars.

Sec. 39. Nothing contained in the preceding sections of this article shall be deemed to prohibit the continuation of any porches, doors, stoops, platforms, or steps, which were heretofore erected, unless the same shall be complained of to the commissioner of public works, and he shall have directed their removal or alteration within a reasonable time.

Sec. 40. All persons who wish hereafter to erect balustrades projecting beyond the street line shall first obtain a written permit from the commissioner of public works.

Sec. 41. No balustrade shall hereafter be erected, excepting from the second story of any house; nor shall it project more than one-twentieth of the width of the street wherein it may be erected, nor more than three feet in any case whatever.

Sec. 42. None but iron braces and railings shall be used for balustrades; the strength and firmness shall be tested by the commissioner of public works; and, in case he objects to the strength of the same, it shall be made as he shall direct or be removed, under the penalty of five dollars per day.

Sec. 43. No posts shall be erected or put up in any of the streets, roads, lanes, or highways in the city of New York, unless under the direction of the commissioner of public works, under the penalty of five dollars for every such post.

Sec. 44. It shall be the duty of the said commissioner of public works to order and direct any awning-post which is erected or continued in any street in the city of New York contrary to law or ordinances to be forthwith removed; and any person who shall neglect or refuse to comply with such direction and order shall forfeit and pay for every such offense the sum of ten dollars.

Sec. 45. Iron posts upon awnings erected in any street in this city, shall be well and securely braced from the building with wrought-iron rails or rods at least one inch in diameter, in the proportion of one brace for every post.

Sec. 46. The owners or occupants of property in any street not exceeding the width of forty feet shall be, and they are hereby, permitted to construct from their respective buildings thereon wrought-iron brackets for the support of awnings, which said brackets shall be firmly secured to the building, and project on a line with the inner side of the curb-stone, and shall be eight feet and six inches, and no more, in height from the curb-stone to the top of the outer cross-rail.

Sec. 47. It shall be the duty of the commissioner of public works, to order and direct the removal forthwith of all iron awning-posts and brackets which are now or may be hereafter erected, constructed, or continued in any street of this city contrary to the preceding provisions of these ordinances; and any person who shall neglect or refuse to comply with such direction or order shall forfeit and pay for every such offense the sum of five dollars.

Sec. 48. No portion or part of any cloth or canvas used as an awning shall hang loosely down from the same over the sidewalk or footpath, under the penalty of five dollars for each day's offense.

Sec. 49. Each and every awning or watershed of any kind, covering one-half or more than one-half, or less than the full width of the sidewalk, shall have connected therewith a gutter or leader of material and size sufficient for conducting the water from the same to the outer line of the curb-stone, under a penalty of five dollars for each day's offense.

Sec. 50. The commissioner of public works is hereby authorized, whenever he shall deem it proper, to order any step-stones used for entering carriages, any railing or fence, any sign, sign-post, or other post, any area, bay-window, or other window, porch, cellar-door, platform, stoop, or step, or any other thing which may incumber or obstruct any street, to be altered or removed therefrom within such time as shall be limited by the said commissioner.

Sec. 51. The order or direction mentioned in the last preceding section shall be in writing, and shall be served personally or by leaving it at the house or place of business of the owner, occupant, or person having charge of the house or lot in front of which step-stone or other incumbrance or obstruction may be; or by posting the said notice or order upon such step-stone or other incumbrance or obstruction.

Sec. 52. If any owner, occupant, or person having charge of any such house or lot in the city of New York shall refuse or neglect to obey or comply with such notice or order, he, she, or they shall forfeit and pay the sum of ten dollars, and the further sum of five dollars for each and every day, from and after the time limited and appointed in said order, until the same shall have been complied with.

Sec. 53. No goods, wares, merchandise, or manufactures of any description, shall be placed or exposed to show or for sale upon any balustrade that now is or hereafter may be erected in this city, under the penalty of ten dollars for each offense.

Sec. 54. No person shall hang or place any goods, wares, or merchandise or any other thing, at any greater distance than twelve inches in front of his, her, or their house or store, or other building, under the penalty of five dollars for each offense.

Sec. 55. No person shall place, hang, or suspend at any greater distance than twelve inches in front of and from the wall of any house or store or other building, any sign, show-bill, or show-board, under the penalty of ten dollars for each offense.

Sec. 56. The said commissioner of public works, with the assent of the alderman of any district of a ward, in which any tree may be standing, may cause the same to be cut down and removed from the street, and shall cause so much of the sidewalk or carriage-way as may be injured by the removal of such tree to be properly repaired.

Sec. 57. No person shall plant, or suffer or permit to be planted, any tree or shoot in any street in the city of New York, having a sidewalk less than nine feet wide, under the penalty of fifteen dollars for every such offense.

Sec. 58. The last preceding section shall not be construed to prevent the planting of trees in any street which is of the width of forty feet and upwards, provided the same may be planted upon the sidewalk or footpath and within twelve inches of the curb-stone.

Sec. 59. No person shall cut down, destroy, or in any way injure, any tree or shoot standing in any street or public place in the city of New York, under the penalty of fifty dollars for each offense.

Sec. 60. No person or persons in the city of New York, whether agent, owner, or employer, shall suffer or permit any cask, bale, bundle, box, crate, or any other goods, wares, or merchandise, or any boards, planks, joists, or other timber, or anything whatsoever, to be raised from any street, on the outside of any building, into any loft, store or room, or to be lowered from the same, on the outside of any building, by means of any rope, pulley, tackle, or windlass, under the penalty of twenty-five dollars, to be recovered by an action of debt from such person, agent, owner, or employer.

Sec. 61. No person shall lead, drive, or ride any horse, or drag any wheel or hand barrow, or saw any wood, or lay or place any wood, coal, or other thing, or any goods, wares, or merchandise, or any other article whatsoever, upon any footpath or sidewalk, under the penalty of five dollars for each offense.

Sec. 62. No person shall drive, or back, or lead any horse or cart, or other wheel carriage, on the footpath or sidewalk of any street, under the penalty of five dollars for each offense.

Sec. 63. No owner or occupant of any store or house shall permit or suffer any cart or other wheel carriage to be driven or otherwise to pass or go over or upon the footpath or sidewalk opposite to such house or store, for the purpose of loading or unloading such cart or other wheel carriage, or for any other purpose whatever, under the penalty of five dollars for each offense.

Sec. 64. If any cartman or other person shall break or otherwise injure any footpath or sidewalk, he or they shall, within twenty-four hours thereafter, cause the same to be well and sufficiently repaired and amended, under the penalty of ten dollars.

Sec. 65. No person shall obstruct the walks laid across the public streets or at the head of the public slips in the city of New York, by placing or stopping his horse, cart, or other carriage upon or across any of the said walks, or by placing or putting any other obstruction or thing across or on the same, under the penalty of five dollars for each offense.

Sec. 66. No person, without permission of the department of public works, shall take up, remove, or carry away, or cause or permit to be taken up, removed, or carried away, any turf, stone, sand, clay, or earth, from any street, public place, or highway, in the city of New York, under the penalty of twenty-five dollars for each offense.

Sec. 67. No person shall remove, or cause or permit to be removed, or shall aid or assist in removing, any building into, along, or across any street, lane, or alley, or public place in the city of New York to the southward of Fourteenth street, under the penalty of two hundred and fifty dollars for every such offense.

Sec. 68. No person, without permission of the department of public works, shall dump or deposit any earth, dirt, rubbish, or other article (except for the purpose of building) in any street, either upon the cartway or sidewalks, or any public place, under the penalty of ten dollars for every offense; and if the same shall be dumped or deposited by a dirt-cart, the owner or driver thereof shall also be liable to be punished for misdemeanor, pursuant to the provisions of the act of the legislature, entitled "An act relative to the powers of the Common Council of the City of New York and the Police and Criminal Courts of the said City," passed January 23, 1833.

## ARTICLE V.

*Bureau of Lamps and Gas.*

Sec. 69. This bureau, the chief officer of which shall be called the superintendent of lamps and gas, is charged with the duty of superintending the lighting of the public streets, roads, places, avenues, wharves, piers, and markets, the construction and repairs of the public lamps, and the procuring all necessary supplies and fixtures therefor.

Sec. 70. The superintendent of lamps and gas shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 71. He shall take charge of, oversee, and superintend the construction, repairing, cleaning, trimming, and lighting of public lamps, and shall preserve and keep in such place as may be prescribed by the commissioner of public works the oil and other supplies appertaining to his bureau.

Sec. 72. He shall, from time to time, inspect the public lamps, and with the consent of the commissioner of public works shall cause the same to be repaired forthwith when any repairs are necessary.

Sec. 73. He shall forthwith report to the commissioner of public works all violations of any contracts for supplying the city with oil or gas for the lighting of the public lamps, and every omission or neglect on the part of any person whose duty it is to clean, trim, or light the same.

Sec. 74. The superintendent of lamps and gas, under the direction of the commissioner of public works, is specially charged with the enforcement of all ordinances and resolutions of the common council for the protection of public lamps, and shall report all violations thereof to the corporation attorney.

Sec. 75. No person, unless authorized by the respective contractors for lighting the streets, shall at any time light, or cause to be lighted, any public lamp which such contractor is or shall be required to light, under their contract, made with the mayor, aldermen, and commonality of the city of New York, as provided by law. Any person violating the provisions of this section shall thereby incur and be liable to a penalty of five dollars, payable to the contractor whose lamps shall be so lighted or caused to be lighted for every such violation, and either of said contractors shall be liable to a like fine of five dollars for wilfully neglecting to light any lamp according to contract, said fine to be payable to the city treasury.

Sec. 76. Any person breaking, mutilating, or obstructing any of the public lamps in the city of New York, shall be liable to a penalty of five dollars for each offense.

Sec. 77. Any person who shall break, misplace or carry away any of the glass street-signs now or hereafter to be placed in any of the public lamps, shall be liable to a penalty of three dollars for each offense.

Sec. 78. No person, without permission of the superintendent of lamps and gas, shall take up, remove, or carry away any public lamp-post in the city of New York, under the penalty of ten dollars for each offense.

Sec. 79. No person shall remove, or cause or permit to be removed, any public lamp-post now or hereafter to be placed in front of their premises, for the purpose of constructing a vault or otherwise, without the permission of the superintendent of lamps and gas; and the owner or owners of such vault shall cause the lamp-posts so removed to be reset at their own expense immediately upon the completion of the vault, under the penalty of twenty-five dollars for each offense.

## ARTICLE VI.

*Bureau of Repairs and Supplies.*

Sec. 80. This bureau, the chief officer of which shall be called the superintendent of repairs and supplies, is charged with the duty of superintending the construction and repairing of public buildings.

Sec. 81. The superintendent of repairs and supplies shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

## PUBLIC BATHS.

Sec. 82. For the purpose of public salt water baths, a ship or basin, two hundred feet in front shall be retained at the easterly end of the Battery, in the city of New York, adjoining the lands under water upon the westerly side thereof, heretofore conveyed by the State of New York to the United States Government.

Sec. 83. The free floating baths which may have been purchased by appropriations from the city treasury shall be placed under the control and government of the department of public works, and the use of said baths be determined and governed under the direction of said department, which is authorized to perfect and promulgate all suitable rules and regulations. Breaches of said rules and regulations shall be punishable by a fine not exceeding five dollars for one offense, or by imprisonment not exceeding one day.

## ARTICLE VII.

*Bureau of Street Improvements.*

Sec. 84. The superintendent of street improvements shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

*The Erection of Barriers to Prevent Accidents.*

Sec. 85. It shall be the duty of every person or persons engaged in digging down any road or street, in paving any street, building any sewer or drain, trench for water-pipes, or digging and building a well in any of the public roads, streets, or avenues, under contract with the corporation of this city, made through either or any of the departments of the said corporation, or by virtue of any permission which may have been granted to them by the mayor and common council, or either of the said departments, or either of them, where such work, if left exposed, would be dangerous to passengers, to erect a fence or railing at such excavations or work in such a manner as to prevent danger to passengers who may be traveling such streets, roads, or avenues, and to continue and uphold the said railing or fence until the work shall be completed or the obstruction or danger removed. And it shall also be the duty of such persons to place upon such railing or fence, at twilight in the evening, suitable and sufficient lights, and keep them burning through the night, during the performance of said work, under the penalty of two hundred and fifty dollars for every neglect.

Sec. 86. The provisions of the preceding section shall apply to every person who shall place building materials in any of the public streets or avenues, or be engaged in building any vault, or constructing any lateral drain from any cellar to any public sewer, or who shall do or perform any work causing obstructions in the public streets, by virtue of any permit from any executive department; and also to all public or corporation officers engaged in performing any work in behalf of the corporation, whereby obstructions or excavations shall be made in the public streets.

Sec. 87. The extent to which such railing or fence should be built in the several cases is hereby defined, as follows, to wit:

1. In digging down any street or road, by placing the same along the upper bank of such excavation, or by extending the fence so far across the street or road as to prevent persons from traveling on such portion as would be dangerous.

2. In paving any street or avenue, by extending it across the carriage-way of such street or avenue, or if but a portion of the width of such carriage-way be obstructed, across such portion, in which case the obstruction shall be so arranged as to leave a passage-way through, as nearly as may be of uniform width.

3. In the building of a sewer, by placing it across the carriage-way at the ends of such excavations as shall be made.

4. In the building of a well, by inclosing the same and the obstructions connected therewith on one or more sides.



5. In building vaults, by inclosing the ground taken for the vaults.  
6. In placing building materials in the streets, by placing it across so much of the street as shall be occupied by such materials; and the materials shall be so placed as to occupy a space of uniform width, except brick or stone piled solid at least seven feet high. In all cases sufficient lights are to be placed upon such building materials, fences, or railings, and kept burning during the night, as provided by the preceding sections.

Sec. 88. In all cases where any person or persons shall perform any of the work mentioned in the preceding sections, either under contracts with the corporation or by virtue of permission obtained from the mayor and common council, or either of the departments, such persons shall be answerable for any and every damage which may be occasioned to persons, animals, or property, by reason of carelessness in any manner connected with the said work.

Sec. 89. It shall be the duty of the chiefs of the bureau having charge of the particular class of improvements to see that the requirements contained in this article, in regard to the erection of fencing and placing lights, in all cases be complied with severally, under the penalty of fifty dollars for each and every neglect.

Sec. 90. It shall also be the duty of the said chiefs of bureaux, when any of the work referred to in any of the preceding sections shall be performed, whether by digging down streets or roads, paving streets, building sewers, and building wells, or digging trenches for water-pipes, by persons under contract with the corporation, or for building vaults or placing building materials in the streets, or constructing drains, or any other work for forming an obstruction to the said street, by virtue of permission duly obtained, to see that the requirements of this chapter, in regard to erecting the necessary fences and placing the necessary lights, be complied with, and to make the necessary complaint to the corporation attorney for any omission on the part of the person referred to, under the penalty of fifty dollars for every neglect.

Sec. 91. In all contracts for paving streets, constructing sewers, and building wells and pumps, or for doing any other work whereby accidents or injuries may happen in consequence of any neglect or carelessness during the performance thereof, it shall be the duty of the departments by whom such contracts are made to insert a covenant requiring the contractor or contractors to place proper guards for the prevention of accidents, and to put up and keep suitable and sufficient lights burning at night during the performance of the work; and that they will keep the corporation harmless and indemnified against all loss and damage which may be occasioned by reason of any unskillfulness or carelessness in any manner connected with the execution and completion of the work.

Sec. 92. In all contracts for digging down any road or street, where such digging, if left exposed, would be dangerous to passengers, the heads of the proper department shall insert a covenant whereby the contractors shall be bound, at their own expense, to erect a fence or railing along or across the street, in such a manner as to prevent danger to passengers, and so to continue and uphold the said fence or railing until the street is completed.

Sec. 93. A like fence or railing shall be put up and upheld in all cases in which a road or street is dug out at the cost of the corporation.

#### OF NUMBERING THE STREETS.

Sec. 94. In all cases where the number or numbers of houses or lots on streets or avenues have been directed to be numbered or numbers to be changed, or shall hereafter be so directed, by resolution or ordinance of the board of aldermen, the said number or numbers shall be so renumbered or changed during the months of December, January, February, March, and April, and at no other time.

Sec. 95. It shall be the duty of the commissioner of public works, in numbering and renumbering streets, to leave sufficient numbers on each block, so that, under any circumstances, there would be but one block where a change would be required in case of renumbering at any subsequent time.

Sec. 96. Whenever any street north of Ninth street, inclusive, shall be directed to be numbered or renumbered, the commissioner of public works shall cause the numbers to commence at the Fifth avenue, numbering east and west, beginning with No. 1 Fifth avenue; No. 100 on the west side of Sixth avenue, No. 200 on the west side of Seventh avenue, and so on, east and west of the Fifth avenue, through the whole series of streets north of Ninth street, and including Ninth street; and said streets shall hereafter be called and known as East Ninth street and West Ninth street, and so on; the dividing line to be the Fifth avenue.

Sec. 97. Whenever any street shall have been numbered or renumbered, as the case may be, in pursuance of these ordinances, such numbers shall not be changed or altered without the consent of the commissioner of public works, under the penalty of twenty-five dollars (\$25) for each offense, to be sued for and collected of the person or persons so violating these ordinances.

Sec. 98. In all cases where a street shall have been numbered or renumbered, in pursuance of this ordinance, it shall be the duty of the commissioner of public works thereafter to adjust and renumber such street as the same may be required from time to time.

#### PRESERVING THE MONUMENTS DESIGNATING THE STREETS AND AVENUES.

Sec. 99. No person or persons shall cover up or remove any of the monument-stones for designating the avenues and streets in the city of New York, without first giving the commissioner of public works three days' notice thereof, in writing, under the penalty of fifty dollars.

Sec. 100. It shall be the duty of the commissioner of public works, on receiving such notice, forthwith to cause one of the city surveyors to take the necessary measures to raise or lower such monument to the proper grade of the city, and to cause such alteration to be noticed on maps to be kept in the office of the commissioner of public works for that purpose.

Sec. 101. It shall be the duty of the commissioner of public works, in all contracts hereafter made by him for regulating any of the streets or avenues in which monuments are placed, to insert therein a covenant on the part of the contractors to give the notice above required, and to replace such stones, under the direction of the said commissioner of public works.

Sec. 102. Whenever the commissioner of public works shall ascertain that any monument-stone has been removed, he shall forthwith cause the same to be placed in its proper position, and shall note the same on the map in the manner before stated.

Sec. 103. The expenses attending the same shall be paid by the comptroller on the certificate of the commissioner of public works.

Sec. 104. No excavation or embankment shall be made, or any pavement or flagging laid or moved, by any person or persons within two feet of any monument or bolt which has been set by proper authority, or designated on any official map as a landmark to denote street lines within that part of the city of New York north of the southerly line of One Hundred and Fifty-fifth street, from the Hudson river to the Harlem river, and north of the Harlem river, from One Hundred and Fifty-fifth street to Long Island Sound, unless a license for the same has been obtained from the commissioners of the department of public parks.

Sec. 105. Whenever it may be necessary to make any excavation or embankment, or to lay or remove any pavement or flagging within two feet of any street monument or bolt, as aforesaid, the person or persons intending to do such work shall make written application to the commissioners of the department of public parks for a license, which application shall set forth the nature of the work proposed, and the location of the monument affected thereby.

The said commissioners of the department of public parks shall thereupon cause their engineer in charge of the laying out and monumenting of the streets within the district above named to take such measurements and field notes as may be necessary to restore such monuments to their correct position after the completion of the contemplated work; and when such measurements and field-notes have been taken, but not before, may issue a license as desired; and the person so applying for license shall pay to the said commissioners the sum of five dollars for each and every monument affected.

Sec. 106. If any person or persons shall make any excavation or embankment, or lay or take up any pavement or flagging within two feet of any street monument, or shall in any way remove, injure, or deface any such monument, without having first obtained a license as aforesaid, such person or persons shall be subject to a penalty of fifty dollars for each offense, to be imposed by any police magistrate or justice, either on his own view or on testimony taken in a summary manner, and in default of payment of any fine so imposed, such police justice or magistrate shall commit such offender to the city prison for a period not to exceed thirty days, unless such fine is sooner paid.

#### FLAGGING, CURBING, AND REPAIRING SIDEWALKS.

Sec. 107. All streets in the city of New York of twenty-two feet in width and upward shall have sidewalks on each side thereof, laid with granite or blue-stone flagging, not less than three inches thick, and not less than two feet wide, and containing a superficial area of at least eight square feet.

Sec. 108. In all streets in the city of New York of the width of forty feet and upward, which are paved or shall hereafter be paved or repaved, the sidewalks or footwalks between the lines of the streets and kennels shall be of the following width, that is to say:

1. In all streets forty feet wide, ten feet.
2. In all streets fifty feet wide, thirteen feet.
3. In all streets sixty feet wide, fifteen feet.
4. In all streets seventy feet wide, eighteen feet.
5. In all streets eighty feet wide, nineteen feet.
6. In all streets above eighty feet and not exceeding one hundred feet, twenty feet.
7. In all streets of more than one hundred feet, twenty-two feet, and no more.

Sec. 109. In all streets less than forty feet in width such proportion thereof as may be directed by the commissioner of public works shall be used and flagged for sidewalks and footpaths.

Sec. 110. All sidewalks in the city of New York shall be raised from the curb-stone in the proportion of two inches on ten feet, under the penalty of ten dollars, to be sued for and recovered from the persons laying and fixing the same and the owner or owners of the lot fronting on the sidewalk, severally and respectively.

Sec. 111. No person shall extend the sidewalk before his lot beyond that of his neighbor, in any street where the same is not yet extended to the width allowed by law, under the penalty of ten dollars for each offense, to be sued for and recovered from the person or persons so violating, and the owner or owners of the lots fronting on such sidewalk, severally and respectively.

Sec. 112. The last preceding section of this article shall not be construed to prevent the extending of any such sidewalks when a majority of the owners of property on the same side of the street and between the two nearest corners, by and with the permission of the commissioner of public works, agree to and do extend the sidewalks in front of their respective lots of ground in like manner.

Sec. 113. No sidewalk or any part of a sidewalk laid with brick or flagging shall hereafter be taken up, or the brick or flagging removed therefrom, for any purpose whatever, in the Twenty-third or Twenty-fourth Wards of the city of New York, without the written permission of the president of the department of public parks, or in any other part of the city of New York without the written permission of the commissioner of public works, under the penalty of twenty-five dollars for every such offense; but the provisions of this section (unless such work should come within the limits of an ordinance of the common council) shall not apply to any person engaged in the necessary repairs of any such sidewalk, the resetting, when necessary, of any curb or gutter stones that may have become displaced, broken or sunken, or the necessary repair or alteration of any coal-slide under any such sidewalk, nor shall a permit for any such purpose be necessary.

Sec. 114. All private cart-ways crossing any of the sidewalks of the city of New York, and all sidewalks whatever, shall be paved with brown or gray square or oblong flat stones, hewn and laid closely together, and not with brick or with round or paving stones, under the penalty of ten dollars upon the owner and occupant of the lot in front of which such cart-way or sidewalk shall be, severally and respectively.

Sec. 115. In case any part of such private cart-way or any part of such sidewalk shall not be paved, repaved, or repaired according to the provisions of the last section, it shall be lawful for the said commissioner of public works to order, in writing, the same to be done within a time mentioned in such order, at the expiration of which time the same may be done under the direction of the said commissioner, and the expense thereof collected of the owner or owners, occupant or occupants of the lot fronting thereon.

Sec. 116. All curb-stones which shall hereafter be laid for the purpose of supporting the sidewalks shall not be less than three feet in length, five inches thick, and twenty inches wide throughout and shall be of the best hard blue or gray granite, and cut, prepared, and laid in the following manner, that is to say: ten inches of the stone shall be laid below the kennel and ten inches above it, except where the length of curb-stone to be laid or relaid shall be less than the space between the streets crossing that in which it is to be laid, in which case, if the curb-stone in front of the lots adjoining shall be put eight inches above the gutter-stone, the curb to be laid or relaid as aforesaid shall not be placed more than eight inches above the gutter-stone, unless the person or persons laying or relaying the same shall, by permission of the owner or owners of the lots adjoining, at his, her, or their own expense, raise the adjoining sidewalk or sidewalks, and replace the same in a proper manner for a space of at least five feet in width, so as to prevent any abrupt irregularity in the pavement of the sidewalk; the top of the stone shall be cut to a level of one inch; the front to be cut smooth and to a fair line to the depth of fourteen inches; the ends from top to bottom to be truly squared, so as to form close and even joints, and the front so laid as to present a fair and unbroken line; under the penalty of ten dollars for each or any violation of either of the provisions of this section, to be sued for and recovered from the persons laying and fixing the same and the owner or owners of the lot fronting on the sidewalk so fixed, severally and respectively.

Sec. 117. All gutter-stones which shall hereafter be laid in this city shall be of the best hard free-stone or granite, at least thirty inches in length, fourteen inches in width, and six inches thick, and shall be cut to a fair and level surface, without windings, with true and parallel sides, and the ends squared so as to form tight and close joints, under the penalty of ten dollars, to be sued for and recovered from the person or persons laying the same and the owner or owners of the lot fronting on the sidewalk or street, severally and respectively.

Sec. 118. If any street, when paved, shall not exactly range, the gutter or outside of the foot-path or sidewalk shall be laid out and made as nearly in a straight line as the street will permit; and the ascent and descent of the same shall be regulated by the commissioner of public works, and a profile thereof, with the regulations distinctly marked thereon, shall be deposited and kept in the office of the commissioner of public works.

Sec. 119. When any carriage-way shall have been paved, and a majority of owners of lots on the same block shall have regulated and paved their sidewalks, the commissioner of public works shall give notice to the owner or owners, or occupant or occupants, of any lots in front of which the sidewalks shall not be paved, to regulate and pave the same within a certain time to be designated in such notice.

Sec. 120. In case of any neglect or refusal to comply with the requisitions contained in the notice mentioned in the last preceding section, the owner or owners, occupant or occupants, shall forfeit the penalty of twenty-five dollars for each neglect or refusal, severally and respectively.

Sec. 121. The owner or owners, lessee or lessees, occupant or occupants, of any house or other building or vacant lot fronting on any street or avenue, shall, at his, her, or their charge and expense, well and sufficiently pave, according to the ordinances, and keep and maintain in good repair, the sidewalks and curb and gutter of such street or avenue in front of any such house or other building or vacant lot.

Sec. 122. Upon complaint being made to the commissioner of public works, to his satisfaction, that any sidewalk and curb and gutter, or either, are not paved or repaired according to these ordinances, it shall be lawful for the said commissioner to cause a notice to be served upon the owner or owners, lessee or lessees, occupant or occupants, of any such house or other building or vacant lot of ground fronting on any street or avenue, to repair or relay, as the case may require, the sidewalk and curb and gutter, or either, in front of the same, within ten days after the service of such notice.

Sec. 123. In default of such owner or owners, lessee or lessees, occupant or occupants, repairing or relaying, as the case may require, such sidewalks and curb and gutter, or either, within the time required by said notice, and complying with the said notice, it shall be lawful for the commissioner of public works to order the same to be done; and in case the expense thereof shall not exceed the sum of two hundred and fifty dollars, to appoint such person or persons to do the same as he shall deem proper; and in case such expense shall exceed the aforesaid sum of two hundred and fifty dollars, the same shall be done by contract, according to these ordinances.

Sec. 124. The expense of such work, together with the expense of surveying the same and certifying to the work done and materials furnished by one of the city surveyors, shall be paid out of the appropriation for that purpose.

Sec. 125. It shall be the duty of the commissioner of public works, immediately upon the completion of such work and payment thereof, to report the same to the corporation attorney, who shall recover the amount to be paid, with ten dollars as penalty, from the owner or owners, lessee or lessees, occupant or occupants, of any such house or other building in front of which the expense was incurred, in any court having jurisdiction thereof, in the name of the mayor, aldermen, and commonalty of the city of New York.

Sec. 126. It shall be the duty of the corporation attorney, in returning to the comptroller an account of moneys recovered in such suits, to specify that the same were recovered for "penalties on sidewalks;" and it shall be the duty of the comptroller to credit the amount thus paid to the fund appropriated as aforesaid.

#### ARTICLE VIII.

##### Surveyors and Surveying.

Sec. 127. There shall be so many surveyors appointed for this city as the common council shall, from time to time, think proper, whose duty it shall be to assist the commissioner of public works in laying out and regulating all the streets and roads of the said city; and to lay out and survey all ground for the purpose of building upon, and to advise and direct concerning the same.

Sec. 128. The said surveyors so to be appointed, before they respectively enter upon the execution of the said office, shall take an oath well and truly to execute the same.

Sec. 129. No person shall erect any building bounded by any of the public streets or avenues on his, her, or their ground, unless the same be previously viewed and laid out by the said surveyors or one of them; nor in any other manner than they, or one of them (with the advice and consent of the commissioner of public works) shall direct, under the penalty of fifty dollars for each offense.

Sec. 130. No such surveyor shall survey or establish any corner of any street or avenue in this city for the purpose of erecting any building on an old foundation or otherwise, unless the same be viewed and approved of by the commissioner of public works, or in other manner than he shall direct, under the penalty of twenty-five dollars for each offense.

Sec. 131. For laying out each house-lot other than the corner of any street or avenue and giving a certificate thereof, the said surveyor or surveyors shall be entitled to demand and receive from the owner or owners thereof the sum of one dollar and fifty cents; and for every corner-lot of any street or avenue, the sum of two dollars and fifty cents.

Sec. 132. If any wall shall be erected alongside of any street in the said city and above the level of the street without notice thereof having been given to the commissioner of public works, or to one of the city surveyors, the owner or builder of such wall shall forfeit and pay one hundred dollars.

Sec. 133. Upon any one of the city surveyors being duly notified as aforesaid, it shall be his duty to examine such wall and to give such directions as may be necessary to prevent encroachments upon the streets; and for every such service he shall be entitled to demand and receive from the owner of such wall the sum of one dollar.

Sec. 134. Whenever, in the proper administration of the duties of his office, the commissioner of public works may require the services of the city surveyor, he shall have authority to employ such one of the city surveyors as he may appoint for that purpose.



Sec. 135. No city surveyor employed by the department of public works, shall receive compensation therefor at a greater rate than as follows; nor shall any surveyor's bill be paid unless the same be first certified by the commissioner of public works.

For a preliminary survey in regulating a street or avenue, or for making a country road, for the first line of level, three cents per lineal foot, measuring through the centre of the street, avenue, or road; and for every additional line of levels, one cent per lineal foot, to be measured in the same manner.

For a preliminary survey in filling sunken lots, one dollar and fifty cents per lot of two thousand five hundred square feet.

For grading, when done alone, five cents per lineal foot, measuring through the centre of the street or avenue.

For grading, and setting curb and gutter, when done under the same contract, eight cents per lineal foot, measuring through the centre of the street or avenue.

For grading, setting curb and gutter, and flagging, when done under the same contract, eleven cents per lineal foot, measuring through the centre of the street or avenue.

For setting curb and gutter alone, three cents per lineal foot along the line of the work done.

For setting curb and gutter, and flagging, when done under the same contract, but not in connection with grading, four and a half cents per lineal foot along the line of curb.

For flagging, when done alone, three cents per lineal foot along the line of work done.

For setting stakes, making final survey, etc., in the filling of sunken lots, one dollar and fifty cents per lot of two thousand five hundred square feet.

For fencing, including the preliminary survey, three cents per foot.

For making a country road, ten cents per lineal foot, measuring through the centre of the road.

For establishing a new grade line, one cent per lineal foot, measuring along the line.

For assessment list and maps, three cents per lineal foot of map front; it being understood that the surveyor shall in every case furnish a duplicate list and map without additional charge.

A surveyor employed by the commissioner of public works to make a survey, the compensation for which is not otherwise provided for, shall receive such compensation as shall be certified by the commissioner of public works.

Sec. 136. In all cases when the same is required, a projection or profile, and such drawings and calculations, shall be furnished to the commissioner of public works as may be required by him, without extra compensation. A surveyor shall be entitled to receive payment for a preliminary survey on the completion of the same to the satisfaction of the commissioner of public works. He shall receive payment for the other services mentioned in this paragraph on the completion of the work and its acceptance by the department of public works.

Sec. 137. The amount paid for any of the services mentioned in the last section, whenever the same shall have been rendered in relation to any improvement or work for which an assessment may afterward be made, shall be included in such assessment.

Sec. 138. A surveyor shall be entitled to receive ten dollars for every certificate to a contractor, which shall be paid by the commissioner of public works; the amount so paid for such certificate shall be deducted from the payment to be made to the contractor on account of the work certified to be done.

#### ARTICLE IX.

##### *Bureau of the Water Purveyor.*

Sec. 139. The water purveyor shall, before entering upon the duties of his office, execute a bond to the corporation, with one or more sureties, to be approved by the comptroller, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office.

##### PAVING, REPAVING, AND REPAIRING THE CARRIAGEWAYS OF STREETS AND AVENUES.

Sec. 140. All the streets in the city of New York of twenty-two feet in width and upward shall be laid or paved in the middle, which part shall remain as a cart-way, and shall have a gutter or kennel on each side next adjoining the foot-path, and shall be paved with sufficient paving-stone, and arched in such a manner as the commissioner of public works shall direct.

Sec. 141. Whenever the carriage-way of any of the streets in the city of New York, or part of the same, not less than the space or distance between and including the intersection of two streets, shall be repaired or newly paved, and the crosswalks laid, and the sidewalks extended to the width required by law, at the expense of the individual owners of the lots in the same, and the work approved by the water purveyor, such streets or parts of streets shall forever thereafter be paved, repaired, and repaved at the expense of the corporation; but this section shall not be construed to apply to sidewalks, but to the pavement or carriage-way of streets only; and nothing in this section contained shall be construed to apply to any wooden pavement in said city.

Sec. 142. Any citizen or number of citizens shall be allowed to pave the street opposite to his or their property where the same shall extend from the intersection of one cross-street to the intersection of another, provided the same be done in conformity to the regulations of the department of public works.

Sec. 143. All pavements hereafter to be laid in any of the streets or lanes of this city by the water purveyor or contractors, for the construction of sewers, or for the laying of any water, gas, or other pipes, shall, after the pavement is laid or driven down, have covered over them one inch in thickness of pure sand, and no more.

Sec. 144. Any and all persons other than the water purveyor who may hereafter pave, or cause to be paved, any street, lane, or other thoroughfare, or portion thereof, in this city, shall have the sand, dirt, and rubbish cleaned off said street, lane, or thoroughfare, or any part thereof, within twelve days after any such pavement shall be completed, except such pavement as shall be laid over pipes, which shall be cleared off within six days after the same shall be laid. This section shall be so construed as to apply to the removal of all sand, dirt, or rubbish collected in any part of any and all streets, lanes, and thoroughfares covered by any pavement so done or laid, or excavation that may have been made, or other work done in pursuance thereof; and no contract for paving, in pursuance of this section, shall be accepted as completed unless the water purveyor shall certify that this section has been fully complied with.

Sec. 145. Any person or persons, excepting the water purveyor, neglecting or refusing to remove the dirt, sand or rubbish mentioned in section five of this chapter within the time specified therein, shall forfeit and pay the sum of twenty-five dollars for each offense; and, in addition thereto, the water purveyor shall cause the same to be removed at the expense of the party so neglecting or refusing, who shall be liable to repay and refund the same, and which sum shall be collected and paid into the city treasury.

Sec. 146. Any contractors or other person or persons causing any cart to be loaded and heaped up with manure, sand, earth, mud, clay, or rubbish, so that the contents or any part thereof shall be scattered in any street, avenue, land, pier, or bulkhead in this city, shall forfeit and pay the sum of five dollars for each offense.

Sec. 147. It shall not be lawful for any of the gas companies of this city to break up any of the pavements of this city without the permission of the commissioner of public works; and such consent shall not be given until the party applying therefor shall enter into a stipulation satisfactory to the said commissioner, to repair and replace the said pavement to the satisfaction of the said commissioner, at his and their own expense, by a day to be named in such permit; and if any person or persons shall neglect or refuse to repair and replace the same in accordance with such stipulations and permit, they shall forfeit and pay for each offense the sum of fifty dollars, and, in addition thereto, shall be liable to pay the expense of repairing and replacing such pavement, and which shall be done by and under the direction of the water purveyor.

Sec. 148. It shall be lawful for the persons employed to pave or repave any street in the city of New York, to place proper obstructions across such street or cart-way for the purpose of preserving the pavement then newly made or to be made, until the same shall be fit for use, leaving at all times a sufficient passage for foot passengers, and giving at least three days' notice of such obstruction, by written or printed notices, put up in at least three of the most conspicuous places in the street.

Sec. 149. No person or persons shall, without the consent of the commissioner of public works, in writing, or without the consent of the person superintending said paving, throw down, displace, or remove any such obstruction mentioned in the last preceding section, under the penalty of fifteen dollars for every such offense.

Sec. 150. Nothing contained in this article shall be construed to authorize any person or persons to stop up or obstruct more than the space of one block and one intersection, at the same time, in any one street, or to keep the same so stopped up for more than two days after the cartway is finished.

Sec. 151. Whenever any person or persons shall have authority, under any contract with the corporation or any officer thereof, or under any permit authorizing the same, to remove the pavement from, or to excavate, or to occupy or use any part of the public streets and avenues, in the city, so as to obstruct the travel in any streets or avenues; and to prevent the same from being used for the time being for the purposes of travel, such person or persons shall erect, or cause to be erected, in conspicuous positions, at the several points of intersection of such street or avenue so obstructed, with the cross streets nearest to such obstruction, a suitable notice of such obstruction, which notice shall be in such manner and form as the commissioner of public works may at any time direct.

Sec. 152. Every person who shall violate the preceding section shall be subject to a penalty of ten dollars, to be sued for and recovered in any court of competent jurisdiction.

Sec. 153. The commissioner of public works shall keep a book containing an account of all streets and parts of streets to be paved, repaired, and repaved at the expense of the corporation.

Sec. 154. No pavement in any street in the city of New York which has been accepted by the corporation to be kept in repair at the public expense, shall hereafter be taken up or the paving stones removed therefrom, for any purpose whatever, without the authority of the department of public works, under the penalty of one thousand dollars for every offense.

Sec. 155. Whenever any pavement in any such street, or any part or portion thereof has been or shall be taken up, or the paving stones in any such street or part of a street have been or shall be removed therefrom, or from the place or position in which they have been put in said pavement, in violation of the preceding sections, it shall be the duty of the commissioner of public works forthwith to restore such pavement to its former condition and replace the same, and restore the paving-stones so removed as aforesaid to their place in the said pavement, so as to restore said pavement, as nearly as may be practicable, to the condition in which it was before such taking or removal as aforesaid.

Sec. 156. Whenever any wood, timber, stone, iron, or any other metal has been or shall be put or placed in or upon any such pavement so as to hinder or obstruct or be in the way of the restoration of said pavement, as mentioned in the preceding section, it shall be the duty of the commissioner of public works forthwith to cause such wood, timber, stone, iron, or other metal to be taken up and removed from said street or pavement, so that they shall not incur or obstruct said street and the free use of the pavement therein and all parts thereof.

Sec. 157. Whenever, hereafter, any person, or association or body of persons or any incorporated company shall attempt to take up any such pavement mentioned in this article, or remove the paving-stones, or any of them, therefrom, without authority of the common council, it shall be the duty of the commissioner of public works forthwith to prevent the same, and generally to procure the pavement in the street aforesaid, and every part thereof, from being taken up, removed, incumbered, or obstructed.

##### PUBLIC WELLS, PUMPS, CISTERNS, AND HYDRANTS.

Sec. 158. All applications for wells and pumps in any part of the city of New York shall be made to the commissioner of public works.

Sec. 159. It shall be the duty of the said commissioner of public works, as soon as may be after the receipt of such application, to submit the same to the aldermen of the district in which the well is to be located, and if approved by them, the said commissioner of public works shall present to the common council the ordinance necessary to carry the application into effect in the manner provided for by law.

Sec. 160. All public wells hereafter built by order of the commissioner of public works shall be examined and inspected by the water purveyor, and shall be paid for by the commissioner of public works, in the usual manner, on receiving from the said water purveyor a certificate of his approval of the work and that the same is built in conformity to law; the said work to be done in accordance with the provisions of law and ordinances as to all work done for the corporation.

Sec. 161. No public well shall hereafter be built in any of the avenues of this city.

Sec. 162. No person shall build any well in any of the avenues of this city, under the penalty of fifty dollars; and the commissioner of public works shall cause the same in all such cases to be filled up.

Sec. 163. The commissioner of public works is hereby authorized, under the direction of the alderman of the district of each ward respectively in which any well and pump may be so located as to incumber the carriage-way or sidewalk of any street in the city, to remove the same to some more proper and convenient place in the vicinity.

##### GENERAL PROVISIONS AS TO PUBLIC WELLS, PUMPS, CISTERNS, AND HYDRANTS.

Sec. 164. No person or persons shall take the water from any public well, pump, or cistern in the city of New York, for the purpose of selling or offering the same for sale, under the penalty of twenty-five dollars for each offense.

Sec. 165. No person shall take or use the water from any public cistern or hydrant, except in case of fire and for the purpose of extinguishing the same, under the penalty of twenty-five dollars for each offense.

Sec. 166. No person shall willfully do, or cause, or suffer to be done, any damage to any of the public pumps in the city of New York, under the penalty of twenty-five dollars for each offense.

Sec. 167. Every person who shall place, or assist in placing, or cause or procure to be placed, any hoghead, barrel, tub, or other vessel of greater capacity than ten gallons, in any street of the city of New York, within twenty-five feet of any public well or pump, for the purpose of filling the same with water from any such well or pump, or who shall put or cause to be put, into any such vessel any water from such well or pump, shall forfeit and pay the sum of ten dollars for each offense.

Sec. 168. The last preceding section shall not be construed to prevent the immediate filling of any vessel therein mentioned, provided the same shall be forthwith removed.

Sec. 169. If any person, except one of the engineers or foremen of the fire companies, shall unscrew any of the hydrants belonging or attached to the corporation water works erected for the extinguishment of fires, or interfere with the same, or any part of the works belonging to the said establishment, whereby the said establishment, or any or either of the pipes, hydrants, stop-cocks, or any part of the works may be injured, or the water taken therefrom or wasted, they shall be liable to a penalty of fifty dollars for each and every such offense.

Sec. 170. No person shall wash, or cause, or procure, or permit to be washed, any horse or carriage within twenty-five feet of any pump in any street in the city of New York, under the penalty of ten dollars for every such offense.

Sec. 171. No person shall water, or suffer or permit any horse to drink or be watered, at or within ten feet of any pump or well in any street of the city of New York, under the penalty of five dollars for each offense, to be paid by the owner or person watering or permitting such horse to water severally and respectively.

Sec. 172. All persons are forbidden to open any street pavement and bore any water-pipe for the purpose of conducting the water into any dwelling or other edifice, or any other use, under the penalty of fifty dollars for each offense, unless with the written permission of the commissioner of public works.

##### SEWERS AND DRAINS.

Sec. 173. All sewers and drains in any of the streets, avenues, or public places in the city shall be under the charge of the department of public works, who shall keep the same in good order and condition, and clean and free from obstructions, and shall cause such repairs to be made to them and to the receiving-basins, culverts, and openings connected therewith, as may from time to time become necessary. Such sewer culverts shall be cleaned at night, and not in the day-time.

Sec. 174. The commissioner of public works shall prescribe the mode of piercing or opening any of the sewers or drains, and the form, size, and material of which connections made therewith shall be composed, and shall have authority to grant permission to make lateral connections with said sewers.

Sec. 175. The commissioner of public works may grant permission to persons to construct, at their own expense, sewers or drains, or to lay pipes to connect with any sewers or drains built in any of the streets or avenues in the city, on being furnished with the written consent of the owners of a majority of the property upon the street through which such sewer, drain, or pipe is to pass; but such permission shall not be granted except upon the agreement, in writing, of the persons applying therefor, that they shall comply with the ordinances in relation to excavating the streets; that they will indemnify the corporation for any damages or costs to which they may be put by reason of injuries resulting from neglect or carelessness in performing the work so permitted; and that no claim will be made by them or their successors in interest against the corporation, if the work so permitted be taken up by the authority of the common council, or for exemption from an assessment lawfully imposed for constructing sewers or drains in the vicinity of their property; and upon the further condition that the common council may at any time revoke and annul such permission, and direct such sewers, drains, or pipes to be taken up or removed.

Sec. 176. The commissioner of public works shall keep a record of all permits granted for connections with sewers or drains, in which he shall enter the names of all persons from whom he may receive money for such permits, with the amount received from each person and the time when it was received. He shall render an account thereof, under oath, item by item, to the comptroller, on Thursday of each week, and shall thereupon pay over the amount so received to the chamberlain. He shall also thereupon receive from the chamberlain a voucher for the payment thereof, which he shall forthwith, on the same day, exhibit to the comptroller, and shall at the same time leave with him a copy thereof.

Sec. 177. No connection shall be made with any sewer or drain without the written permission of the commissioner of public works; and any connection or opening made into any sewer or drain without such permission, or in a manner different from the mode prescribed for such opening by said commissioner, shall subject the person making the same and the owner of the premises directing it, respectively, to a penalty of fifty dollars.

Sec. 178. All openings into any sewers or drains, for the purpose of making connection therewith, from any house, cellar, vault, yard, or other premises, shall be made by persons to be licensed by the commissioner of public works, in writing, to perform such work; and the said persons, before being so licensed, shall execute a bond to the mayor, aldermen, and commonalty of the city of New York, in the sum of one thousand dollars, with one or more sureties to be approved by the commissioner of public works, conditioned that they will carefully make the openings into any sewers or drains in the manner prescribed by said commissioner, without injuring them, leave no obstructions of any description whatever in them, and properly close up the sewer or drain around the connection made by them, and make no opening into the arch of any sewer or drain; that they will faithfully comply with the ordinances relating to opening and excavating streets; be responsible for any damages or injuries that may accrue to persons, animals, or property, consequent thereupon for or by reason of any opening in any street, lane or avenue, made by him or by those in his employment, for the purpose of putting down any service-pipe or pipes for the introduction of the Croton water, or for making any connections with any public or private sewer, or for any other purpose or object whatever; and that they will properly refill and ram the earth, and suitably restore the pavement taken up for excavating, and repave the same, should it settle or become out of order, within six months thereafter; and in case any person so licensed shall neglect to repair the pavement aforesaid within twenty-four hours after being notified, the said commissioner may cause the same to be done and charge the expense thereof to the person so neglecting.



Sec. 179. Ten dollars shall be paid to the said commissioner for permission to connect, from each house, store, or building, with any sewer or drain. Each hotel, boarding-house, or public building covering more ground than twenty-five feet by fifty feet, shall pay proportionally for such additional space of ground covered by each respectively. Manufactures, breweries, distilleries and the like, for permission to connect with sewers or drains, for the purpose of carrying off water or fluid that will not deposit sediment or obstruction, shall pay such sums as shall be fixed and determined by said commissioner. And any manufacturer, brewer, distiller, or the like, permitting any substance to flow into any sewer, drain, or receiving-basin, which shall form a deposit that tends to fill said sewer, drain, or basin, shall be subject to a penalty of fifty dollars for each offense.

Sec. 180. All connections with sewers or drains used for the purpose of carrying off animal refuse from water-closets, or otherwise, and slops of kitchens, shall have fixtures for a sufficiency of Croton water to be so applied as to properly carry off such matters, under the penalty of five dollars for each day the same are permitted to remain without such fixtures for supplying said water.

Sec. 181. No butcher's offal, or garbage, dead animals, or obstructions of any kind whatsoever, shall be placed, thrown, or deposited in any receiving-basin or sewer; and any person so offending or causing any such obstruction or substance to be placed so as to be carried into such basin or sewer shall be subject to a penalty of ten dollars for each offense; and any person injuring, breaking, or removing any portion of any receiving-basin, covering-flag, man-hole, vent, or any part of any sewer or drain, or obstructing the mouth of any sewer or drain, shall be subject to a penalty of twenty dollars for each offense; nor shall any quantity of marble or other stone, iron, lead, timber, or any other substance, exceeding one ton in weight, be placed or deposited upon any wharf or bulkhead through which any sewer or drain may run; nor upon or over any sewer or drain where the same shall be within three feet of the surface of the street, under the penalty of fifty dollars for each offense, to be recovered of the person or persons causing or permitting the same.

Sec. 182. It shall be the duty of the policemen to be vigilant in the enforcement of the provisions of this chapter, and report any violations thereof to the corporation attorney. The captains of the several police districts shall, on observing or being informed of the opening of or excavating in any street or avenue, require the person making such opening or excavation to exhibit to him the authority or permission for such opening; and if none have been given by the proper officer, or if the exhibition thereof be refused, said captain of police shall, without delay, make complaint to the attorney of the corporation and report the same to the commissioner of public works.

Sec. 183. It shall be the duty of every person having charge of the sweeping and cleaning of the streets in the several wards to see that the gutters are properly scraped out before the water is suffered to flow from any hydrant for the purpose of washing the same, in order that no substance or obstruction be carried into any of the receiving-basins; every person violating this section to be subject to a penalty of five dollars for each offense.

Sec. 184. Whenever a sewer or culvert is to be constructed, altered, or repaired in any street in the city of New York in which the gas-pipes of gas-light companies are laid, it shall be the duty of the contractor or contractors thereof to give notice, in writing, of the same to the said companies or to the one whose pipes are laid in the street about being disturbed by the construction, alteration, or repairing of such sewer or culvert, at least twenty-four hours before breaking ground therefor.

Sec. 185. It shall be the duty of the said gas-companies, or the one whose pipes are about being disturbed by the construction, alteration, or repairing of any sewer or culvert, on the receipt of the notice provided for in the preceding section, to remove or otherwise protect and replace the main and service-pipes, lamp-posts, and lamps, where necessary, under the direction of the commissioner of public works; and all expenses or damages incurred or sustained by either of the said companies thereby, unless the same shall have been caused by or through the negligence or carelessness of the contractor or contractors, or neglect of said companies, shall form a portion of the expenses of such sewer or culvert, and shall be assessed and collected in the same manner as the other expenses thereof; provided, however, that the company notified in accordance with the preceding section shall comply with such notice, by causing the pipes, lamp-posts, and lamps to be protected and replaced where necessary during the progress of the work; and shall also furnish a bill of such expenses or damages, if any, duly certified by the inspector appointed by the commissioner of public works to the assessors of said sewer or culvert within five days after receipt of notice of the completion thereof.

Sec. 186. The said inspector appointed by the commissioner of public works shall, in addition to the usual certificate, furnish to the said assessors a certificate, stating whether or not such expenses or damages, or any and what part thereof, have been caused by or through the negligence or carelessness of the contractor or contractors of the sewer or culvert; and any such expenses or damages as shall be so certified to have been caused by the negligence or carelessness of the contractor or contractors shall be charged to him or them, and shall be deducted from the amount to be paid him or them, and shall be paid to the company by whom such bill shall have been made.

Sec. 187. The preceding provisions shall be made part of every contract hereafter made for constructing, altering, or repairing any sewer or culvert in any street of this city in which the pipes of gas-light companies shall be laid at the time of making such contract.

Sec. 188. It shall be the duty of the person or persons by whom or for whose benefit any excavation is to be made for constructing, altering, or repairing a vault, waste-pipe, or drain, in any street of this city, to give notice, in writing, thereof to the company whose pipes are laid in the street about to be disturbed by the construction, alteration, or repairing of such vault, waste-pipe, or drain, at least twenty-four hours before commencing the same; and such person or persons shall, at his or their expense, sustain, secure, and protect said pipes from injury, and replace and pack the earth wherever the same shall have been removed, loosened, or disturbed, under or around them, so that such pipes shall be well and substantially supported; and if such person or persons shall fail so to sustain, secure, and protect said pipes from injury, or to replace and pack the earth under or around them, as by the provisions of this section required, then the same may be done by the company to whom the same may belong, and the cost thereof and all damages sustained by either of said companies thereby shall be paid by said person or persons to said company; and the said company may, in default thereof, maintain an action against him or them therefor.

Sec. 189. The provisions of the last preceding section shall be made part and a condition of every permit that shall be hereafter granted to any person or persons for making any excavation for the construction, alteration, or repairing any vault, waste-pipe, or drain, in any street in which the pipes of either of the said companies shall be laid at the time of granting such permits; provided said company, or either of them, provide such permits or pay a just proportion therefor.

Sec. 190. No connection with or opening into any sewer or drain shall be used for the conveyance or discharge into said sewer or drain of steam from any steam-boiler or engine, or from any manufactory or building in which steam is either generated or used, under the penalty of fifty dollars for each and every day during any part of which such connection or opening may have been used for that purpose. This penalty shall be imposed upon and recovered from the owner and occupants, severally and respectively, of such manufactory or building.

#### ARTICLE X.

##### *Bureau of the Water Register.*

Sec. 191. The water register, before entering upon the duties of his office, shall execute a bond to the corporation, with two sufficient sureties, to be approved by the comptroller, in the penal sum of fifteen thousand dollars, conditioned for the faithful performance of the duties of his office.

Sec. 192. He shall, on Thursday of each week, render to the comptroller an account, under oath, item by item, of all moneys received by him, containing the names of the persons from whom they were received, the amounts received, and on what account, and when paid; and shall thereupon pay over the amount so received to the chamberlain.

Sec. 193. All rents for the use of the water shall be paid in advance at the time of applying for the water, and before any permit is issued; to be calculated up to the first day of May succeeding; and all rents shall continue to be collected in advance on the first day of May, annually, so long as the contract exists; and no contract for the supply of the water shall be binding for a longer period than until the second succeeding first day of May after such contract is entered into.

Sec. 194. The supply of water shall be cut off in all cases where the rent is behind and unpaid ten days.

Sec. 195. The mayor, in his discretion, is hereby authorized to grant licenses to such persons as shall be recommended to him by the board of aldermen, or a majority of the members thereof, who shall comply with the conditions of these ordinances, for permission to use Croton water from such of the public hydrants as may be designated by the commissioner of public works, and shall be located on the routes, respectively, of the persons so licensed, or failing to make such designation, from the hydrants now or heretofore used for such purpose, for sprinkling the streets of this city.

Sec. 196. Every such person who shall thus obtain a license shall pay to the water register such sum or sums as may be fixed by the commissioner of public works, as rates for the use of the Croton water used by each in sprinkling the streets, which shall be accounted for and deposited, as provided in these ordinances.

Sec. 197. The sprinklers used by every such person shall conform in every respect to a pattern to be kept in the office of the mayor, which shall be in form and shape as follows, that is to say: A tin cylinder, six feet in length, curved so as to give a versed sine of seven inches, of a diameter not to exceed two and one-half inches at the inlet, tapering thence at each end to a diameter of not more than two inches; the four centre sheets or feet of which shall each be pierced with three rows of holes, and the end feet or sheets, each with four rows; said holes to be in parallel rows, and at least one-half an inch apart, and to be of a size not to exceed number sixteen wire. The first or bottom row of holes shall be at right angles to the inlet, and the sprinkler, when in use, shall be so hung as to throw the water directly on the street; the ends of the cylinder shall be without holes.

Sec. 198. Every cart used in sprinkling streets under the provisions of this ordinance, shall have painted on each side of the cask, or other receptacle for the water, and exposed to public view, in black letters of not less than two inches in length, and on a white ground, the name and residence of the person under whose license the work is performed.

Sec. 199. Any person licensed to sprinkle the streets, as provided in this ordinance, who shall violate any of its provisions, shall, in the discretion of the mayor, have his license revoked; and any person, except by order of the street cleaning bureau, in the work of cleaning the streets, who, without being so licensed, shall sprinkle, or attempt to sprinkle, any water from any cart or other vehicle upon any of the streets, avenues, or public places in the city of New York, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished pursuant to the provisions of sections 20 and 21 of an act relative to the powers of the common council of the city of New York, passed by the legislature of the state of New York, January 23, 1833, and to the provisions of section 5, article IV. of an act in relation to the police department of the city of New York, passed April 13, 1853; and it is hereby made the duty of the commissioners of police strictly to enforce the provisions of this article.

Sec. 200. No person or persons, except such as may be licensed by the commissioner of public works to sell water to shipping, and by the mayor, as provided in this ordinance, to sprinkle the streets, shall take water from any hydrant erected, or hereafter to be erected, in the city of New York, and attached to or connected with the Croton water-pipes, for the purpose of selling said water, or offering it for sale, under the penalty of twenty-five dollars.

Sec. 201. Every cart used for sprinkling streets, under the provisions of this chapter, shall have painted on each side of the cask and exposed to public view, in black letters of not less than two inches in length and on a white ground, the name and residence of the person under whose license the work is performed.

Sec. 202. Any person licensed to use Croton water for the purpose of sprinkling the streets, as aforesaid, who shall violate the provisions of this ordinance shall, in the discretion of the commissioner of public works, have his license revoked.

#### VAULTS, CISTERNS, AND AREAS.

Sec. 203. The commissioner of public works, on application for that purpose, is empowered to give permission to construct any vaults or cisterns in the streets.

Sec. 204. No person shall cause or procure any vault or cistern to be constructed or made in any of the streets in the city of New York, without the written permission of the commissioner of public works, under the penalty of one hundred dollars, to be sued for and recovered from such person and the master-builder or person who made the same, severally and respectively.

Sec. 205. Every application for permission to erect such vault or cistern shall be in writing, signed by the person making the same, and shall state the number of square feet of ground which is required for the same, and the intended length and width of the same.

Sec. 206. After obtaining permission to construct or make such vault or cistern, and previous to the commencement thereof, the person so applying shall forthwith pay to the chamberlain of the city of New York such sum as the commissioner of public works shall certify in the said permission to be a just compensation to the city for such privilege, calculated at the rate of not less than thirty cents, nor more than two dollars per foot for each square foot of ground mentioned, as required for such vault or cistern, under the penalty of one hundred dollars.

Sec. 207. No person shall erect or build or cause or permit any vault or cistern to be made which shall extend further than the line of the sidewalk or curbstone of any street, under the penalty of two hundred and fifty dollars.

Sec. 208. It shall be the duty of every person for whom any vault or cistern may be constructed to procure the same to be measured by one of the city surveyors, and to deliver to the commissioner of public works a certificate of the said measurement, signed by such surveyor, before the arching of such vault or cistern shall be commenced, under the penalty of one hundred dollars.

Sec. 209. If it shall appear by such certificate or otherwise that such vault or cistern occupies a greater number of square feet than shall have been paid for as aforesaid, the owner of such vault or cistern and the master-builder by whom or under whose direction such vault or cistern shall be constructed shall, in addition to the penalty imposed by section 206 of this article, severally and respectively forfeit and pay twice the sum previously paid for each square foot of ground occupied by such vault or cistern over and above the number of square feet paid for as aforesaid.

Sec. 210. All vaults or cisterns shall be constructed of brick or stone, and the outward side of the grating or opening into the street shall be either within twelve inches of the outside of the curbstone of the sidewalk, or within twelve inches of the coping of the area in front of the house to which such vault shall belong, under the penalty of one hundred dollars, to be paid by the owner or person making or causing the same to be made.

Sec. 211. All grates of vaults shall be made of iron, the bars whereof shall be three-fourths of an inch wide and one-half of an inch thick, and not more than three-quarters of an inch apart, under the penalty of twenty-five dollars, to be paid by the owner of the vault or occupant of the house to which the same shall belong, severally and respectively.

Sec. 212. Every owner or occupant of any house or lot of ground within the paved parts of the city of New York before which any vault, pit, hole, cistern, or well shall be made, and every person making or having charge of such vault, pit, hole, cistern, or well, shall, during the whole of every night while such vault, pit, hole, cistern, or well shall be opened or uncovered, cause a lighted lamp or lantern to be placed and kept at some convenient spot, so as to cast its light upon such vault, pit, hole, cistern, or well, under penalty of ten dollars.

Sec. 213. All vaults or cisterns shall be completed and the ground closed over them within three weeks after they are commenced, under the penalty of five dollars for every day thereafter during which the same shall remain uninclosed, to be recovered from the owner or builder of the same, severally and respectively.

Sec. 214. No area in the front of any building in the city of New York shall extend more than one-fifteenth part of the width of any street, nor in any case more than five feet, measuring from the inner wall of such area to the building; nor shall the railing of such area be placed more than six inches from the inside of the coping on the wall of such area, under the penalty of two hundred and fifty dollars, to be recovered from the owner and builder thereof, severally and respectively.

Sec. 215. Every area shall be inclosed with a railing, the gates of which shall be so constructed as to open inwardly, under the penalty of two hundred and fifty dollars for each offense, to be recovered from the owner or builder thereof, severally and respectively.

Sec. 216. Every description of opening below the surface of the street in front of any shop, store, house, or other building, if covered over, shall be considered and held to be a vault or cistern within the meaning of this article; and the master-builder or owner, or person for whom the same shall be made or built, shall be liable to the provisions, payments and penalties of this article, severally and respectively.

Sec. 217. The last preceding section of this chapter shall not be construed to refer to those openings which are used exclusively as places for descending to the cellar floor of any building or buildings by means of steps.

Sec. 218. No person shall remove, or cause or procure, or suffer or permit to be removed or insecurely fixed, so that the same can be moved in its bed, any grate or covering to the opening or aperture of any vault in the city of New York, under the penalty of ten dollars.

Sec. 219. The last preceding section of this article shall not be construed to prevent the removal of such grate or covering, provided the aperture to such vault, during the removal of such grate or covering, shall be inclosed with a strong box or curb at least twelve inches high.

Sec. 220. No person shall suffer or permit any grate or covering to any vault to be removed therefrom or insecurely fixed thereon, so that the same can be moved in its bed, within one hour before sunset on any day, under the penalty of twenty dollars, to be sued for and recovered from the owner and occupant of the house to which such vault shall belong, severally and respectively.

Sec. 221. The commissioners of police are hereby directed to report to the commissioner of public works the owners or occupants of any store, dwelling or other buildings having vaults under the sidewalks in front thereof, with covering over the openings thereto presenting a smooth surface, and the commissioner of public works is hereby directed, immediately after receiving such report, to notify such owners or occupants to remove such coverings, and substitute therefor coverings presenting a rough surface, and affording a secure foothold for pedestrians. Should any such owner or occupant neglect or refuse to comply with the directions contained in such notification for a period of six months, he shall thereby incur a penalty of five dollars for every twenty-four hours in excess of said six months that such neglect or refusal shall continue; and it is hereby made the duty of the said commissioner of public works to cause to be reported every violation of the provisions of this ordinance to the corporation attorney for prosecution.

Sec. 222. In all cases where the owners of property in that part of the city laid out by the commissioner of public works, shall, in the erection of dwellings, set the same back from the lines of the streets or avenues a distance of three feet and upward, for the purpose of ornamental courtyards in front, they shall be permitted to inclose for such purpose, with a neat iron railing in addition to the space receded from, so much of the sidewalk in front as is allowed by ordinance for stoops; the gates of such inclosures to be so constructed as to open inwardly, under the penalty of two hundred and fifty dollars for each offense.

Sec. 223. No person or persons shall construct or continue any cellar-door which shall extend more than one-twelfth part of any street, or more than five feet into any street, under the penalty of two hundred and fifty dollars for each offense.

Sec. 224. Every entrance or flight of steps projecting beyond the line of the street and descending into any cellar or basement story of any house or other building where such entrance or flight of steps shall not be covered shall be inclosed with a railing on each side, permanently put up, from three to three and a half feet high, with a gate to open inwardly, or with two iron chains across the front of the entrance-way, one near the top and one in the centre of the railing, to be closed during the night, unless there be a burning light over the steps to prevent accidents, under the penalty of twenty dollars for every offense, to be recovered from the owner, assigns, or lessee thereof, severally and respectively.



## Chapter 6.

## EXECUTIVE DEPARTMENTS.

*Miscellaneous provisions respecting the Executive Departments and their Officers.*

- ARTICLE I. Vouchers to be furnished to the Comptroller.  
II. Contracts for Supplies and Work for the Corporation.

## ARTICLE I.

*Vouchers to be furnished to the Comptroller.*

Sec. 225. In all cases, except where this ordinance otherwise provides, the heads of departments and other persons applying to the comptroller for warrants for money to be by them disbursed, shall furnish that officer with the following vouchers:

1. When a payment shall have been completed by the signing of a pay-roll, the pay-roll or a copy thereof, signed by the party receiving money, shall be filed with the comptroller.
2. When a demand shall have been settled by giving a receipt, the receipt, or a copy thereof, signed by the party receiving the money mentioned therein, shall be filed with the comptroller.
3. When payments are made for supplies furnished for the use of the corporation the original bill or a copy thereof, with a receipt thereon, signed by the party receiving the money mentioned therein, shall be filed with the comptroller.
4. When supplies have been furnished or work done not coming within any particular department, and which, in their nature, are not subject to any general regulation, the account therefor shall be accompanied by an affidavit that the supplies have been furnished, or work done, and that the charge therefor is in all respects just, which shall be filed with the comptroller.

## ARTICLE II.

*Contracts for Supplies and Work for the Corporation.*

Sec. 226. All supplies to be furnished or work to be done for the corporation, whether they are to be paid for out of the city treasury or out of trust moneys under the control or to be assessed or collected by the corporation, shall be furnished or performed by contract, except where otherwise provided by law.

Sec. 227. The several departments and officers empowered by law to make contracts on the part of the corporation shall issue proposals for estimates therefor, and advertise the same as provided by law. There shall be kept by each of said departments an appropriate box, to be designated "Estimate Box," with a proper opening in the top thereof to receive estimates for which proposals have been issued. Such box shall be kept locked, except at such times as it may be necessary to open the same to examine and decide upon said estimates, and the key thereof shall be retained by the head of the department. It shall be the duty of the head of the department to deposit in said box all estimates duly presented to him for work to be done under the direction of the department, immediately on the receipt thereof by him.

Sec. 228. The proposals for estimates shall be in such form as may be prescribed by the department making the same, and shall contain the following particulars:

1. They shall require that the person making the estimate shall furnish the same in a sealed envelope to the head of the appropriate department, at his office, on or before a day and hour therein named, not less than ten days from the first publication thereof.
2. They shall state the quantity and quality of supplies, or the nature and extent, as near as possible, of the work required.
3. They shall state that the estimates received will be publicly opened by the head of the department issuing the proposals, at his office, at a day and hour therein mentioned.
4. They shall state the amount in which security is required for the performance of the contract.
5. They shall state, briefly, the several matters required by the next four sections to be contained in or to accompany the estimates.

Sec. 229. Each estimate shall contain—

1. The name and place of residence of the person making the same.
2. The names of all persons interested with him therein; and if no other person be so interested, it shall distinctly state that fact.
3. That it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair, and without collusion or fraud.
4. 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.

Sec. 229. The estimate shall be verified by the oath, in writing, of the party making the estimate, that the several matters stated therein are in all respects true.

Sec. 230. The estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the city of New York, to the effect that if the contract be awarded to the person making the estimate, they will, upon its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they will pay to the corporation any difference between the sum to which he 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; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested.

Sec. 231. The consent mentioned in the last section 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, or otherwise, and that he has offered himself as a surety, in good faith, and with an intention to execute the bond required by law.

Sec. 232. The sealed envelope containing the estimate shall be indorsed with the name or names of the person or persons presenting the same, the date of its presentation, and a statement of the work to which it relates; and no estimate shall be taken from the "Estimate Box," or the sealed envelope thereof opened by any one, except at the time and in the manner herein designated for deciding on such estimates. At the time and place appointed for that purpose in the proposals, as prescribed in this chapter, the head of the department, or other officers empowered to make the contract, in the presence of the comptroller and such of the parties making them as may desire to be present, shall then and there open the said estimate box; and the estimates to be examined at that time, as may appear from the indorsements thereon, shall be taken from said box. The said head of department shall then and there publicly open and read all estimates which he may have received for the contract mentioned in such proposals, and shall reject all estimates not furnished in conformity with the law and the ordinances relating thereto and the requirements thereof. The award of the contract shall be made according to law.

Sec. 233. When proposals are issued for a contract to furnish any article of which a sample can conveniently be furnished, the head of the department issuing the same may require that such sample be delivered at his office, or at the office of the head of the appropriate bureau in his department, within such time before the opening of the estimates as he may prescribe; and if it be not so furnished or do not conform to the quality required by the proposals, the estimate delivered by the person furnishing or omitting to furnish the same, as the case may be, shall be rejected.

Sec. 234. In all contracts for work for the corporation, where provision is made for the payment of the contract price by installments, a provision shall be inserted that the contractor shall allow ten per cent. of the contract price of the work actually done, to remain as security till the whole work shall be completed, according to the contract.

Sec. 235. In all contracts for work done by or for the corporation, the head of the department having charge thereof shall cause to be inserted a provision that the payment of the last installment due in pursuance thereof shall be retained until such head of department shall have satisfactory evidence that all persons who have done work or furnished materials under any such contract, and who may have given written notice to such head of department at any time within ten days after the completion of said work that any balance for such work or materials is still due and unpaid, have been fully paid or secured such balance. And if any person so having done work or furnished materials, and giving such notice as aforesaid, shall furnish satisfactory evidence to the department that money is due to him by the contractor under such contract, such head of department shall retain such last installment or such portion thereof as may be necessary until such liability shall be discharged or secured; and in all such contracts the time for the completion and finishing of such work shall be inserted.

Sec. 236. In all contracts for work for the corporation upon any public building, or in any public street or place, in the performance of which accidents or injuries may happen to the person or property of another, a provision shall be inserted that the contractor shall place proper guards for the prevention of accidents, and shall put up and keep at nights suitable and sufficient lights during the performance of the work; and that he will indemnify the corporation for any damages or costs to which they may be put by reason of injury to person or property of another resulting from negligence or carelessness in the performance of the work.

Sec. 237. Every contract for supplies or work by the corporation shall be executed by the contractor or contractors to whom the same may be awarded, and shall be accompanied by a bond in the penalty mentioned in the proposals therefor, executed by the persons consenting to become bound as sureties, or by such other persons as shall be substituted therefor, with the consent of the head of the department making such contract, conditioned for the faithful performance of the con-

tract and every provision therein contained, and which bond shall be accompanied by the oath, in writing, of the person signing the same, that each 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, as hereinbefore prescribed. And the several departments of the city government, and officers aforesaid, by which every and each contract for work to be done for the corporation shall be made in pursuance of these ordinances, shall have power, and it shall be their duty, to require and enforce the faithful execution of each and every contract so made by them; and in case the contractor or contractors shall fail in any respect to perform the work which he or they have contracted to render or perform within the time limited for the performance of the same, then it shall be the duty of such department or officers aforesaid having charge of such work to do and complete the same in the manner provided for the performance of the same in the contract, and the cost of the same shall be a charge against such delinquent contractor or contractors; provided, however, that the head of any department or officers aforesaid by whom any such contract shall be made may, on good and sufficient cause, extend, for a reasonable time, the period fixed for the completion thereof.

Sec. 238. Whenever any contract shall be made hereafter by any of the departments or officers aforesaid of the corporation, the amount whereof is to be afterward collected by assessment from the property benefited by the work to be done under said contract, it shall be the duty of the head of department or officers aforesaid making such contracts to cause to be inserted therein a clause that, as the work progresses, payments will be made to the contractors by monthly installments of seventy per cent. on the work performed, provided the amount of work done on each installment shall amount to one thousand five hundred dollars; and the head of department making such contracts shall forthwith file a copy thereof with the comptroller.

Sec. 239. The amount due contractors on all contracts, and on work now in progress under contracts, on account of regulating and paving streets, building sewers, and all other work ordered to be done by contract, by virtue of the provisions of law or ordinances of the common council shall be paid by the comptroller from the proceeds of assessment bonds issued in accordance with the provisions of the law; but no money shall be paid on account of said assessments or contracts until a copy of the original contracts has been filed with the comptroller of the city, by the head of department having such work in charge, with a certificate, in writing, from the head of such department, stating the amount of work that has been completed, and the amount due the contractor for such work, according to the terms of the original contract; upon the amount thus certified and ascertained to be due to the contractor the comptroller shall pay seventy per cent.; the remaining thirty per cent. to be reserved until the final completion of the contract.

Sec. 240. For the purpose of providing for the payments on contracts contemplated under this ordinance it shall be the duty of the comptroller, from time to time, to borrow such sums as may be necessary (as provided in the act entitled "An Act to authorize the Mayor, Aldermen, and Commonalty of the City of New York to issue Assessment Bonds," passed April 16, 1852, and also in the act entitled "An Act in relation to certain Improvements in the City of New York," passed May 7, 1872), upon bonds to be known as "assessment bonds," at a rate of interest not to exceed seven per cent. per annum; and the bonds so issued shall be paid from the collections made on the assessment list, when confirmed, and which are hereby specifically pledged for such purpose.

Sec. 241. Whenever any payment shall become due upon any contract, according to the provisions thereof, or in accordance with any of the provisions of these ordinances, it shall be the duty of the head of department or officer aforesaid having such work in charge to furnish to the person or persons entitled to such payments a certificate, in writing, specifying the contract upon which such payment is due, and the amount due upon such contract.

Sec. 242. It shall be the duty of the comptroller, on the presentation of such certificate being made to him, to pay the amount thereof, and indorse such payment upon the contract upon which said payment is made; but no payment shall be made upon such contract beyond the amount thereof, and the final payment thereon shall not be made until the head of department or officer aforesaid having such work in charge shall furnish the comptroller, who shall file the same in his office, a certificate signed by the head of such department or officer aforesaid, that the work mentioned in such contract has been completed according to the terms of said contract, and to the satisfaction of the head of department giving such certificate.

Sec. 243. The comptroller shall keep an account of all bonds so issued, specifying the particular work on account of which the same may be issued; and all moneys collected on account of any work for the payment of which said bonds were issued shall be faithfully applied as aforesaid.

Sec. 244. Each and every contractor shall be required to have an affidavit from the surveyor, setting forth the amount of work done, of every description, that may be charged in each bill or assessment list of said contract; and said affidavit shall be attached to said assessment list. The inspector shall also furnish an affidavit attached to each contract that the work is done according to the plans and specifications, said affidavit to be attached to each assessment list before presented for confirmation.

Sec. 245. In all cases of delinquency in the payment of any assessment for work done under a contract made by any contractor with the corporation in respect to any street or road, and in respect to the building of wharves, piers, slips, and sewers in this city, and in all such like contracts on a final settlement with every such contractor, there shall be allowed and paid to such contractor all interest money which shall have been collected on his account or contract, first deducting the collector's commissions on so much of the said interest as shall have been collected and received by him.

Sec. 246. In all contracts for work done at the expense and by the said mayor, aldermen, and commonalty, for the more speedy execution of any by-laws, ordinances, orders, or directions of the said mayor, aldermen, and commonalty, and which, by any law, the said mayor, aldermen, and commonalty are authorized to collect by assessment or otherwise from the owners or occupants, lessees or parties interested in any property deemed benefited thereby, provision shall be made for the payment of the amount of said contract, on the completion of the work, to the satisfaction of the department making such contract.

Sec. 246. It shall be lawful for the department making any contract of the character mentioned in the preceding section of this chapter to make provision for the payment to any contractor of installments on account of such work, as the same progresses, reserving thirty per cent. of the contract price of the work actually done to remain as security till the whole work be completed according to the contract.

Sec. 247. No payments shall be made by the comptroller for work done or supplies furnished, except upon proper vouchers rendered by the head of the appropriate department, or other proper officer, board or commission for whom such work was done or supplies furnished. Such vouchers shall be made out in triplicate, and shall contain the certificates of such subordinate officers as the head of the department may require, and of such form and purport as he shall prescribe, and also a certificate of the head of the department. One of the triplicate vouchers shall be retained in the department or office by which the vouchers are rendered, and the other two shall be transmitted to the department of finance for payment.

A receipt for the amount paid shall be taken upon each of the two vouchers sent to the department of finance, and after payment one copy of the vouchers shall remain on file in the department of finance, and the other copy shall, within five days, be returned to the department or office whence it emanated, where it shall be placed on file. Either of the vouchers shall be of equal value, as evidence of work done or supplies furnished.

Sec. 248. All meetings of the boards or commissions constituting departments of the city government of the city of New York, for the transaction of public business, shall be held openly, and shall in all cases, be accessible to the public. Such meetings shall be held at such times and places as may be determined upon by each of such departments, and due notice thereof shall be published daily in the CITY RECORD.

## Chapter 7.

*Miscellaneous Ordinances.*

## ARTICLE I. Ambulances.

- II. Bread, Sale and Manufacture of.
- III. Burial of Strangers or Unknown Persons who may die in any of the Public Institutions of the City of New York.
- IV. Carts, Cartmen, Dirt Carts, and Garbage Carts.
- V. Charcoal, Fish, Vegetable and Fruit Wagons, and Venders of Brooms, Wooden Ware, and Kindling Wood.
- VI. Chimney Sweepers.
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## ARTICLE XX. Lights, Calcium or Drummond.

- XXI. Lime.
- XXII. Lamp-posts, Plackards on, etc.
- XXIII. Nuisances.
- XXIV. Offices, Intelligence.
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- XXIX. Registrar of Permits.
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- XXXIII. Salt or other substance in the Streets for the purpose of Melting Snow or Ice, Sprinkling of.
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- XXXV. Stages and Accommodation Coaches.
- XXXVI. Swine, Neat Cattle, and Public Pounds.
- XXXVII. Wagons, Express.
- XXXVIII. Weights and Measures.
- XXXIX. Wires, Telegraph.
- XL. Worship, Public, in the Streets and Public Places.

## ARTICLE I.

*Ambulances.*

Sec. 1. The ambulances belonging to the department of public charities and correction and incorporated hospitals of the city of New York shall have the right of way in the streets of said city as against all persons, vehicles, or animals, when conveying any patient or injured person to any hospital in the city, or when proceeding to the scene of any accident by which any person or persons have been injured; and any person refusing to yield the right of way, where it is possible, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished pursuant to the provisions of sections 20 and 21 of chapter 11, Laws of 1833, and the provisions of section 5 of article 4, Laws of 1853; and the commissioners of police are hereby required to enforce, rigidly, the provisions of this ordinance.

## ARTICLE II.

*The Sale and Manufacture of Bread.*

Sec. 2. All bread baked and offered or exposed for sale in the city of New York shall be made of good and wholesome flour and meal, and sold by avoirdupois weight.

Sec. 3. If any baker or other person shall make for sale, offer, or procure to be sold, any bread of any other than wholesome flour or meal, or shall sell the same contrary to the preceding section of this article, such person shall forfeit and pay the sum of ten dollars for every such offense.

Sec. 4. All loaf-bread offered for sale in this city not in conformity with the provisions of this article shall be forfeited, and shall and may be seized and disposed of for the use of the said city.

## ARTICLE III.

*The Burial of Strangers or Unknown Persons who may die in any of the Public Institutions of the City of New York.*

Sec. 5. The Commissioners of Charities and Correction are hereby instructed and required to advertise in the CITY RECORD, on the day succeeding the death of any stranger or unknown person who may die in any of the institutions under their charge, a notice giving a full description of such person, and a statement of all the property found in his or her possession at the time such person became an inmate of any such institution, together with such other information as, in the opinion of the officers in charge of any such institution, would be most likely to lead to the identification of the person so dying.

Sec. 6. Hereafter all the interments in the city cemetery on Hart's Island shall be in trenches, to be numbered consecutively, commencing with number one; every such trench shall contain one hundred and fifty bodies and no more, and each coffin shall be numbered by figures to be made of iron or other metal, or branded into the lid or cover of said coffin so as to be indelible, in the manner shown in the annexed diagram, viz.: Each trench shall be constructed running in a direction from east to west; shall be of a size sufficient to contain the said number of one hundred and fifty bodies, which shall be laid therein in the order following, to wit: No. 1 at the northeast corner, No. 2 adjoining, and so on in regular order until No. 25 is deposited, when a layer of earth shall be placed on the twenty-five coffins thus deposited; No. 26 shall then be placed at the southeast corner, directly in the rear and in a line with No. 1; No. 27 adjoining, and so on until No. 50 is interred, which will be directly in the rear and on a straight line with No. 25, then covered with a layer of earth similar to those numbered from 1 to 25, thus completing the first stratum of coffins in the trench. No. 51 shall then be placed directly over No. 1, No. 52 over No. 2, and so on until No. 75 is interred over No. 25, then covered as before from 1 to 25; No. 76 being placed directly over No. 26, and so on in the regular order until No. 100 is interred directly over No. 50, thus completing the second stratum of coffins; No. 101 shall then be placed directly over Nos. 1 and 51, and so on in regular order until No. 125 is placed directly over No. 75. This half of the trench shall then be permanently covered. No. 126 shall then be placed directly over Nos. 26 and 76, and so on in regular order until No. 150 is placed directly over Nos. 50 and 100, when the trench shall be considered full, and finally covered. A new trench, to be numbered trench No. 2, shall then be commenced and filled in the manner above provided, and succeeded by trench No. 3, and so on for the future in this and all other of the city cemeteries. At the head of each tier of coffins shall be placed a proper and durable board or stone, with the numbers corresponding with the numbers on such coffins placed therein, with figures made of iron or other durable metal, or branded thereon in such a manner as to be indelible. Each trench, when completed, and the numbers placed at the head of each tier of coffins, shall be inclosed by a substantial fence, leaving a space sufficient to pass between it and the head-boards, to admit of the passage of two persons, to afford an opportunity to inspect each head-board to ascertain the numbers thereon.

Sec. 7. A register of burials shall be kept by the Superintendent or other person in charge of the city cemetery, which shall be so arranged that the name of each person interred shall be numbered to correspond with the numbers on the head-boards of the tiers of coffins deposited in each trench, and shall be accessible, at all reasonable times, for the inspection of the public or the use of any person desiring to ascertain the particular place in which any person may be buried. A duplicate copy of such register shall be kept in the office of the commissioners of charities and correction.

## ARTICLE IV.

*Carts, Cartmen, Dirt Carts, and Garbage Carts.*

## CARTS AND CARTMEN.

Sec. 8. Every cart, truck, wagon, dray, or other vehicle drawn by one or more horses or other animals, which shall be kept, used, driven, or employed for the transportation or conveyance of goods, wares, merchandise, or other articles, from place to place, within the city of New York for hire, wages, or pay for such transportation, shall be deemed a "public cart" within the meaning of this article, and every person who shall set up, or so keep, use, or employ any such public cart, without first obtaining license therefor from the mayor of said city, as is hereinafter provided, shall be deemed guilty of a violation of this article.

Sec. 9. The mayor shall, from time to time, license and appoint so many and such persons, companies, or corporations as he may think proper, to set up and keep public carts in said city, and he may revoke or suspend any or all such licenses at his pleasure. All persons licensed, as aforesaid, to keep public carts, shall be deemed to be public cartmen, within the meaning of this chapter; but it shall not be lawful for any person to receive or hold a license to keep public carts or to be a public cartman, unless he be a citizen of the United States and resident of the state of New York, and is the actual owner of the cart or carts, with good horses therefor, so licensed to be kept as public carts; and the mayor may examine, under oath, all persons applying for or holding any such license, or the renewal thereof, touching their qualifications as aforesaid; and all licenses other than to persons so qualified shall be void.

Sec. 10. The mayor shall require and receive for the use of the city from every person to whom he may grant a license, for every one-horse truck, cart, or wagon or other vehicle mentioned in section 8, two dollars; for every two-horse truck, wagon, or other vehicle, mentioned in section 8, three dollars; and half the above for renewal, as hereinafter provided.

Sec. 11. All licenses to persons to keep public carts, and be public cartmen, shall expire on the last day of October next after the date thereof, and all licenses granted under this ordinance previous to October 30, 1878, shall remain in force for one year from that date unless sooner revoked, as provided in this ordinance; and it shall be lawful for the mayor to renew and continue any or all of such licenses for a year succeeding, provided that the applicant therefor continues in all things qualified, as hereinbefore provided, to hold such license, and the application be made therefor prior to the expiration thereof.

Sec. 12. No public cart shall be used within said city except it be duly licensed, and the person to whom license is granted to keep and use a public cart shall, for all the purposes of this article, be

considered the owner thereof, and responsible for all articles intrusted to and for the conduct of the driver thereof, and liable to all forfeitures, penalties, and punishments herein contained or provided.

Sec. 13. Every public cart shall have fairly painted on the outside of the square of the after-part of the shaft, or on some other conspicuous place, on each side, so as to be easily seen, the number of the license therefor, in plain figures, and the driving or using of a public cart, without its being so numbered, shall be deemed a violation of this article.

Sec. 14. Every person licensed, as aforesaid, to keep a public cart, upon failing to renew the license for, or disposing of or parting with the same, shall deface, remove, and obliterate the license number therefrom, and failing or neglecting to do so shall be deemed to be a violation of this article.

Sec. 15. Every person, upon receiving a license to keep a public cart, or to be a public cartman, shall report his residence to the mayor; and upon changing his residence, shall, in like manner, report his new residence, and the failing or neglecting to do so shall be deemed a violation of this article.

Sec. 16. It shall not be lawful for any person to keep, use, drive, or employ any cart or other vehicle with numbers or figures thereon similar to or resembling the numbers on public carts, or for any person licensed to keep public carts to place or have any number for which he may have received license on more than one cart, or to use more carts as public carts than he may have license for.

Sec. 17. The mayor may assign to the owner of each duly licensed public cart a stand, where such cart may remain waiting to be employed, and also a stand where it may remain at other times, provided that no such stand shall be assigned for a cart to remain at such other times in front of the premises of any person other than the owner of such cart, against the wishes of the occupant thereof; and provided further, that carts shall not be permitted to stand two abreast in any of the streets; and every public cartman who shall permit his cart to stand loaded, or waiting for employment, or to remain at other times at any place other than the one so assigned for such carts, shall be deemed guilty of a violation of this article.

Sec. 18. The mayor and the several officers and members of the police department and magistrates, shall have power and authority to order the driver or other person having charge of any public cart or any other vehicle, to remove such cart or other vehicle away from any place in any of the streets, or on any of the wharves or docks of said city which, in his or their opinion, may be improperly incumbering such street or wharf, or obstructing or impeding the public travel, and any and every person neglecting or refusing to comply with or obey any such order shall be deemed guilty of a violation of this article.

Sec. 19. It shall be the duty of every person driving or having charge of a public cart to give to any person requesting it his name and place of residence, the number of the cart he is driving or in charge of, and the name and place of residence of the owner thereof; and the refusal to do so shall be deemed a violation of this article.

Sec. 20. If any accident or injury shall happen to any person or any carriage, vehicle, or other thing by reason of coming in contact with any public cart, or other cart or vehicle, or the horse or horses attached thereto, or anything loaded thereon while the same is moving, it shall be the duty of the person driving or having charge of the same to immediately stop and, if necessary, render his assistance, and to give his name and residence, and to give the number of the cart or other vehicle he was driving, and the name and residence of the owner thereof, under penalty of fifty dollars, to be recovered from the driver or owner of any such cart or other vehicle.

Sec. 21. It shall not be lawful for any public cartman, or for any person driving or having charge of any public cart, or any other cart, wagon, or other vehicle, to drive or back any such public cart or any other vehicle on to the sidewalk of any of the streets of said city, or to stop any such cart or any other vehicle on any of the crosswalks or intersections of streets, so as to obstruct or hinder the travel along such crosswalks or intersections of streets, or to place any such carts or other vehicles crosswise of any street or wharf of said city except to load thereon or unload therefrom; but in no case shall it be lawful for any person to permit such cart or other vehicle to remain so crosswise of any street for a longer period than may be actually necessary for such purpose, and not to exceed five minutes; but it shall be lawful for the owner or occupant of any store, warehouse or other building in any street or avenue in which the rails of any railroad company are laid so close to the curb-stones as to prevent the owner or occupant from keeping any such cart or other vehicle in the carriage-way in front of his place of business, without interference with the passing cars of any such railroad company, to occupy with such cart or other vehicle, during business hours, so much of sidewalk as may be necessary for such cart or other vehicle; provided that sufficient space be retained for the passage of pedestrians between the cart or other vehicle so permitted to occupy such portion of the sidewalk and the stoop or front of every such store, warehouse or other building.

Sec. 22. It shall not be lawful for any cart, wagon, coach, public cart, or any other vehicle to be driven through any of the streets of the city of New York at a greater speed than six miles an hour; nor shall it be lawful for any such vehicle to be driven around the corner of any of the streets of said city with the horse or horses thereto traveling at a faster gait than three miles per hour; and all and every such public carts, and all other vehicles, when passing through or along any of the streets of said city shall, when meeting any other vehicle, be driven to the right-hand side of the way, so that such vehicles shall pass clear of each other; and it shall be unlawful for any such public cart, carriage, or any other vehicle, or the horse or horses attached thereto, to be driven foul of or against any person, vehicle, or any other thing whatever in any of the streets or on any of the docks and wharves of said city.

Sec. 23. No cart, dray, truck, or wagon shall be driven over any of the wharves or piers of the city of New York at a greater rate of speed than a walk, under a penalty of two dollars, to be sued for and recovered from the owner or owners, or driver thereof, severally and respectively.

Sec. 24. Any person over eighteen years of age, and a resident of the city of New York, may be a driver of a public cart or truck.

Sec. 25. The prices or rates to be charged for the loading, transportation, and unloading of goods, wares, and other articles shall be as follows, to wit:

Oils, molasses, and all casks under 1,500 pounds weight.....	\$0 75
Over 1,500 pounds and under 2,000 pounds.....	1 00
For every 100 pounds, and other ponderous articles of 1,000 pounds weight and upwards at the same rate.....	11
Hay, loose, per load.....	2 00
Bricks, when handled and piled, per load.....	75
Hoop poles, loose, per load.....	1 00
Timber and lumber, per load.....	75
Beef and pork, for every five barrels.....	75
Calves, sheep, and lambs, per load.....	75
Coal, per ton.....	75
Cotton, for every three bales.....	75
Earthenware, loose, per load.....	1 00
Oil floor-cloths, in boxes or rolls of less than ten feet in length, per load.....	75
Of twenty feet and less than twenty-five feet.....	1 00
(Twenty-four feet and upwards as may be agreed on.)	

Salt, for every twenty bushels.....	75
Cut stone, per load.....	75
Slates or tiles, per load.....	75
Household furniture, per load of one-horse truck, within two miles.....	2 00
When the distance exceeds two miles, an extra 50 cents more for each and every additional mile.....	50
For loading and housing to first or ground floor.....	50
And for each flight of stairs, up or down.....	25
For a double truck load, within two miles.....	3 00
When the distance exceeds two miles, an extra \$1 more for every additional mile.....	1 00
For loading, unloading, and housing to first or ground floor.....	50
And for every flight of stairs, up or down.....	50

When a private contract is made, each party shall be held to the amount so agreed on.

In shipping goods, wares, or other merchandise at any of the shipping lines by railroad, steamboat, or sailing vessel, when a truck is kept in line, waiting to ship goods more than thirty minutes, the truckman shall be entitled to an extra allowance at the rate of one dollar per hour for the time so detained.

Sec. 26. Every public cartman and public porter shall be entitled to be paid the legal rate or compensation allowed and provided in this chapter immediately upon the carting or transportation of any article or thing, and it may be lawful for any such public cartman or public porter to retain any article or thing so carted or transported by him for which he is not so paid his cartage, and to convey the same without delay to the office of the superintendent of police, and he shall be entitled to the lawful rate of pay or compensation for the so conveying. All disputes or disagreements as to distance or rates of compensation, between public cartmen or public porters and persons employing them or owing for cartage or transportation, shall be determined by the mayor.

Sec. 27. It shall not be lawful for any public cartman, or any other person, to cart or transport through any of the streets of said city, any planks, poles, spars, timber or other thing exceeding thirty feet in length, except on a suitable truck or other vehicle, and such plank or other thing shall be placed lengthwise thereon, so as not to project at either end beyond the line of the side or width of such truck or other vehicle; and all persons so carting or transporting any such poles, planks, timber, spars or other things in any manner shall be deemed guilty of a violation of this article.

Sec. 28. It shall not be lawful for the driver or other person having charge of any public cart, dirt cart or any other vehicle to be off or away from any such cart or any other vehicle while the same is moving or passing along any of the streets or avenues of said city; nor shall it be lawful for any public cartman, while waiting for employment at any place assigned for his cart, to stand waiting for employment at any other place, or to snap or flourish his whip, or to be away from his cart, unless from necessity or on business, or to sit or stand about the doorsteps or platforms, or in front of any house, store or other building, to the annoyance of the occupants thereof.



Sec. 29. It shall not be lawful for any person who has been licensed to keep public carts, or to be a public cartman, and whose license has been suspended or revoked by the mayor, to keep, drive or use any public cart in the city of New York, under the penalty of twenty-five dollars for every such offense.

Sec. 30. Every cartman who shall be duly licensed in the city of New York shall be permitted to place and leave his cart, when unemployed, in front of the house or premises where he shall at the time reside, or in front of the stable where he shall at the time stable his horse, or in front of any other house or stable, providing he shall receive the permission of the owner or occupants thereof, provided that such cart shall be placed on the street upon the carriageway thereof, in close proximity to the curb-stone next to his said residence or stable, and shall not extend beyond said curb-stone any greater distance than the width of such cart, nor beyond the line of the lot on which his said residence or stable is situated, and provided that such place of residence or stable shall be specified upon the license for such cart.

Sec. 31. It shall be the duty of the person or officer exercising the duties of superintendent of carts to visit daily the several stands and places in the city where cartmen are in the habit of waiting for employment, and to see that all the ordinances regulating carts and cartmen including dirt carts, are in every respect complied with.

Sec. 32. It shall be the special duty of said person or officer to ascertain and to report all offenses or violations of this article to the mayor's marshal.

Sec. 33. It shall not be lawful for any person to keep, drive, use, or employ any cart, wagon, truck, dray, or other vehicle other than such as are licensed, as herein provided, for the transportation or conveyance of any article or thing within the city of New York, unless the name and residence or place of business where such owner can be found (of the owner thereof) be fairly and distinctly painted, in plain letters and figures at least two and a half inches long, in a conspicuous place on both sides of such cart or vehicle, so as at all times to be easily seen thereon.

#### OF DIRT CARTS.

Sec. 34. The mayor of the city of New York may grant licenses to such and as many persons as he may deem proper to keep and use such number of dirt carts as he shall think expedient, to be employed exclusively in the carting and transportation of dirt, sand, gravel, clay, paving-stones, ashes, garbage, and building rubbish; and revoke or suspend any or all such licenses at his pleasure; and it shall not be lawful for any person to drive or use any cart, wagon, or other vehicle for the transportation of any such dirt, sand, gravel, clay, paving-stones, ashes, garbage, or building rubbish within the city of New York unless the said cart or other vehicle be licensed as aforesaid; provided that nothing herein shall prevent any person licensed as a public cartman, or to keep public carts, from driving or using any such public carts in the carting or transporting of any such sand, gravel, clay, paving-stones, ashes, garbage, and building rubbish, the same as if they were licensed as dirt carts. This section shall not be construed to permit any dirt cart to be used in the transportation for wages, hire, or pay of any article or thing whatsoever other than is here specified.

Sec. 35. Every license granted as aforesaid shall continue in force for one year from the date thereof, and may be renewed by the mayor at any time before the expiration thereof for a succeeding year.

Sec. 36. Every person, upon receiving a license to keep and use one or more dirt carts, as hereinbefore provided, shall pay to the mayor, for the use of the city, one dollar for every cart so licensed, and the further sum of twenty-five cents upon the renewal of the license for every such cart.

Sec. 37. Every dirt cart and every public cart when used as a dirt cart, shall be furnished with a good and tight box, the sides and fore-part of which shall be two feet and the tail-board eighteen inches high, and of capacity to contain twelve cubic feet; and on all dirt carts the letters D. C., and the number of the license thereof, shall be fairly and distinctly painted with black paint on a white ground, on the square of the after-part of the shaft, on both sides, in plain, legible letters and figures, at least two and a half inches long, so as to be easily and distinctly seen, and so continued; and every person driving or using a dirt cart, without being so furnished and numbered, shall be deemed guilty of a violation of this article.

Sec. 38. It shall not be lawful for the owner or driver of any dirt cart or any other vehicle, or for any other person, to use or employ, or permit to be used or employed, any such dirt cart or any other vehicle for the conveyance or removal of any dirt, sand, gravel, stones or other thing from any of the streets or avenues, or highways, or from any lot of land or other place, or to dump, deposit or leave any dirt, sand, gravel, rubbish or other thing in any of the streets or highways, or on any dock or wharf, or on any lot or lots of land within said city, without being duly authorized or permitted so to do by the public officer or other person competent to give such authority or permission.

Sec. 39. All persons offending against the provisions of the last section shall forfeit and pay twenty-five dollars for each offense.

#### PUBLIC PORTERS.

Sec. 40. The mayor shall license and appoint as many and such persons as he may think expedient to be public porters of the city of New York, and revoke or suspend any or all of such licenses at his pleasure; and it shall not be lawful for any person to use any wheelbarrow or hand-cart to carry, transport, or convey baggage, goods, or other things from place to place within said city for hire, wages or pay for such conveyance, or to be at any hotel, boarding-house, ferry, steamboat landing, railroad station or depot, and solicit of strangers, travelers, citizens, or other persons, or accept the conveyance of baggage or other articles, without being licensed as aforesaid by the mayor. This section shall not be construed to prevent any person keeping or employing in any hotel or boarding-house from conveying any baggage or other articles to or from such hotel and boarding-house, and using a hand-cart or wheelbarrow therefor; provided the name of the hotel or boarding-house, and the keeper thereof, be painted distinctly on both sides of such wheelbarrow or hand-cart, and on a badge worn on the front of his hat or cap, so as to be easily and distinctly seen.

Sec. 41. All licenses to public porters, granted as aforesaid, shall run one year from the date thereof, and may be renewed by the mayor at any time within the said year for a succeeding year.

Sec. 42. Every person receiving a license to be a public porter as aforesaid, shall pay to the mayor, for the use of the city, one dollar; and a further sum of twenty-five cents upon the renewal of every such license.

Sec. 43. Every public porter shall wear, in a conspicuous place about his person, so as to be easily seen, a brass plate or badge, on which shall be engraved his name, the words "public porter," and the number of his license; and it shall be unlawful for any other person to wear or exhibit any badge purporting to resemble or be similar to the badge of a public porter, and no public porter shall permit any other person to wear his badge, or use his name in any way whatever, in the transportation or conveyance of anything.

Sec. 44. Public porters shall be entitled to charge and receive for the carrying or conveyance of any article any distance within half a mile, twenty-five cents if carried by hand, and fifty cents if carried on a wheelbarrow or hand-cart; if the distance exceeds half a mile, one-half of the above rates in addition thereto, and in the same proportion for any greater distance.

Sec. 45. No public porter or hand-cartman shall be entitled to recover or receive any pay or fare from any person for the transportation of any article or articles unless his name and number of license and the rates shall be fixed, and the badge worn, agreeably to this article.

Sec. 46. Upon the trial of any cause commenced for the recovery of any of the aforesaid prices or rates, it shall be incumbent on the plaintiff in such action to prove that the badge was worn and the prices fixed, agreeably to the last preceding section, at the time the services were rendered for which the suit was brought.

Sec. 47. No public porter or hand-cartman shall neglect or refuse to transport any article or articles when required so to do, unless he shall then be actually and otherwise employed, or unless the distance he shall be required to go shall be more than two miles, under the penalty of five dollars for each offense.

Sec. 48. No public porter or hand-cartman shall suffer or permit any other person than himself to carry any article or articles in his wheel or hand-barrow, or hand-cart, or to wear his badge, under the penalty of five dollars for every such offense.

Sec. 49. If any public porter shall ask or demand any greater rate of pay or compensation for the carrying or conveyance of any articles than is herein provided, he shall not be entitled to any pay for the said service, and to so ask, demand, or receive any such greater pay or compensation shall be deemed a violation of this chapter.

Sec. 50. It shall not be lawful for any person to represent himself as, or to wear or exhibit any badge, inscription, card, or device, purporting or implying that he is employed or authorized by the keeper, proprietor, agent, or officer of any hotel, boarding-house, vessel, steamboat, or railroad company, to solicit, receive, or convey persons, baggage, or other things, to or from any such hotel, boarding-house, vessel, steamboat, or railroad company's station or depot, without being actually and duly authorized by such keeper, proprietor, officer, or agent so to do, under the penalty of twenty-five dollars for every offense.

Sec. 51. All persons who shall violate or fail to comply with any of the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished pursuant to the provisions of section 20 and 21 of an act relative to the powers of the common council of the city of New York and the criminal courts of said city, passed by the legislature of the state of New York, January 23, 1833; or in lieu thereof shall forfeit and pay, for the use of said city, ten dollars for each and every offense, except where a penalty is prescribed in said article.

#### GARBAGE AND OTHER CARTS.

Sec. 52. Every cart or other vehicle used to convey or transport dirt, manure, sand, gravel, mud, ashes, lime, garbage, swill, offal, or other loose materials, in any of the streets of said city, shall be fitted with a good and substantial tight box thereon, the sides of which shall be twenty-four inches, and the tail-board eighteen inches high, so that no portion of such dirt, sand, or other loose

material be scattered or thrown into any of said streets; and all carts or other vehicles, when used in carting slaked lime, garbage, offal, swill, or other offensive matter, or ashes, shall have the box thereof closely covered with a sufficient covering of cloth or boards, closely fitted, so as to prevent the escape or flying about of any of the contents or effluvia therefrom; and every person using any cart or other vehicle for any such purpose without its being so fitted shall be deemed guilty of a violation of this article.

Sec. 53. All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance, except the ordinance relating to express wagons, which shall remain in full force, are hereby repealed.

#### ARTICLE V.

##### *Charcoal, Fish, Vegetable, and Fruit Wagons, and Venders of Brooms, Wooden Ware, and Kindling Wood.*

Sec. 54. No owner, vender, or retailer of charcoal, fish, fruit, vegetables, brooms, wooden ware, or kindling wood, shall affix to, or suffer or permit to be affixed to, the cart, wagon, or any other vehicle owned by or employed or used by him for the purpose of transporting, conveying in, or selling thereout, in the streets of the city of New York, charcoal, or fish, or fruit, or vegetables, or brooms, or wooden ware, or kindling wood, any bell, iron, steel, or other metal bar, or any other instrument, nor shall blow upon or use, or suffer or permit to be blown upon, any horn or other instrument for the purpose of giving notice of the approach of any cart, wagon, or other vehicle, in order to sell thereout charcoal, fish, fruit, vegetables, brooms, wooden ware, or kindling wood, under the penalty of five dollars for each offense, to be sued for and recovered of the owner, employer, driver, or persons having charge of such cart, wagon, or other vehicle, or of the owner of such coal, fish, fruit, vegetables, brooms, wooden ware, or kindling wood, severally and respectively.

Sec. 55. The owner, employer, or driver of every cart, wagon, or other vehicle used for the purpose of selling thereout charcoal, fish, fruit, vegetables, brooms, wooden ware, or kindling wood, authorized or permitted to be sold by law, shall, before the same be used for such purpose, have the same licensed by the mayor of the city of New York, which license shall contain the number of the cart, wagon, or vehicle, and the name of the owner, employer, and driver thereof; the owner, employer, or driver of each cart, wagon, or other vehicle used for the purpose of selling thereout charcoal, brooms, wooden ware, or kindling wood, shall, at the time such license is granted, pay to the said mayor the sum of two dollars and fifty cents for the use of the city; and the owner, employer, or driver of each cart, wagon, or other vehicle, used or employed for the purpose of selling thereout fish, fruit, or vegetables authorized or permitted to be sold by law, shall, at the time such license is granted, pay to the said mayor the sum of five dollars for the use of the city. Said license shall be in force for one year, and shall be renewed at the expiration of each year; and upon the renewal thereof such owner, employer, or driver shall pay, as aforesaid, the sum of fifty cents to the mayor for the use of the city, as upon the original granting of the license. Each cart, wagon, or other vehicle shall have the number of its license painted upon it in a conspicuous place, and the figures composing said number shall not be less than two and a half inches in length, and shall at all times be kept legible.

Sec. 56. The owner, employer, or driver of any cart, wagon, or other vehicle, who shall employ or use the same, or suffer or permit the same to be employed or used, for any of the purposes above mentioned, without having obtained a license therefor, as is above provided, shall forfeit and pay for each day such cart, wagon, or other vehicle shall be used or employed without license the sum of fifty cents, and the like sum for neglecting or omitting to have the number painted upon his cart, wagon, or vehicle, in the manner directed by this article; to be sued for and recovered of the owner, employer, driver, or person having charge of such cart, wagon, or other vehicle, or of the owner of such coal, fish, fruit, vegetables, brooms, wooden ware, or kindling wood, severally and respectively.

Sec. 57. Nothing herein contained shall be so construed as to prevent farmers and gardeners from bringing their produce to the city for the purpose of vending and disposing of the same from wagons or other vehicles.

Sec. 58. The mayor is hereby authorized to grant licenses pursuant to the provisions above set forth.

#### ARTICLE VI.

##### *Chimney-sweepers.*

Sec. 59. It shall be lawful for the mayor of said city to grant licenses, under his hand and seal, to such persons as shall produce to him satisfactory evidence of their good character, to be sweepers of chimneys in the said city; and each person so licensed shall pay therefor the sum of three dollars.

Sec. 60. Any person so licensed may keep and employ so many boys, apprentices, or servants, to assist him in his said business as he may think proper, provided they are comfortably clad and sufficiently provided with good and wholesome food, and not under eleven years of age.

Sec. 61. The said boys, apprentices, or servants, shall not be required by their master or employer to work before six o'clock in the forenoon nor after four o'clock in the afternoon during the winter season, nor before five o'clock in the forenoon nor after six o'clock in the afternoon during the residue of the year.

Sec. 62. No person so licensed as aforesaid shall employ any boy under the age of eleven years as a chimney-sweeper, or shall omit or neglect to feed or clothe any of the boys, apprentices, or servants in his employ, as above directed, or require or permit them, or any of them, to work at other hours than are above prescribed, under the penalty of five dollars and the forfeiture of his license for every such offense.

Sec. 63. No person, without such license as aforesaid, or after the forfeiture thereof as aforesaid, shall carry on the business of a chimney-sweeper, or shall suffer or permit any boy, apprentice, or servant belonging to him, or in his employ, to sweep any chimney in this city, under the penalty of five dollars.

Sec. 64. Every person so licensed shall be subject to all penalties that may be incurred by any chimney taking fire within one month after having been swept by them, respectively, or by any boy, apprentice, or servant in their employ.

Sec. 65. Each license granted as aforesaid shall be numbered; and every person so licensed shall cause the boys, apprentices, or servants in his employ to wear a badge, upon which shall be inscribed the number of his license; and if any such boy, apprentice, or servant shall, at any time, be found out of the house or premises of his master or employer, and not wearing such badge, his said master or employer shall forfeit and pay the sum of two dollars.

Sec. 66. The licensed chimney-sweepers of the said city shall be authorized to demand and receive the following sums for each and every chimney swept by them, or by their boys, apprentices, or servants, respectively; that is to say: For every chimney from the uppermost floor of any house, twelve and one-half cents; for every chimney from the next floor below, fifteen cents; for every chimney from the next floor below, eighteen cents; for every chimney from the next floor below, twenty-one cents; for every chimney from the next floor below, twenty-eight cents; for every chimney from the next floor below, thirty-seven and a half cents; and where a Franklin stove, coal-grate, or jack is used in any fireplace, twelve and a half cents may be demanded and received in addition to the above-mentioned sums.

Sec. 67. It shall be lawful for the mayor of said city, from time to time, to appoint one of the licensed chimney-sweepers, to be called "the inspector of chimney-sweepers," who shall hold his office for the term of one year, subject, however, to removal by the said mayor; and whose duty it shall be to see that this law be duly observed by the said licensed chimney-sweepers and all others, and to report the names of offenders to the attorney of the corporation.

Sec. 68. It shall be the duty of every sweeper of chimneys licensed as aforesaid to report to the mayor the names of all persons employed by him for the purpose of sweeping chimneys, and also the names of all such as shall quit his employment; and if any person so licensed shall neglect so to do for the space of one week he shall forfeit and pay five dollars.

Sec. 69. A register shall be kept in the mayor's office of the name and place of residence of every person licensed as aforesaid.

Sec. 70. The provisions of this article shall apply to those persons who use machinery in sweeping chimneys for hire, as well as to those who sweep by other methods.

#### ARTICLE VII.

##### *Coal.*

Sec. 71. All coal which shall be sold from any coal yard, or any other place in this city, shall be sold by the bushel, except anthracite coal, which may be sold by weight.

Sec. 72. No person shall unload, vend, or expose for sale, any charcoal at either of the slips in front of any of the public markets of this city, under the penalty of ten dollars for every such offense.

Sec. 73. In the sale of anthracite coal the hundred weight shall consist of one hundred pounds avoirdupois, and twenty such hundred weight shall constitute a ton.

#### ARTICLE VIII.

##### *Hackney Coaches and Cabs.*

##### LICENSING OWNERS OF HACKNEY COACHES OR CABS.

Sec. 74. The mayor of the city of New York shall, from time to time, issue licenses under his hand and seal to so many and such persons as he shall think proper, to keep hackney coaches, carriages, and cabs for hire in the said city, and may revoke any or all of said licenses for cause.



Sec. 75. No person who is not a citizen of the United States, or who has not declared his intentions to become a citizen of the United States, a resident of this city for six months previous to his application for a license, and the owner of two good horses for such hackney coach, or one for such cab, with a good and sufficient coach or cab, shall be licensed as aforesaid; said license shall be revoked by the mayor upon such person ceasing to be a resident of this city.

Sec. 76. The mayor of said city shall administer to any person applying for such license an oath or affirmation in relation to the matters embraced in section 75 of this article, and may examine such applicants relative to all necessary qualifications to receive such license.

Sec. 77. All licenses granted to owners of hackney coaches, carriages, and cabs shall expire on the first Monday in June next after the date thereof.

Sec. 78. If the owner of any hackney coach, carriage, or cab, who may have received a license as aforesaid, shall sell or dispose of such coach, carriage, or cab before the expiration of such license, such licensed owner shall, within five days of the date of such sale or disposal, report the same to the mayor, and the mayor may transfer such license on the payment of one dollar, provided the said purchaser is qualified under section 75 of this article; and every such owner of a hackney coach or cab who shall neglect to report such sale or disposal as aforesaid shall be liable to a fine of five dollars.

Sec. 79. No person shall be entitled to have his license renewed unless he shall make it satisfactorily appear that he is still eligible under section 75 of this article.

Sec. 80. Every license shall state the number for which it is granted.

Sec. 81. Every person who may be licensed as aforesaid, shall pay to the license bureau the sum of three dollars for every hackney coach and two dollars for each cab which shall be kept for hire, and for every renewal of every such license one-half the above license fee shall be paid, and all such vehicles licensed for the year ending first Monday in June, 1879, shall be deemed as renewals.

Sec. 82. Every person who shall keep or drive any hackney coach or cab for hire in the city of New York, without being licensed as aforesaid, shall be liable to a fine of five dollars for every such offense.

#### LICENSING DRIVERS OF HACKNEY COACHES OR CABS.

Sec. 83. The mayor of the city of New York shall have full power and authority from time to time to issue licenses under his hand and seal to such citizens of the United States and residents of this city as shall be vouched for by the owner of the carriage or cab for which he applies for a license, and by two other reputable citizens who knew said applicant for the space of one year, to be of good moral character; and the mayor may revoke any or all of such licenses for cause, provided nothing in this section shall be deemed to interfere with any driver who may be licensed previous to its adoption until the expiration of the time for which such license was granted.

Sec. 84. Any driver who may be licensed under the preceding section of this article may have his license transferred, with the consent of the mayor, on written application of the owner of the coach or cab which he applies for transfer to, and on payment of the sum of twenty-five cents to the license bureau.

Sec. 85. All licenses of drivers of hackney coaches and cabs shall expire one year from the date thereof.

Sec. 86. Every driver of a hackney coach or cab shall pay to the license bureau the sum of one dollar; and no person shall drive any hackney coach or cab without being at the time licensed, under the penalty of five dollars.

Sec. 87. Any driver who may be licensed under section 83 of this article may drive and use any coach or cab belonging to his employer; and no owner of any hackney coach or cab shall allow any person to drive such coach or cab who is not licensed as aforesaid, under penalty of five dollars.

Sec. 88. Any driver who shall be thrice convicted of a breach of any of the sections of this article may be deprived of his license, and may be debarred of further license at the option of the mayor.

#### RATES AND PRICES OF FARE.

Sec. 89. The price or rates of fare to be asked or demanded by the owners or drivers of hackney coaches or cabs shall be as follows:

1. For conveying one or more passengers any distance not exceeding one mile, one dollar.
2. For conveying one or more passengers any distance exceeding one and not exceeding two miles, one dollar and a half.
3. For conveying one or more passengers any distance exceeding two and not exceeding three miles, two dollars.
4. For conveying one or more passengers any distance exceeding three and not exceeding four miles, two dollars and a half.
5. For conveying one or more passengers any distance over four miles, not otherwise provided for, will be at the rate of seventy-five cents per mile or part of a mile.
6. To and through Central Park, from any point in and between Fourteenth and Forty-second streets, and returning, with privilege of keeping carriage three hours, five dollars.
7. To and through Central Park, from any point north of Forty-second street and south of One Hundred and Thirtieth street, and returning, with privilege of keeping carriage two hours, four dollars.
8. To and through Central Park, from any point below Fourteenth street and north of One Hundred and Seventy-fifth street to Kingsbridge, and returning, with privilege of keeping the carriage three hours, six dollars.
9. To Harlem and Manhattanville, south of one Hundred and Thirtieth street, from any point below Fourteenth street, and returning, with privilege of remaining there one and a half hours, six dollars.
10. To Harlem and Manhattanville, south of One Hundred and Thirtieth street, from any point in and between Fourteenth and Forty-second streets, and returning, remaining there one hour, five dollars.
11. To High Bridge and north of One Hundred and Thirtieth street, and returning, with privilege of keeping the carriage there one and a half hours, from any point south of Fourteenth street, seven dollars.
12. To any point north of High Bridge and to and south of Kingsbridge, and returning, with privilege of remaining there two hours, from any point in and between Fourteenth and Forty-second streets, eight dollars.
13. To any point north of High Bridge and to and south of Kingsbridge, and returning, with same privilege as to remaining, from any point below Fourteenth street, nine dollars.
14. To any of the places mentioned in sub-sections 9, 10, 11, 12, 13, and 14, from any point north of Forty-second street, and in and south of Fifty-ninth street, the fare will be one dollar less.
15. To balls and theatres, and returning, from any point below Fifty-ninth street, three dollars; north of Fifty-ninth street, each additional mile shall be charged for at a rate not to exceed fifty cents.
16. For the use of a carriage by the hour, with the privilege of going from place to place and stopping as often and long as may be required, one dollar and a half per hour, excepting cabs, the fare for which will be one dollar per hour.
17. Sub-sections 6 to 17 of this section will be for one, two, three, or four passengers.
18. No charge shall be made for children under eight years of age, accompanying adults.
19. From "line balls," one or two passengers, to any point south of Fifty-ninth street, two dollars; each additional passenger, fifty cents; north of Fifty-ninth street, each additional mile shall be charged for at a rate not to exceed fifty cents per mile.
20. Every owner or driver of any hackney coach or cab shall carry on his coach or cab one piece of baggage without extra charge, but for any extra baggage he may carry he shall be entitled to extra compensation.

Sec. 90. Through all streets, lanes, and avenues of this city twenty blocks will be deemed a mile, except between the lettered and numbered avenues, as from First to Twentieth street, or from Fourteenth to Thirty-fourth street; seven blocks between the numbered or lettered avenues will be deemed a mile, as from Avenue B to Sixth avenue, or from Second to Ninth avenue.

Sec. 91. All disputes, as to prices or distance, shall be settled by the mayor, or such other person as he may designate.

Sec. 92. In all cases, when the hiring of a hackney coach or cab is not at the time thereof specified to be by the hour, it shall be deemed to be by mile; and for any detention exceeding fifteen minutes, when so working by the mile, the owner or driver may demand at the rate of one dollar per hour.

Sec. 93. The owner or driver of any hackney coach or cab shall not demand or be entitled to receive any pay for the conveyance of any passenger unless the number of the carriage and rates of prices be conspicuously fixed in and on said carriage or cab, as hereinafter provided by section 74 of this article, under penalty of five dollars.

Sec. 94. The owner or driver of any such coach or cab who may have demanded and received any fare in excess of what is provided for in this article, shall return the excess received, and be liable to a penalty of five dollars.

Sec. 95. Every licensed owner or driver of any hackney coach or cab shall have the right to demand his fare of the person or persons employing him on their entering his coach or cab, and may refuse conveying any such person as does not comply with said demand.

Sec. 96. The fare to Jerome Park and Fleetwood Park will be as per sub-sections 13 and 14 of section 89 of this article, with privilege of remaining from the commencement of the first race to fifteen minutes after the conclusion of the last race, on race days.

Sec. 97. Every licensed owner or driver of any hackney coach, carriage, or cab in the city of New York, whenever he shall be with his coach, carriage, or cab, on any public stand, or at any of the steamboat or other landings or railroad depots, or while waiting for employment at any place in said city, shall wear conspicuously on his left breast a badge in the form of a shield, to be made

of German silver, or other white metal, and of a size sufficient to admit the number of the coach to be engraved thereon in plain, black figures, and no less than one-half inch in length, with the word "Licensed" above, and the word "Hack" beneath such number, in semi-circular form, the letters to be not less than one-quarter of an inch in length. But nothing contained in this article shall prevent the owner or owners of any such licensed hackney coach, carriage, or cab from soliciting passengers for any such coach, carriage, or cab so owned and licensed by him or them, provided that every such owner shall wear a badge similar in all respects to the badge worn by each driver, except that the word "Owner," and the number of any one of such vehicles owned by him or them shall be incised thereon, and shall be worn in like manner, by every such owner, when so engaged in soliciting employment.

#### REGULATING AND NUMBERING COACHES AND CABS.

Sec. 98. Every hackney coach or cab which shall make use of any of the public hack stands made or designated, now or hereafter, shall be marked and numbered as follows, to wit:

The number of the license of the owner thereof shall be fixed in plain, legible, brass figures, raised, or silver-plated, plate engraved. Said figures to be of two inches in length and one-quarter inch in width, to be placed beneath or behind the doors on each side of such coach or cab, and one on the inside, in such conspicuous place as the mayor may designate.

Sec. 99. Every hackney coach or cab, while waiting for hire or used from any public stand, or railroad depot, or steamboat landing, at night, shall have fixed on conspicuous parts of the outside thereof two lighted lamps, with two plain glass fronts and sides on each lamp, and having the license number of the owner in plain, legible figures, of at least two inches in length, and no other figure or device, in black paint on the glass side of each lamp, in such a manner that the same may be distinctly seen at a distance of ten feet, whether said carriage or cab is standing or driving.

Sec. 100. There shall be fixed in each hackney coach or cab, in such a manner as can be conveniently read by any person riding in the same, a card containing the name of the owner of said carriage, the number of his license, and the whole of sections 74 to 79, both inclusive, of this article, printed in plain, legible characters, under a penalty of revocation of license for violation thereof, said sections to be provided by the license bureau in pamphlet or card form, and to be furnished free to the owner of such hackney coach or cab.

Sec. 101. No owner or driver of any hackney coach or cab, whilst on any public stand that is now or hereafter to be made, or at any passenger, steamboat landing, or railroad depot, waiting for employment, shall refuse or neglect to convey any person or persons to place or places in the city of New York, on his being applied to for that purpose, and shall immediately carry such person or persons to such place or places as they shall request, and shall not place any other person or persons in such coach or cab without the consent of the party or parties first employing him, and on such person or persons complying with section 95 of this article; provided nothing in this section shall be deemed to compel any licensed owner or driver to carry in his coach or cab any drunken or other disorderly person or persons, or any person or persons suffering from any filthy or contagious disease, or with filthy clothing or baggage.

Sec. 102. No person, whether owner or driver of any hackney coach or cab, while waiting for employment at any of the public stands, or any stand that may hereafter be made, or at any steamboat landing, railroad depot, or at any other public place in the city, shall snap or flourish his whip, or be guilty of any disorderly act.

Sec. 103. All the provisions and penalties of this article, except those requiring lamps, shall apply to sleighs which shall come upon or use the public stand or other places in this article designated for them, and to the owners and drivers thereof, to be used or driven for the conveyance of passengers for hire in this city; and said owners or drivers of hackney coaches and cabs are hereby permitted to use sleighs, when feasible, in place of such coaches and cabs.

Sec. 104. Every owner, or driver, or person having charge of any hackney coach or cab shall, upon being requested to do so, give to any person or persons the number of his coach or cab, the names of the owner and driver thereof, and their place of abode and stable.

Sec. 105. Any person or persons who shall violate any or either of the provisions of section 98 to 106, both inclusive, of this article shall be liable to a penalty of five dollars.

Sec. 106. Any person or persons who shall violate any of the provisions of this article shall be brought before the mayor's first marshal by any police officer who may arrest him or them; and the mayor or said marshal shall impose all fines and penalties for any violation of this article; and on such delinquent refusing to pay said fines, his license shall be revoked by the mayor, and said fine be sued for and collected by the attorney to the corporation, for the use of the city.

Sec. 107. Any duly licensed hackney coach or cab may stand, while waiting for employment, at any of the following places, and for the periods of time hereinafter provided:

- Stand No. 1. South Ferry, foot of Whitehall street, along the Park.
  - Stand No. 2. Broadway, around Bowling Green.
  - Stand No. 3. In Barclay street, west of Washington street.
  - Stand No. 4. Murray street, between Washington and West streets.
  - Stand No. 5. In Broad street, from Stock Exchange to Beaver street, one line in centre of street.
  - Stand No. 6. At Fulton Ferry, along the market side, south and east.
  - Stand No. 7. Broadway, from north side of Beekman street, around in Chambers street, to west side of New Court-house, Park side.
  - Stand No. 8. In Canal street, west of Washington street.
  - Stand No. 9. In Chatham square.
  - Stand No. 10. North, south, and west side of Union square.
  - Stand No. 11. North, south, and west side of Madison square.
  - Stand No. 12. The vacant squares, junction of Broadway and Sixth avenue, Thirty-second and Thirty-fifth streets.
  - Stand No. 13. On Fourth avenue, between Fortieth and Forty-second streets, each side of the cut to the tunnel.
  - Stand No. 14. At the junction of Broadway and Sixth avenue, on the squares, Forty-third to Forty-seventh street.
  - Stand No. 15. On north side of Fortieth and south side of Forty-second streets, from Fifth avenue to Sixth avenue.
  - Stand No. 16. On Fifty-ninth street, at Fifth, Sixth, Seventh, and Eighth avenues.
  - Stand No. 17. At all ferries, at such place as the mayor and aldermen may designate, and not heretofore designated.
  - Stand No. 18. At all passenger steamboat landings, fifteen minutes before the usual time of arrival of such passengers' steamboats.
  - Stand No. 19. At all theatres and other places of public amusement, fifteen minutes before the conclusion of the performance.
  - Stand No. 20. At all railroad depots, five minutes previous to the arrival of all passenger trains, and Broadway, opposite St. Paul's Church, from 5 P. M. until sunrise.
  - Stand No. 21. On all street corners, from 10 P. M. until sunrise.
- Sec. 108. The mayor of the city of New York, with the advice and consent of the aldermen of each district, may from time to time, designate additional places in each district, as he shall deem proper, at which hackney coaches and cabs may stand while waiting for employment.
- Sec. 109. The owner or driver of any hackney coach or cab, which shall stand waiting for employment at any other place than as herein provided, shall be liable to a fine of five dollars, to be imposed by the mayor or his first marshal, and to be sued for and recovered by the attorney to the corporation for the use of the city.

#### PERMITS TO DRIVERS.

Sec. 110. The mayor of the city of New York shall have full power and authority to grant permits to drive to capable young men, between the age of eighteen and twenty-one years, when it is satisfactorily shown to him that such applicant is the sole or chief support of aged or indigent parents or other relations, or the son of the owner whose coach he applies for permit to drive; such permit to be for not more than one year.

#### SPECIAL COACHES AND CARRIAGES.

Sec. 111. The proprietor of any hackney coach, or carriage, or cab, who does not intend to come upon and use the public stands with such hackney coach, or carriage, or cab, shall at the time of applying for a license of the same, state, in writing, to the mayor such intention, and thereupon a special license may be granted, in the discretion of such mayor, to such proprietor.

Sec. 112. For every such special license granted by virtue of the provisions of this article shall be paid the sum of five dollars for each coach or carriage, and for each cab, three dollars.

Sec. 113. Every such license shall expire on the first Monday of June next after the date thereof, and may be renewed on application for such purpose.

Sec. 114. No hackney coach, carriage, or cab which shall be specially licensed by virtue of the provisions of this article shall make use or come upon any stand that is now or may be hereafter designated as a hackney coach stand, or at any other place in the city of New York, except in front of or adjacent to any hotel or hotels, or at any other place which may be designated by the mayor, and which may be used as a stand with the approval and consent of the persons occupying the premises in front of which said coaches, carriages, or cabs are to be permitted and allowed by the authority of the mayor as aforesaid, provided that the owner or driver of any such coach, carriage, or cab, shall not solicit nor take any passenger or passengers on the streets, but shall confine themselves solely to and for the use of the guests of said hotel or hotels. Any violation of this section shall be punished by a fine of five dollars by the mayor's marshal, to be sued for and recovered from the owner thereof.

Sec. 115. Every such special coach or cab shall be entitled to receive such fare as may be mutually agreed on between the owner or driver and the person or persons employing them, but



when there is no agreement at the time of hiring such coach or cab, the fare shall be as per sections 89 to 109, both inclusive, of this article.

Sec. 116. The person or officer exercising the duties of the superintendent of hacks shall, at all reasonable times, have free access to such hackney coaches, carriages, or cabs, within the premises of their several proprietors, as shall be necessary for the performance of his duties, under a penalty of five dollars upon each and every person who shall obstruct, disturb, or molest the said person or officer whilst in the discharge of his duties as aforesaid.

Sec. 117. The several provisions and penalties of sections 74 to 82, both inclusive, and of sections 83 to 86, both inclusive, of this article shall, in all and every respect, apply to hackney coaches, carriages, or cabs which may be licensed by virtue of the provisions of this article, and the owners and drivers thereof, severally and respectively.

#### THE SUPERINTENDENT OF HACKNEY COACHES, CARRIAGES, AND CABS.

Sec. 118. It shall be the duty of the person or officer exercising the duties appertaining to the office of superintendent of hacks to visit the public stands and all places where hackney coaches and carriages are permitted to stand; he shall have power and authority to order away from the stands, and from all other places, any hackney coach, carriage, or cab not provided with a number or with lamps fixed up, lighted, and numbered, as hereinbefore required, or not furnished with proper and suitable harness or horses, or whenever the same shall be improperly obstructing the way or street, or whenever the horses attached thereto are unruly, or whenever the driver or person having charge of any such hackney coach, carriage, or cab, is intoxicated, or in any manner misbehaves himself.

Sec. 119. If any person having charge of such hackney coach, carriage, or cab shall refuse or neglect to obey any such order of the said person or officer, he or they shall forfeit and pay for every such offense the sum of five dollars, to be recovered from the owner or driver of such hackney coach, carriage, or cab, severally and respectively.

Sec. 120. It shall be the duty of said person or officer to see that all the laws regulating hackney coaches, carriages, and cabs are, in every respect, complied with, and it is particularly enjoined upon the said person or officer that he report all offenders to the mayor's first marshal.

The said person or officer, under the direction of the mayor, or other person designated by him, shall determine the number of coaches and carriages for any particular stand, and also the proper boundaries and limits of every stand.

#### ARTICLE IX.

##### *Dealers in Second-hand Articles and Keepers of Junk Shops.*

Sec. 121. The mayor may, from time to time, grant licenses, under his hand and seal, to such persons as shall produce to him satisfactory evidence of good character to exercise or carry on the business of dealing in the purchase and sale of second-hand furniture, metal, clothes, or other articles, in the said city.

Sec. 122. Every person receiving such license shall pay therefor the sum of twenty-five dollars for the use of the city.

Sec. 123. Every person so licensed shall, at the time of receiving such license, enter, with two sufficient sureties, into a joint and several recognizance, to the mayor, aldermen, and commonalty of the city of New York, in the penalty of five hundred dollars, conditioned for the due observance of all such ordinances of the common council as may be in force or passed respecting dealers in second-hand articles, at any time during the continuance of such license.

Sec. 124. Every such dealer shall keep a book, in which shall be fairly written, at the time of the purchase of any article or thing, in the way of his or her business, an accurate account and description of the article or thing so purchased, the price paid therefor, the precise time of making such purchase, and the name and residence of the person from whom such purchase was made.

Sec. 125. The said book shall, at all reasonable times, be open to the inspection of the mayor, recorder, aldermen, councilmen, police justices, and superintendent of police, of the city of New York, or any or either of them, or of any person who shall be duly authorized, in writing, for that purpose by any or either of them, and who shall exhibit such written authority to such dealer.

Sec. 126. Every such dealer who shall violate or neglect, or refuse to comply with, any or either of the provisions of the one hundred and twenty-fourth and one hundred and twenty-fifth sections of this article, shall for every such offense forfeit and pay the sum of twenty-five dollars.

Sec. 127. No article or thing, except wooden furniture, which shall have been purchased by any such dealer in the way of his or her business, shall be sold or disposed of by such dealer until the expiration of one month after such purchase.

Sec. 128. No such dealer shall receive any article by way of pledge or pawn, or shall purchase or buy at private sale, of any one person, in one day, any article or articles exceeding in value the sum of fifty dollars.

Sec. 129. Every such dealer who shall violate or neglect, or refuse to comply with, any or either of the provisions of the one hundred and twenty-seventh and one hundred and twenty-eighth sections of this article, shall for every such offense forfeit and pay the sum of one hundred dollars.

Sec. 130. The mayor may, from time to time, grant licenses to such persons as shall procure the recommendation for that purpose of the police justices or general superintendent of police of the city of New York, to keep what are commonly called junk shops, for the purchase and sale of junk, old rope, old iron, brass, copper, tin and lead, rags, slush, and empty bottles.

Sec. 131. Every person receiving such license shall pay therefor the sum of twenty dollars for the use of the poor of the city.

Sec. 132. Every person so licensed shall, at the time of receiving such license, enter, with one sufficient surety, into a joint and several recognizance to the mayor, aldermen, and commonalty of the city of New York, in the penal sum of two hundred and fifty dollars, conditioned for the due observance of such ordinances of the common council as may be passed or in force respecting the keeping of junk shops at any time during the continuance of such license.

Sec. 133. No keeper of a junk shop shall buy or sell any coin of any description, or any article of gold or silver, or any wearing apparel, or any article of household furniture, or any implement, tool, or utensil, in a sound, unbroken, or undamaged condition; nor shall such keeper receive, in the line of his business, any article or thing by way of pledge or pawn; nor shall he or she loan or advance any sum of money on the security of any such article or thing.

Sec. 134. Every keeper of a junk shop shall provide and keep a book, in which shall be fairly written, at the time of every purchase, a description of the article so purchased, the name and residence of the person from whom such purchase was made, and the day and hour of such purchase.

Sec. 135. Every such book shall, at all times, be open to the inspection of the mayor, aldermen, councilmen, and police justices and superintendent of police, of the city of New York, and each of them, or to any person who may be authorized for the purpose, in writing, by either of them, such person exhibiting to the said keeper his authority as aforesaid.

Sec. 136. Every such keeper of a junk shop who shall violate or neglect, or refuse to comply with the foregoing provisions, or either of them, shall for every such offense forfeit and pay the sum of twenty-five dollars.

Sec. 137. Every license to be granted to any dealer in second-hand articles, or keeper of a junk shop, shall designate the house or place in which the person receiving such license shall be authorized to carry on such business.

Sec. 137. Every such license shall continue in force until the second Monday in May next following the granting thereof, unless sooner revoked by the mayor, and no longer.

Sec. 138. On the renewal of every such license, dealers in second-hand articles and keepers of junk shops receiving the same shall pay one-half the sum therefor as is required to be paid on granting such license in the first instance.

Sec. 139. No person shall use, exercise, or carry on the trade or business of a dealer in second-hand articles without being specially licensed for such purpose as aforesaid, or shall carry on any such business at any other house or place than the one designated in such license, or shall continue to carry on such business after such license may have been revoked, under the penalty of fifty dollars for every such offense; and no person shall use, exercise, or carry on the business of a keeper of a junk shop, or what is commonly called a junk shop, for the purchase and sale of junk, rags, or old rope, paper, or bagging, old iron, brass, copper, tin, empty bottles, slush, or lead, without being specially licensed for such purpose as aforesaid, or shall carry on any such business at any other house or place than the one designated in such license, or shall continue to carry on such business after such license may have been revoked, under the penalty of twenty-five dollars for every such offense.

Sec. 140. No dealer in second-hand articles or keeper of a junk shop shall purchase any goods, article, or thing whatsoever, from any minor, apprentice, or servant, knowing or having reason to believe him or her to be such, under the penalty of twenty-five dollars for every such offense.

Sec. 141. No dealer in second-hand articles or keeper of a junk shop shall purchase, in the way of his or her business, any goods, article, or thing whatsoever, from any person or persons whatsoever, between the setting of the sun and the hour of seven o'clock in the morning, under the penalty of twenty-five dollars for every such offense.

Sec. 142. No dealer in second-hand articles shall deface, mutilate, take apart, or in any way alter, or permit to be defaced, mutilated, taken apart, or in any way altered, any article or thing which shall come into his or her possession in the way of his or her business, but the same shall be sold or offered for sale in the same form, state, and condition in which it was when first received by him or her, under the penalty of one hundred dollars for every such offense.

Sec. 143. If any goods, article, or thing shall be advertised in any daily newspaper printed in the city of New York as having been lost or stolen, and if the said goods, article, or thing, or any such answering to the description of the goods, article, or thing so advertised, or any part or portion

thereof, shall then be or thereafter come into the possession of any dealer in second-hand articles or keeper of a junk shop, he or she shall forthwith give information thereof, in writing, at the office of the superintendent of police, and shall also state from whom the same were received, under the penalty of two hundred and fifty dollars for every neglect or offense.

Sec. 144. Every dealer in second-hand articles or keeper of a junk shop who shall receive or be in possession of any goods, articles, or things which may have been lost or stolen, or alleged or supposed to have been lost or stolen, shall, forthwith, on a demand to view the same, present the same to the mayor or recorder, or any alderman, or police justice, superintendent of police, or any policeman who may be authorized by either of the above-mentioned officers or magistrates to make such demand, under the penalty of two hundred and fifty dollars for every neglect or refusal so to do.

Sec. 145. No dealer in second-hand articles shall, during his license as such, receive or hold a license to carry on the business of a pawnbroker or a keeper of a junk shop; and no keeper of a junk shop shall, during his license as such, receive or hold a license to carry on the business of a pawnbroker or of a dealer in second-hand articles.

Sec. 146. Every license granted, or to be granted, to any dealer in second-hand articles or keeper of a junk shop, may be revoked by the mayor on satisfactory cause appearing to him for so doing.

Sec. 147. No person shall keep what is commonly called a junk shop for the purchase and sale of junk, rags, or old rope, paper, or bagging, old iron, brass, copper, tin, empty bottles, slush, or lead; and no person shall draw or drive, or procure to be drawn or driven, through the streets of this city, any hand-cart, wheelbarrow, or other cart or vehicle; and no person shall propel, or procure to be propelled, through the waters of the city and county of New York, any boat or other kind of vessel for the purpose of collecting junk, rags, old rope, paper or bagging, old iron, brass, copper, tin, empty bottles, slush, or lead; nor shall any person be entitled to have a cart or carts, boat or boats, or other vehicle or vehicles, unless said person shall be a licensed keeper of a junk shop; and no person shall be entitled to use any such cart, boat, or other vehicle unless he is a citizen; nor shall any person deal in buying or selling either of such articles without being first licensed by the mayor for such purpose.

Section 148. Every licensed keeper of a junk shop, for the purchase and sale of rags, old rope, old iron, brass, copper, empty bottles, tin, slush or lead, shall be entitled to keep one or more carts, wagons or other vehicles, and one or more boats or other vessels, for the purpose of collecting old junk, rags, old rope, old iron, brass, copper, empty bottles, tin, slush or lead, in the city of New York, provided he or she shall, before using such carts, wagons, boats or other vessels, or causing the same to be used, cause to be painted on the outer side of such hand-carts, wheelbarrows, or other carts or vehicles, boats or vessels, his name at length, the street and number of his place of business, the number of his license, in plain letters and figures, put on with paint, of not less than two and a half inches in length. The mayor shall, from time to time, grant licenses to such persons as he shall think proper, to keep one cart, wagon or other vehicle, or one boat or other vessel, for the purpose of collecting old junk, rags, old rope, old iron, brass, copper, empty bottles, tin, slush or lead, in the city of New York, providing the person receiving such license shall, before using such cart, wagon, boat or other vessel, cause to be painted on the outer side of such hand-carts, wheelbarrows, or other carts or vehicles, boats or vessels, his name at length, the street and number of his place of residence, the number of his license, in plain letters and figures, put on with paint, of not less than two and a half inches in length.

Sec. 149. A separate license shall be obtained, by the owner thereof, for each and every cart, wagon, or other vehicle, boat or other vessel; and the owner of every such licensed cart or other vehicle, boat or other vessel, shall procure for every such cart or other vehicle, boat or other vessel, one metal badge containing the license number of such cart or boat, and no person shall buy or sell, or solicit for the purchase or sale of any rags, paper, bottles, old metal, or junk of any description, unless he have such badge conspicuously displayed upon his person, under a penalty of not less than one dollar (\$1), nor more than twenty-five dollars (\$25) for every offense. The form and material of such badges shall be determined by the Mayor. Any forfeiture or penalty arising under this article may be enforced by the mayor, or recovered by an action in the name of the mayor, aldermen, and commonalty of the city of New York, prosecuted in any court of justice, as prescribed by the city charter, or by law, and the forfeiture or penalty so recovered shall be paid into the city treasury.

Section 150. Every owner of a cart, wagon or other vehicle, boat or other vessel on receiving his or her license, shall pay for each and every cart, wagon or other vehicle, boat or other vessel, to the mayor of the city of New York, for the use of said city, the sum of five dollars, and upon the renewal of said license, annually, the sum of two and a half dollars.

Sec. 151. In case any person so licensed, as aforesaid, shall remove his or her store or place of business, from the place designated in said license, he or she shall immediately thereupon give notice to the mayor and have the same indorsed upon such license, and the number of his or her place of business shall thereupon be changed on the sides of the vehicle or vessel used by such licensed dealer, and made to correspond with such change of store or place of business.

Sec. 152. The superintendent of police, aided and assisted by such policemen as he may deem necessary, shall be the inspector of pawnbrokers, dealers in second-hand articles, junk shops, and intelligence offices.

Sec. 153. Whoever shall violate any of the provisions of this article shall be subject to the penalties prescribed in and by said articles, or in lieu thereof, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction, pursuant to the provisions of sections twenty and twenty-one of an act relative to the powers of the common council of the city of New York, and the police and criminal courts of said city, passed by the legislature of the State of New York, January 23, 1833.

#### ARTICLE X.

##### *Dogs.*

Sec. 154. Hereafter it shall not be lawful to permit any dog to go abroad loose or at large in any of the public streets, lanes, alleys, highways, parks, or places within the corporate limits of the city of New York, under a penalty of three dollars for each offense, to be recovered against the owner, possessor, or person who knowingly harbored such dog within three days previous to the time of such dog being so found going abroad loose or at large; and the commissioners of police are hereby authorized and directed to cause complaint to be made to the corporation attorney against the owner or possessor of every dog permitted to go loose or at large within the corporate limits, as aforesaid, for the recovery of the penalties prescribed in this article; such penalties and all license fees, when collected, to be accounted for semi-monthly, and paid to the comptroller of said city, and upon the requisition of the mayor, to be applied towards the payment of enforcing the provisions of this article. Nothing in this article shall prevent any dog from going into any such street, lane, alley, highway, park, or public place, provided such dog shall be held, by such owner or other person, securely by a cord or chain, to be not more than four feet long, fastened to a collar around the neck of the animal.

Sec. 155. Every owner, possessor, or person who harbors any dog shall take out a permit for each dog, at the permit bureau, paying the sum of two dollars (\$2) for the same. All permits, and renewals of the same shall be dated from the first day of May in each and every year, and shall be for one year from date, and all renewals shall be one dollar (\$1). Said permit shall have the name of the owner and the number of the permit or license on it. Any dog so licensed must have a collar around his neck, with a metal tag attached having the number of the license on it. And any dog so licensed must, when in the street, be held by such owner, or other person, secured by a cord, rope, or chain, not more than four feet in length; but the owner, at his option, may use, instead of the above, a muzzle, constructed so as to prevent the dog from biting. Any dog that is not so secured, although he is licensed, shall be captured the same as if no license was granted. No dog having a collar and tag, with the number of his license on it around his neck, that may be in a wagon or other vehicle, belonging to his owner, shall be captured. Any person appointed by his honor the mayor to capture dogs who shall permit any person to take one or more dogs from him for nothing, or for pay, shall be arrested and taken before a police justice, and upon the facts being proven, the judge shall impose a fine of not less than ten dollars, or more than fifty dollars for each offense. Any person may make a complaint of persons having dogs unlicensed at the police stations, and the officer in command shall entertain the same; and all policemen on patrol duty must report all violations of this article, the same as any other violation of a corporation ordinance. All such reports shall be transmitted to the corporation attorney, the same as for other violations of city ordinances, and in addition to the three dollars fine shall be added all costs of suits for the recovery of the same as for any other violation of the city ordinances. The provisions of this section, except those relating to leading and muzzling dogs, shall not apply to dogs owned by non-residents, in remaining temporarily or in passing through this city, or to dogs brought into this city and entered for exhibition at any dog show or annual exhibition of dogs.

Sec. 156. The mayor of the city of New York is hereby authorized and empowered to take such measures as he may deem most efficient to carry into effect the provisions of section 134 of this article. All dogs found loose or at large, as aforesaid, shall be seized, captured, and delivered by such persons as the mayor shall designate, at a place to be provided and indicated by him, where such animals, if not within forty-eight hours thereafter claimed and redeemed by the owner or some other person, shall be killed and destroyed in such manner and by such persons as the mayor shall designate.

Sec. 157. Any owner or other person who may claim such dog, shall, before being placed in possession thereof, pay therefor the sum of three dollars. The provisions of this article shall apply only to dogs owned or claimed by residents of this city; and any person who shall knowingly present any such dog, and claim payment for the capture thereof, which shall not be owned or captured within the corporate limits of this city, shall thereby incur a penalty of ten dollars.

Sec. 158. No person shall hinder or molest any person or persons so appointed by the mayor while engaged in seizing or capturing and delivering any such dog as aforesaid, or any other person



engaged in the performance of any duty enjoined by the provisions of this article, under a penalty of not less than twenty-five nor more than one hundred dollars for every offense, to be used for and recovered in the manner now provided by law or ordinance for the recovery of penalties for violations of the ordinances of the common council, on the complaint of the person so hindered or molested, the penalty, when recovered, to be accounted for, paid and appropriated, as provided in section 154 of this article. The commissioners of police are hereby authorized and required to cause the person so engaged in performance of any of the duties prescribed by the article to be protected from hindrance or molestation.

Sec. 159. It shall not be lawful for any person to own or keep upon his or her premises any dog or other animal whose barking, howling, or other offensive noise, in any out-house, yard, or in the street, may be annoying, disagreeable, or injurious to any person or persons residing in the vicinity, under a penalty of five dollars for every such offense, to be imposed by any police magistrate; provided, however, that it be made to appear before such magistrate that a written notice was, as a condition precedent to the imposition of such penalty, first served upon the owner or keeper of such dog or other animal, requiring him to abate or discontinue the nuisance in such notice particularly stated and set forth. Such police magistrate may order the removal from within the city limits, or the killing of any such animal upon complaint being made before him by any two or more reputable citizens or householders that they are seriously annoyed or injured, or that such noise is injurious or annoying to any sick person or persons convalescent resident in the vicinity, as aforesaid.

#### ARTICLE XI.

##### *Partition Fences and Walls.*

Sec. 160. All partition fences in the city of New York shall be made and maintained by the owners of the land on each side; and each party shall make and keep in repair one-half part thereof, when it can be conveniently divided.

Sec. 161. In case of any dispute between the parties concerning the division of any such fence, or as to what part or portion of it shall be made or repaired by each party, respectively, and in all cases of dispute concerning the sufficiency of any fence in the city of New York, the matter shall be determined by the alderman for the time being of the district in which such partition or other fence may be situated.

Sec. 162. When any partition-fence cannot be conveniently divided, the same shall be made and kept in repair at the joint and equal expense of the owners of the land on each side.

Sec. 163. When the regulation of a lot, in conformity with the street on which it is situated, shall require the ground of such lot to be raised and kept up higher than the ground of the adjoining lot or lots, and a partition wall for supporting the same shall be necessary, such partition-wall shall be made and maintained by the owners, respectively, of the land on each side; and when the same can be equally divided each party shall make and keep in repair one-half part thereof.

Sec. 164. If any dispute shall arise concerning the division of such partition-wall between the parties, or as to what part or portion of it should be made or repaired by each, respectively, or concerning the sufficiency of any such partition-wall, the same shall be determined by the alderman.

Sec. 165. Where any partition-wall cannot be conveniently divided, the same shall be made and kept in repair at the joint and equal expense of the owners of the land on each side.

Sec. 166. The regulation of lots, in conformity with the street, shall be calculated not to exceed a descent of two inches on every ten feet.

Sec. 167. Where any owner or owners shall insist on maintaining his, her, or their ground higher than such regulation, the surplus partition-wall which may be necessary to support such height shall be made and maintained at the individual expense of such owner or owners.

Sec. 168. Where any such owner or owners shall insist on regulating his, her, or their ground with a descent less than two inches on every ten feet, the surplus partition-wall necessary to support the ground on the adjoining lot, regulated in conformity with the preceding section, shall, in like manner, be made and maintained at the individual expense of such owner or owners.

Sec. 169. If any person whose duty it may be to make or repair any partition-fence or partition-wall, or any part thereof, in pursuance of the provisions of this law, shall neglect so to do, for six days after being requested, in writing, by the owner or occupant of the adjoining ground, it shall be lawful for such owner or occupant to make or repair such partition, fence, or wall, or cause the same to be done, and to recover from such person the expense of making or repairing so much thereof, as ought to have been made or repaired by him or her, together with cost of suit, in any court having cognizance thereof.

Sec. 170. All outside and boundary fences, and all fences erected on the line of any public road, street, lane, or avenue, in the city of New York, shall be at least five feet high, and shall be built of good and substantial materials, and sufficient in all respects to keep out and prevent the encroachment of cattle, sheep, hogs, and other animals; and shall be kept in good repair and of the height above-mentioned.

Sec. 171. The owner or owners, lessee or lessees, tenant or tenants, of any lot, piece of ground or premises upon which any fence not of the height, and that shall not be erected in the manner and maintained at the height mentioned in the preceding section, or who having erected the same shall not keep the same in good repair, shall not recover for any damage he, they, or she may sustain from any cattle, sheep, hog, or other animal be placed in pound for doing damage, unless such fence be erected and kept of the height and in the manner mentioned in the section.

Sec. 172. In case of any dispute between the parties concerning any fence embraced within this article, or the sufficiency thereof, the matter shall be determined by the alderman for the time being of the district in which such fence may be situated.

#### ARTICLE XII.

##### *The Firing of Fire-arms, Cannons, and Fireworks.*

Sec. 173. Every cannon or piece of artillery that shall hereafter be discharged or fired off upon the Battery shall be placed at the easterly end thereof, as near to the flag-staff as practicable, and in the immediate rear of the paved walk fronting the water; and shall be ranged and pointed in the direction and toward Governor's Island.

Sec. 174. No cannon or piece of artillery shall be discharged or fired off upon the Battery, except at the place and ranging in the manner provided in the 1st section of this article.

Sec. 175. No cannon or piece of artillery shall be discharged or fired off upon the premises of Castle Clinton or Garden, except on the westerly side thereof; and the same shall only be discharged or fired off in the direction and toward the westerly shore of Hudson river.

Sec. 176. No cannon or piece of artillery shall be discharged or fired off in any street, avenue, lane, or public park or place within the corporate limits of the city of New York, without a written permission from his honor the mayor, under a penalty of twenty-five dollars for every offense. In no case shall the calibre of the cannon exceed four pounds. The provisions of this section, except that relating to the calibre of the cannon, shall not apply to the 4th day of July, in each and every year.

Sec. 177. Any person or persons, commander or other officer, or private, of any artillery or other military company, troop of horse, corps, regiment, battalion, brigade, or division, who shall violate any or either of the provisions of this chapter of these ordinances, or shall cause or permit the same to be done, shall severally forfeit and pay the sum of fifty dollars for each discharge or firing off of any piece of artillery, to be paid into the city treasury for the use of the city.

Sec. 178. No tavern-keeper, keeper of a public-house, garden, or place of resort, nor any other person, shall suffer or permit any person to practice with or fire off any pistol, gun, fowling-piece, or other fire-arms, in or upon his or her premises, nor shall suffer or permit any pistol gallery erected in his or her house, or upon his or her premises, to be used for the purpose of practicing with any pistol, gun, fowling-piece, or other fire-arms, upon the first day of the week, called Sunday, under the penalty of fifty dollars for each offense, to be sued for and recovered from the person keeping such public house, tavern, public garden, pistol gallery, place of resort, or premises; and also the further penalty of fifty dollars for each offense, to be sued for and recovered from the person firing off or practicing with a pistol, gun, fowling-piece, or fire-arms. And in case such person so offending shall be an apprentice, such penalty shall be sued for and recovered from the master of such apprentice; or in case such person so offending shall be a minor and not an apprentice, the same shall be sued for and recovered from the father of, or in case of the death of the father, then from the mother or guardian of such minor.

Sec. 179. No person shall fire, discharge, or set off in the city of New York any rocket, cracker, torpedo, squib, balloon, or other fireworks, or thing containing any substance in a state of combustion, under the penalty of five dollars for each offense.

Sec. 180. No person shall sell or expose for sale, nor fire, discharge, or set off in the city of New York, any fireworks called or known by the name of "snakes" or "chasers," or any fireworks called or known by the name of "double-headers," nor any fireworks under any other name composed of the same material and of the same character of those fireworks specified in this section, under the penalty of fifty dollars for each offense, to be sued for and recovered of the person selling or exposing the same for sale, firing off or discharging the same. And in case such person shall be an apprentice, such penalty shall be sued for and recovered of and from the master of such apprentice. In case such person shall be a minor and not an apprentice, the same shall be sued for and recovered of and from the father, or in case of the death of the father, then from the mother or guardian of such minor.

Sec. 181. No person shall fire or discharge any gun, pistol, fowling-piece, or other firearm in the city of New York, under the penalty of ten dollars for each offense. The provisions of this section shall not apply to Jones' Wood Colosseum, Washington Park, Hamilton Park, Bender's Schutzen Park, Bellevue Garden, Harlem River Park, Lion Park, Christ's Park, Kuntz Elm Park, National Park, Karl Park, Jerome Park, Fleetwood Park, Hudson River Park, and Brien's Under-cliff Park, Highbridge.

#### ARTICLE XIII.

##### *The Sale, etc., of Firewood, Hay, Straw.*

##### *FIREWOOD.*

Sec. 182. No firewood brought to this city for sale shall be landed on any of the docks, wharves, or piers of this city until the same shall have been sold; and all firewood so sold and landed shall be immediately carried away, under the penalty of one dollar for every load which may be so landed before sale, or not taken away when sold.

Sec. 183. No firewood shall be sold otherwise than according to the following regulations, that is to say: The stanchions of each cart or sled which shall be employed in the carrying of such wood shall be five feet four inches high from the floor of the cart or sled, and no higher; and the breadth of such cart or sled between the two foremost stanchions shall be two feet five inches, and between the two hindmost stanchions two feet nine inches, and no more; in which space between the two stanchions every cartman who shall cart any wood shall stow as much and as close together as can conveniently be put, or as much of it as will amount to thirty-seven feet ten inches and two-thirds of an inch, cubic measure, which shall constitute and be deemed a load, and shall and may be bought and sold accordingly.

Sec. 184. No person or persons shall buy or sell any firewood contrary to the above regulations; and no cartman shall cart any firewood brought to this city for sale except in carts made and constructed as by law directed and loaded as above mentioned, under the penalty of five dollars for each offense.

Sec. 185. No crooked wood shall be stowed in any cart or sled constructed in manner aforesaid with other wood, but the same may be sold or disposed of as refuse wood, not subject to the above regulations; and if any cartman who shall cart firewood shall put, or suffer to be put, in his cart any such crooked wood as will prevent his cart from containing a full load between the stanchions thereof, he shall for every load so carted forfeit the sum of one dollar.

Sec. 186. No cartman or wood-sawyer, or other person for or on account of such cartman or wood-sawyer, shall purchase any firewood which shall be brought to this city for sale except it be for the only use of such cartman, wood-sawyer, or his family, under the penalty of twenty-five dollars for each offense, except such cartman or wood-sawyer shall have received an order, which it shall be incumbent on him to prove, to purchase wood. And, further, no cartman or wood-sawyer shall sell, or expose to sale, any firewood which shall be brought to this city for sale on his own account, or as agent for or on account of any person or persons, under a penalty of fifteen dollars for each offense.

Sec. 187. No cartman shall cart, or carry for hire or wages, any hay brought to this city for sale, unless he shall be duly licensed for that purpose by the mayor, under the penalty of five dollars for every load or part of a load which he shall so cart or carry.

Sec. 188. Every cartman to be so licensed shall first take and subscribe an oath or affirmation before the said mayor, well and carefully to examine and inspect all the hay to be carted or carried by him, for the purpose of ascertaining whether it be well and sufficiently cured and dry; and no such cartman shall cart or carry any hay and pass the same as good and merchantable, unless the same be well and sufficiently cured and dry, under the penalty of five dollars for every load or part of a load which he shall so cart or carry.

Sec. 189. Nothing in the last section contained shall be taken or construed to prohibit the importation within the city, or the cartage or sale, of any injured or damaged hay, as being so injured or damaged.

Sec. 190. Every cartman to be so licensed shall cause the number of his license to be fairly painted on a tin plate, with red paint upon a white ground, easily to be seen, and shall fix and keep such tin plate so fairly painted and easily to be seen on the square of the after part of the shaft of his cart, under the penalty of twenty dollars for every neglect or default.

Sec. 191. The street or place known as Hall place, between Sixth and Seventh streets, in the Seventeenth Ward of this city, is hereby designated as the place for the sale of hay coming from the country by the wagon, cart, or sled load.

Sec. 192. All the foregoing provisions of this law shall apply to the sale of straw in this city, except straw made up into bundles and sold by the bundle.

Sec. 193. The boats employed in bringing loose hay or straw to the city for sale shall have the privilege, in preference to all other vessels, of occupying the whole of Gouverneur slip, on the East river; and the basin at the foot of Annos street, on the North river; and no person having the charge of any other boat or vessel, as master, owner, or otherwise, shall interfere with boats employed in bringing hay to the said places, or prevent their approach thereto, under the penalty of ten dollars for every such offense.

Sec. 194. The pier at the foot of Charles street, with one-half of the bulkhead south of said pier, is hereby appropriated for vessels laden with loose hay for sale, to the exclusion of all other vessels.

Sec. 195. Hereafter it shall not be lawful for any person to sell, or offer for sale, within the corporate limits of the city of New York, any hay or straw by the bale, unless the exact gross and net weight shall be legibly and distinctly marked on every such bale of hay or straw, under a penalty of ten dollars for each bale of hay or straw so sold or offered for sale in contravention of the provisions of this ordinance.

#### ARTICLE XIV.

##### *Flags and Decorations at the City Hall.*

Sec. 196. All power and authority to display flags or other decorations on, in, or about the City Hall, or other public buildings within the City Hall Park, is hereby vested in the mayor of the city of New York, unless the common council, with the approval of the mayor, shall otherwise order and direct.

#### ARTICLE XV.

##### *Flower-pots.*

Sec. 197. It shall not be lawful for any person to place or keep on any window-sill, railing of balcony, top of porch, or any other projection from any house or other building in the city of New York, any earthen flower-pots, wooden box, or other article or thing whatever for the cultivation or retention of flowers, shrubs, vines, or any other article or thing whatever, unless every such flower-pot, box, or other article is securely and firmly fastened or protected by iron railings, so fastened as to render it impossible for any such pot, box, or other article to fall into the street, under a penalty of ten dollars for every offense, to be recovered in the manner now specified by law for the collection of fines imposed for violations of ordinances of the corporation.

#### ARTICLE XVI.

##### *Weighers of Hay.*

Sec. 198. No person, except those to whom the mayor shall grant a license under the act passed April 3, 1860, entitled "An act in relation to Bale-hay and Hay Scales," shall erect or have any scale or apparatus for weighing hay on any street, avenue, or public place in the city of New York, under a penalty of twenty-five dollars.

Sec. 199. The mayor shall designate in all licenses granted by him the location at which the persons licensed shall erect their respective scales for weighing hay, and such license shall convey an authority and permission to erect at such location, under the direction of the commissioner of public works, a scale for weighing hay, in the mode previously in use in the city.

Sec. 200. The fee charged on granting said license shall be twenty-five dollars a year.

Sec. 201. In case of weighing bale-hay, the licensed weighers shall designate in the certificate given by them, the amount of tare on each bale, and shall legibly mark the amount of said tare on each bale, as well as the gross weight, under a penalty of ten dollars for each omission to mark the said tare.

Sec. 202. No weigher of hay shall charge any person applying for his services as such weigher, and for a certificate of the weight of any hay, more than six cents on each bale for weighing and marking the same, and for a certificate thereof.

#### ARTICLE XVII.

##### *Driving Horses in the City.*

Sec. 203. No person shall ride or drive any horse or horses in the city of New York, south of One Hundred and Tenth street, with greater speed than at the rate of five miles an hour, or north of One Hundred and Tenth street with greater speed than at the rate of twelve miles an hour, under the penalty of ten dollars for each offense, to be recovered from the owner or driver thereof, severally and respectively.

Sec. 204. No person, upon turning the corner of any street in the city of New York, shall ride or drive any horse or horses with greater speed than at the rate of three miles an hour, under the penalty of ten dollars for each offense, to be recovered from the owner or driver thereof, severally and respectively.

Sec. 205. No horse shall be suffered or permitted to go loose or at large in any of the streets in the city of New York, under the penalty of ten dollars for every such offense, to be paid by the owner or person having the care, charge, or keeping thereof, severally and respectively.

Sec. 205. No person shall suffer or permit to go, or lead, or ride, or drive any horse upon any sidewalk in the city of New York, under the penalty of five dollars for each offense, to be paid by the owner or person having the care, charge, or keeping thereof, severally and respectively.

Sec. 206. No person shall run or race any horse in any public street, road, or avenue in the city of New York, nor shall consent to or suffer such racing, under the penalty of fifty dollars, to



be recovered from the person or persons who shall so race, or suffer or permit such racing, and the owner, rider, and the person having charge of any animal which shall so race and run, severally and respectively.

Sec. 207. The last preceding section of this article shall be construed to prevent and punish the running, racing, or trotting of any horse or horses, for any trial of speed, or for the purpose of passing any other horse or horses, whether the same be founded upon any stake, bet, or otherwise.

Sec. 208. No person shall drive one horse before another, in the manner commonly called tandem, otherwise than on a walk, in any street in the city of New York, under the penalty of five dollars for each offense, to be paid by the owner or driver thereof, severally and respectively.

Sec. 209. No person shall show or expose for sale at auction any horse or other animal in any street, lane, or avenue in the city of New York, under the penalty of five dollars for every such offense.

Sec. 210. No person shall drive any horse before a sleigh or sled through any of the public streets or avenues of this city, unless there shall be a sufficient number of bells attached to the harness of such horse and sleigh or sled to warn persons of his approach, under the penalty of ten dollars for each offense, to be paid by the driver, owner, or person having the care, charge, or keeping thereof, severally and respectively.

#### ARTICLE XVIII.

##### *Ice Wagons.*

Sec. 211. It shall not be lawful for the owner or driver of any wagon used for the sale of ice in any of the streets, avenues, or public places in the city of New York, to permit or allow the scale thereon, or the beam to which it may be attached, or other implements for handling ice, to project or hang outside or beyond the side or end of such wagon when in motion, under the penalty prescribed by section 21 of the act, chapter XL, Laws of 1833, and section 5 of article 4, chapter CCXXVIII, Laws of 1853.

#### ARTICLE XIX.

##### *The Licensing of City Railroad Passenger Cars.*

Sec. 212. Each and every passenger railroad car running in the city of New York, below One Hundred and Twenty-fifth street, shall pay into the city treasury the sum of fifty dollars annually for a license, a certificate of such payment to be procured from the mayor, except the small one-horse passenger cars, which shall each pay the sum of twenty-five dollars annually for said license as aforesaid.

Sec. 213. Each certificate of payment of license shall be affixed to some conspicuous place in the car, that it may be inspected by the proper officers.

Sec. 214. For every passenger car run upon any of the city railroads below One Hundred and Twenty-fifth street, without the proper certificate of license, the proprietor or proprietors thereof shall be subject to a penalty of fifty dollars, to be recovered by the corporation attorney, as in the case of other penalties, and for the benefit of the city treasury.

#### ARTICLE XX.

##### *Calcium or Drummond Lights.*

Sec. 215. Any person who shall use or place in any street, avenue, or public place in the city of New York any calcium, Drummond, or other light of intense brilliancy, unless a permit therefor shall be first obtained from the mayor, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished, as provided in sections 20 and 21 of an act relative to the powers of the common council of the city of New York and the criminal courts of said city, passed January 23, 1833, and to the provisions of section 5 of article 4 of an act in relation to the police department of the city and county of New York, passed April 13, 1853; nor shall any person place any such light in or upon any house or other building in said city, so that the same shall reflect or shine upon or into any such street, avenue, or public place, under a like penalty, to be imposed as above provided.

#### ARTICLE XXI.

##### *Lime.*

Sec. 216. No sloop or other vessel which shall bring any slaked or unslaked lime to this city for sale, shall be permitted to lay in any of the public slips or at any of the public wharves in this city while she has lime on board, except as hereinafter provided, under the penalty of fifty dollars for each offense.

Sec. 217. The last preceding section shall not be construed to prevent the laying of vessels having lime on board at the public wharves and in the slips, while discharging cargo, or during the period the lime is bona fide for sale, and the person having charge of said vessel and lime is ready and willing to sell and deliver the same.

Sec. 218. Any cartman who shall cart any slaked lime, whether merchantable or not, shall provide his cart with a tight box, sufficient to contain sixteen bushels, struck measure; which box shall, whenever any lime is contained therein, be covered with cloth or other sufficient covering to keep the contents from wasting.

Sec. 219. Every cartman who shall cart any slaked lime, excepting in the box, and furnished in the manner provided for in the last preceding section, with the covering therein mentioned, shall forfeit and pay the penalty of five dollars for every such offense.

Sec. 220. No person shall keep a lime-house in any of the public streets, lanes, or alleys of the city of New York, between the first day of December and the first day of April in any year, under the penalty of fifty dollars for every twenty-four hours the same shall be kept therein.

Sec. 221. It shall not be lawful for any person to keep a lime-house in any of the public streets, lanes, or alleys of the city of New York for a longer period than three months, under the penalty of ten dollars for every twenty-four hours the same shall be kept therein.

#### ARTICLE XXII.

##### *Placards on Lamp-posts, etc.*

Sec. 222. No person shall attach, place, or paste, or cause to be attached, placed, or pasted, any sign or advertisement, or other matter, upon any public lamp-post, telegraph pole, shade tree, or fire hydrant now erected in the city of New York, or that may hereafter be so erected, under the penalty named in the next section; nor shall any person attach, place, or paste, or cause to be attached, placed, or pasted, any sign, advertisement, notice, or hand-bill, or other matter, on any curb-stone, flag-stone, or any other portion or part of any sidewalk, or curb-stone, in the city of New York, under a like penalty.

Sec. 223. The violation of any of the provisions of the preceding section shall be punishable by a fine of not less than one dollar, or more than ten dollars.

#### ARTICLE XXIII.

##### *Nuisances.*

TO PREVENT BEARS, AND OTHER NOXIOUS OR DANGEROUS ANIMALS, FROM GOING AT LARGE OR BEING LED THROUGH ANY STREETS, AVENUES, OR PUBLIC PLACES IN THE CITY OF NEW YORK.

Sec. 224. Any person who shall permit any bear, or other noxious or dangerous animal, to run at large, or who shall lead any such animal, with a chain or rope or other appliance, whether such animal be muzzled or unmuzzled, in any street, avenue, lane, highway, or public place within the corporate limits of this city, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished pursuant to the provisions of sections 20 and 21 of an act relative to the powers of the common council of the city of New York and the criminal courts of said city, passed by the legislature of the state of New York, January 23, 1833, and to the provisions of section 5 of article 4 of an act in relation to the police department of the city and county of New York, passed April 13, 1853.

Sec. 225. No goat shall be permitted to go at large in any of the streets, avenues, lanes, alleys, piers, wharves, or public places in the city of New York, under the penalty of three dollars for every such goat which shall be found at large, to be paid by the owner or person having charge, care, or keeping thereof.

Sec. 226. No person or persons shall throw, cast, or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, dirt, filth or rubbish, of any kind whatever in any street, lane, alley, or public place in the city of New York.

Sec. 227. The owner or builder of any house or other building which may be erecting or repairing in the city of New York, shall cause all the rubbish of every kind occasioned thereby, which may accumulate in the street, or be cast into the street, and all the ground, stone, sand, and clay which may be dug from the cellar, or yard, or area, or vault, and cast into the streets, to be removed out of the said street before sunset on each day, under the penalty of five dollars for each day's neglect, to be recovered from the owner or builder severally and respectively.

Sec. 228. No collector of ashes or other person shall unload from any cart, wagon, or other vehicle, in any of the streets of the city of New York, any ashes, by dumping or starting the same in the street or on the sidewalk, under the penalty of ten dollars for each offense.

Sec. 229. No person shall throw or deposit any water or other liquid in any part of any street, alley, lane, or public place, except in the side-gutter thereof, under the penalty of two dollars for every such offense.

Sec. 230. No person shall erect any booth or establish or fix any stand in any of the streets or public grounds in the city of New York for the purpose of opening and exposing for sale, or selling, any oysters or other shell-fish, under the penalty of five dollars for each offense.

Sec. 231. No person shall erect any booth or establish any stand in the streets or public grounds in the city of New York for the purpose of exposing for sale, or selling, any kind of provisions, or any goods of any description whatever, under the penalty of five dollars for each offense.

Sec. 232. No person shall bring into the city of New York, or have in his, her, or their possession, in the said city, any oysters between the first day of May and the first day of September, in any year, under the penalty of five dollars for any quantity not exceeding one hundred, and the further penalty of two dollars for every additional hundred.

Sec. 233. No person shall expose in any of the streets, lanes, avenues, or public places in the city of New York any table or device of any kind whatever, upon or by which a game of chance or hazard can be played, or shall play at or upon any such table or device, under the penalty of twenty-five dollars for every such offense.

Sec. 234. No person shall at any time swim or bathe in the waters of the East and North rivers adjacent to any ferry-stairs or to the battery in the city of New York, under the penalty of ten dollars for each offense.

Sec. 235. No person shall swim or bathe in any of the waters within the jurisdiction of the city of New York, except in public or private bathing-houses, unless covered with a bathing suit, so as to prevent any indecent exposure of person, under a penalty of five dollars for each offense; nor shall any person dress or undress in any place in said city, exposed to view, under a like penalty.

Sec. 236. No person shall raise or fly any kite in any street, lane, or avenue, or public place in the city of New York, to the southward of Fourteenth street, under the penalty of five dollars for each offense.

Sec. 237. No person shall place or post, or cause or permit to be placed or posted, in any street in the city of New York, any handbill or advertisement, giving notice of any person having or professing to have skill in the treatment or curing of any disorder or disease, or giving notice of the sale, or exposure to sale, of any nostrum or medicine, under the penalty of twenty-five dollars for every such offense.

Sec. 238. No dyer or scourer, or any other person, shall wash, rinse, or cleanse, or cause or procure to be washed, rinsed, or cleansed, any cloth, yarn, or garment in any street in the city of New York, under the penalty of ten dollars for each offense.

Sec. 239. No dyer or scourer or any other person shall place or suspend, or cause or procure to be placed or suspended, in or over any street in the city of New York, any cloth, yarn, or garment, for the purpose of drying the same, under the penalty of ten dollars for each offense.

Sec. 240. No grocer, inn-keeper, tavern-keeper, or any other person, shall have on his, her, or their premises, or shall let, hire, or use for public amusement, any flying horse or horses, or whirling or roundabout, or other similar machinery or device, by whatever name it may be called, under the penalty of fifty dollars for each offense.

Sec. 241. 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 side shows, 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.

#### ARTICLE XXIV.

##### *Intelligence Offices.*

Sec. 242. The mayor of the city of New York, for the time being, shall, from time to time, issue licenses, under his hand and seal, to so many and such persons as he shall think proper, to keep intelligence offices in said city, and shall have power to revoke all or any of the said licenses at pleasure.

Sec. 243. Each license shall designate the house in which the person licensed shall keep his office, and the number of such license, and shall continue and be in force until the first Tuesday of May next ensuing the date thereof, and no longer, unless sooner revoked by the mayor.

Sec. 244. Every person who may be licensed under and by virtue of the provisions of this article shall pay to the mayor, for the use of the city, the sum of twenty-five dollars; and for the renewal of any such license the sum of twelve dollars and fifty cents.

Sec. 245. No person shall keep any intelligence office in the city of New York without having such license, as aforesaid, or after the same shall have been revoked, or shall have expired, or at any other house or place than is designated in such license, under the penalty of fifty dollars for every such offense.

#### ARTICLE XXV.

##### *Pawnbrokers and Loanbrokers, or Keepers of Loan Offices.*

Sec. 246. The mayor may from time to time grant licenses, under his hand and seal, to such persons as shall produce to him satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker, or of a loanbroker, or keeper of a loan office; and no person shall exercise or carry on the business of a pawnbroker, loanbroker, or keeper of a loan office, without being duly licensed by the mayor, under the penalty of fifty dollars for each day he or she shall exercise or carry on said business without such license.

Sec. 247. Every person receiving such license shall pay therefor the sum of fifty dollars for the use of the city.

Sec. 248. Every person so licensed shall, at the time of receiving such license, enter, with two sufficient sureties, into a joint and several recognizance to the mayor and aldermen of the city of New York in the penalty of five hundred dollars, conditioned for the due observance of all such ordinances of the common council as may be passed or in force respecting pawnbrokers and loanbrokers, or keepers of loan offices, at any time during the continuance of such license.

Sec. 249. Every pawnbroker and loanbroker, or keeper of a loan office, shall keep a book, in which shall be fairly written, at the time of each loan, an accurate account and description of the goods, article, or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article, or thing.

Sec. 250. Every pawnbroker and loanbroker, or keeper of a loan office, shall, at the time of each loan, deliver to the person pawning or pledging any goods, article, or thing, a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made or received by any pawnbroker or loanbroker, or keeper of a loan office for any such entry, memorandum, or note.

Sec. 251. The said book shall at all reasonable times be open to the inspection of the mayor, all judges of criminal courts, the aldermen, superintendent of police, police inspectors, captains of police, and police justices of the city of New York, or any or either of them, or of any policeman who shall be duly authorized in writing for that purpose by any or either of them, and who shall exhibit such written authority to such pawnbroker, loanbroker, or keeper of a loan office.

Sec. 252. Every pawnbroker, loanbroker, or keeper of a loan office, who shall violate or neglect, or refuse to comply with any or either of the provisions of sections of this article, shall, for every such offense, forfeit and pay the sum of twenty-five dollars.

Sec. 253. No pawnbroker, loanbroker, or keeper of a loan office, shall ask, demand, or receive any greater rate of interest than twenty-five per cent. per annum upon any loan not exceeding the sum of twenty-five dollars, or than ten per cent. per annum upon any loan exceeding the sum of twenty-five dollars, under the penalty of one hundred dollars for every such offense.

Sec. 254. No pawnbroker, loanbroker, or keeper of a loan office, shall sell any pawn or pledge until the same shall have remained one year in his or her possession; and all such sales shall be at public auction and not otherwise, and shall be made or conducted by such auctioneer as shall be designated and approved of for that purpose by the mayor of the city of New York.

Sec. 255. Notice of every such sale shall be published for at least six days previous thereto, in one or more of the daily newspapers printed in the city of New York; and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the goods or articles to be sold.

Sec. 256. The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker, loanbroker, or keeper of a loan office, to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Sec. 257. No pawnbroker, loanbroker, or keeper of a loan office, shall make any loan on the separate or divided part or parts of any one article or thing, and which article or thing shall have been offered entire or collectively to him or her by way of pawn or pledge.

Sec. 258. No pawnbroker, loanbroker, or keeper of a loan office, shall, under any pretense whatever, purchase, or buy any second-hand furniture, metals, or clothes, or any other article or thing whatever offered to him or her as a pawn or pledge.

Sec. 259. Every pawnbroker, loanbroker, or keeper of a loan office, who shall violate or neglect or refuse to comply with any or either of the provisions of sections of this article shall, for every such offense, forfeit and pay the sum of one hundred dollars.



## ARTICLE XXVI.

*Carrying of Pistols.*

Sec. 260. Every person, except judges of the federal, state, and city courts, and officers of the general, state and municipal governments, authorized by law to make arrests, and persons to whom permits shall have been issued, as hereinafter provided, who shall have in his possession within the city of New York a pistol of any description, concealed on his person, or not carried openly, shall be deemed guilty of a misdemeanor, and shall be punished, on conviction, by a fine not exceeding ten dollars, or, in default of payment of such fine, by imprisonment not exceeding ten days.

Sec. 261. Any person, except as provided in this article, who has occasion to carry a pistol for his protection, may apply to the officer in command at the station-house of the precinct where he resides, and such officer, if satisfied that the applicant is a proper and law-abiding person, shall give said person a recommendation to the superintendent of police, or the inspector in command at the central office in the absence of the superintendent, who shall issue a permit to the said person, allowing him to carry a pistol of any description. Any non-resident who does business in the city of New York, and has occasion to carry a pistol while in said city, must make application for permission to do so to the officer in command of the station-house of the police precinct in which he so does business, in the same manner as is required by residents of said city, and shall be subject to the same conditions and restrictions.

Sec. 262. If, at the time of the arrest, a pistol of any description shall be found concealed on the person of, or not carried openly by, any one arrested, the officer making the arrest shall state such fact to the police magistrate before whom the prisoner is brought, and shall make a separate complaint against such prisoner for violation of the provisions of this article.

Sec. 263. The commissioners of police of the police department of the city of New York are hereby authorized and empowered, for reasons appearing to be satisfactory to them, by a vote of a majority of a quorum of said commissioners on ayes and noes, to annul or revoke any permission given under this article. All persons to whom such permission shall be given are hereby declared to be individually responsible for their own acts, or the consequences that may arise from the use of pistols carried under the permission to be obtained as provided in this article.

## ARTICLE XXVII.

*Snow-ploughs and Sweeping-machines by Railroad Companies and Others, in the City of New York.*

Sec. 264. It shall not be lawful for any or either of the street or horse-car railroad or stage companies, proprietors, or corporations, within the limits of the city of New York, or their officers, agents, or servants, to cause or allow any snow-plough, sweeping-machine, or other similar instrument to pass over the tracks or lines occupied or used by them within the said limits, unless by the express permission in that behalf to be granted to them by the mayor.

Sec. 265. Any of the said companies, proprietors, or corporations who shall violate the provisions of the above section, shall be punished by a fine not exceeding one hundred dollars for each offense, and the officers, agents, or servants of such companies, proprietors, or corporations who shall violate the said provisions shall be punished by a fine not exceeding one hundred dollars for each offense.

Sec. 266. No such permit, or renewal thereof, shall be granted, unless upon the express condition and agreement, to be assented to on the part of the company, proprietor, or corporation applying for such permit or renewal, that in case of any fall of snow so deep that the throwing up of the snow by any such snow-plough or machine will render the highway unsafe for travel, or make inconvenient the approach to the curb-stone, then, within twenty-four hours after any such fall of snow, and after the use of such snow-plough or machine, such company, proprietor, or corporation shall and will, at his or at their own expense, remove and carry away the snow thrown up by such plough or machine, and shall and will reduce the snow upon the highway adjacent to their tracks or lines to such level as will make convenient for all vehicles the approach to the curb-stone, and render the whole width of the roadway safe for travel; and that such snow-plough, sweeping-machine, or other instrument be so constructed as not to throw any snow or slush on the walks or buildings, under a penalty of ten dollars for every house or sidewalk in front thereof upon which such snow or slush shall be thrown.

Sec. 267. No such permit or renewal shall be granted unless such company, proprietor, or corporation shall expressly covenant, stipulate, and agree that in case of his or their failure, neglect, or omission to remove and carry away the snow to be thrown up by such snow-plough or machine, and to reduce and level snow on the adjacent highway, within the time and manner aforesaid, then the same may be removed, reduced, and leveled, under the direction of the commissioners of police, and the expense of such removing, reducing, and leveling shall be paid by such company, proprietor, or corporation to the said commissioners on demand.

Sec. 268. In case of the neglect or refusal, or omission of any company, proprietor, or corporation, to whom such permit or renewal may be granted, to remove and carry away the snow thrown up by such plough or machine, and to reduce and level the snow within the time and in the manner aforesaid, then the commissioners of police, by the direction of the mayor, shall forthwith cause the same to be removed, reduced, and leveled at the public expense, and all the expenditures made or incurred therefor shall be chargeable upon the company, proprietor, or corporation so neglecting, refusing, or omitting to perform his or their agreement, and the same recoverable by an action at law, to be commenced by the corporation attorney on behalf of the mayor, aldermen, and commonalty of the city of New York.

Sec. 269. The permission to use such plough, sweeper, or similar machine shall be determined by and continue only during the pleasure of the mayor.

## ARTICLE XXVIII.

*City Railroads.*

Sec. 270. Each and every passenger railroad car running in the city of New York shall pay into the city treasury the sum of fifty dollars, annually, for a license; a certificate of such payment to be procured from the mayor, except the one-horse passenger cars, and the cars of the Ninth avenue railroad company, which shall each pay the sum of twenty-five dollars, annually, for said license as aforesaid, and except such as pay the sum of three per cent. or over on the gross receipts, or where the franchise has been sold at public sale to the highest bidder.

Sec. 271. Each certificate of payment of license shall be affixed to some conspicuous place in the car, that it may be inspected by the proper officer, to be designated and appointed by the mayor.

Sec. 272. For every passenger car run upon any of the railroads without the proper certificate of license, the proprietor or proprietors thereof shall be subject to a penalty of fifty dollars for each day every such car shall be so run, to be recovered by the corporation attorney, as in the case of other penalties, and for the benefit of the city treasury.

Sec. 273. Every railroad car company whose cars are propelled or driven within the limits of the city of New York shall provide each passenger car, baggage car, freight car, or other vehicle in use by said company upon their tracks or track of other companies used by them, within the city limits, with a good light or lantern, which shall be placed in a conspicuous position on the front of the car, to warn persons of its approach, between sunrise and sunset of each day.

Sec. 274. Every such company which shall refuse or neglect to conform with the provisions of the foregoing section shall be subject to a penalty of two hundred and fifty dollars for each and every trip, or part of trip through the city limits made by a car of such company that is not provided with said light, such penalty to be recovered in the name and for the use of the mayor, aldermen, and commonalty of the city of New York.

## ARTICLE XXIX.

## REGISTER OF PERMITS.

*Street-stands, Show-cases, Signs, Stairways, Hoistways, and Awnings.*

Sec. 275. All power and authority heretofore possessed or exercised by the mayor, aldermen, and commonalty, or by the mayor, or the commissioner of public works, in granting permits for show-cases or stands for the sale of newspapers, fruit, books, or other merchandise, article or thing whatsoever, incumbering the streets or sidewalks, or for putting out signs, or for the erection of stairways or hoistways over the sidewalks, is hereby vested in a bureau of permits, the head of which shall be called "registrar of permits," and the clerks and subordinates necessary to aid him in the discharge of his duties, shall be appointed by and shall be removable at the pleasure of the mayor, and, subject to the appropriation for said bureau, shall, respectively, receive such compensation as shall, from time to time, be fixed and established by the mayor. Every application for such permits shall be approved by an alderman at large of the district in which the premises may be located, and shall be accompanied by the consent of the person or persons occupying the premises in front of which it is proposed to locate under such permission.

Sec. 276. Nothing in this article shall be construed as in any case requiring the registrar of permits to grant such permits in the absence of objections, unless he shall, in his discretion, be satisfied that it is desirable and proper that the same should be granted.

Sec. 277. Said registrar of permits is hereby invested with full authority and power to enforce the removal of all privileges, stands, signs, stairways, or hoistways which may have been erected without a permit under the provisions of this article.

Sec. 278. Whenever notice is required by this article, it shall be sufficient service to leave a copy of the same with any person in charge of the premises.

Sec. 279. Every grantee of a privilege, under this article, for a show-case, sign, stairway, or hoistway, shall pay the sum of one dollar for each, and grantees of all other privileges the sum of one dollar, towards the expense of executing this ordinance, to be accounted for to the city. It is hereby understood and expressed that for the receiving and delivering of goods no fee shall be charged, and the corporation attorney shall not hereafter institute suits for alleged obstructions occasioned by the receipt or delivery of merchandise in the ordinary course of business; but no person shall deposit any article or articles upon any street or sidewalk in the city, in such manner as to obstruct the free use thereof by the public. The aggregate sum for any one permit containing all or any portion of the privileges expressed in this section, shall not exceed the sum of three dollars, and all may be granted for that fee; but in no case is permission to be given to place any sign upon the top, or from in front, above the second floor of any building that shall project into the street or over the sidewalk, from any such building, in any street or avenue in the city of New York.

Sec. 280. All privileges granted under the provisions of this article shall continue in force for one year, unless revoked by said registrar of permits, dating from the first day of May, 1876, or until the first day of May succeeding the issue of the permit; and no permit shall continue in force beyond the first day of May succeeding the issue thereof.

Sec. 281. Said registrar of permits shall cause to be provided a record book of all permits granted under this ordinance, in which shall be entered the names and location of all persons and the privileges granted in said permits, and such book shall be open to the inspection of the public at all reasonable times during business hours.

Sec. 282. All privileges and permits heretofore granted by the mayor, which are covered by the provisions of this article, shall continue in force until the expiration of the full period for which the same were granted.

Sec. 283. The registrar of permits shall render to the common council, on the first day of May and the first day of November, in each year, semi-annual reports, containing the amount of money received and collected for permits and the privileges granted under such permits, and also the expense incurred in the office of said registrar.

Sec. 284. Each of the inspectors in the bureau of permits connected with the mayor's office be and are hereby required, when on duty, to wear, in a conspicuous place on the lapel of the coat or other outer garment, a badge or insignia of office, of a size, style, and design to be designated by the mayor, such badges to be numbered consecutively, commencing with number 1, and a different number assigned to each inspector, in regular order. A record, arranged alphabetically, containing the name and number of each inspector, shall be kept in the office of the chief of the bureau of permits, and shall be kept accessible during office hours to the inspection of the public.

Sec. 285. Any person, by applying at the permit bureau and paying the sum of one dollar per annum, may obtain a permit to maintain or erect an awning "of tin or other metal or canvas," in front of his premises for one year from date of such permit, on the following conditions: He must first obtain the written consent of the owner or occupant of the premises in front of which he intends to erect said awning, together with the consent of the occupant of the premises on each side; the said awning not to be higher than the second story of said building, and in no case to be covered with wood, nor the posts to exceed forty inches in circumference; but no permit shall be granted to erect or maintain any awning across the sidewalk in Broadway, Fifth avenue, Lexington avenue, or Madison avenue. No drop or hood awning shall be less than seven feet in the clear, in every part thereof above the sidewalk, nor project outwardly from any building beyond the stoop or area line of the street, nor shall a permit for any such hood or drop awning be necessary. Each and every awning, or water-shed of any kind, covering one half, or more than one half, or less than the full width of the sidewalk, shall have connected therewith a gutter and leader of material and size sufficient for conducting the water from the same to the outer line of the curb-stone, under a penalty of five dollars for each day's offense.

## ARTICLE XXX.

*Blasting of Rocks.*

Sec. 286. In all cases of blasting rock or stones within the city of New York, each blast, before firing it, shall be securely covered with six timbers of oak or hickory not less than four inches thick, ten inches wide, and ten feet long each, to be placed over and around each charge, and which said timbers shall be securely fastened together by an iron or steel chain, the links of which shall not be less than one inch in diameter, and which said timbers shall also be held in place by at least five hundred pounds of large stones piled on top of them.

Sec. 287. Three minutes' notice before firing the blasts shall be given by displaying a red flag on a staff, not less than ten feet high, set in a conspicuous place within twenty-five feet of the point where the charge is placed, and also by calling out the words "a blast," several times repeated, and loud enough to be distinctly heard at a distance of two hundred feet from the point of discharge.

Sec. 288. For every violation of either of the preceding sections of this article the offending party upon complaint and conviction thereof before a police justice, shall be liable to a fine of twenty-five dollars, and stand committed until the same is paid.

## ARTICLE XXXI.

*Steamboat, Railroad, and Hotel Runners.*

Sec. 289. The mayor of the city of New York may, from time to time, grant licenses as he shall think proper to any runner or person acting for himself, or for and on behalf of or connected with any steamboat, railroad, or forwarding company, or emigrant boarding-house, or hotel, to exercise and carry on the business commonly known as steamboat runner, railroad runner, emigrant boarding-house runner, and hotel runner, for the purpose of soliciting passengers or guests, and he may suspend or revoke any or all of such licenses at his pleasure.

Sec. 290. Every person receiving such license shall pay therefor to the mayor, for the use of the city, the sum of twenty-five dollars, and every such license shall expire, unless sooner revoked, one year from the date thereof, and it shall be lawful for the mayor to renew and continue any of such licenses, provided that the applicant therefor continue in all things qualified as hereinbefore provided to hold such license, and the application to be made therefor prior to the expiration thereof, at such time as may be appointed by the mayor, and every person upon the renewal of the license shall pay to the mayor, for the use of the city, the further sum of twelve dollars and fifty cents.

Sec. 291. Every such licensed person whenever employed in soliciting passengers for steamboats, railroads, or employed or authorized by the keeper, proprietor, agent, or officer of any hotel, boarding-house, shall wear conspicuously on his coat, a metal badge containing the number of his license; and no person, except he be so licensed, shall wear such badge, or any badge purporting to be the badge of such licensed person, under a penalty of ten dollars for every such offense. The mayor shall determine the form and material of said badge.

Sec. 292. No person, except he be licensed as aforesaid, shall exercise or carry on the business commonly known as steamboat runner, railroad runner, hotel runner, and emigrant boarding-house runner, under a penalty of twenty-five dollars for every such offense.

Sec. 293. Any forfeiture or penalty arising under the ordinance may be enforced by the mayor or recovered by an action in the name of the city and county of New York, prosecuted in any court of justice, as prescribed by the city charter or by law; and the forfeiture so recovered shall be paid into the city treasury.

## ARTICLE XXXII.

*Sales and Auctions in the Public Streets.*

Sec. 294. The following places are hereby designated as the places at which articles of furniture may be exposed for sale and sold, that is to say:

1. At Peck slip, between Pearl street and Front street.
2. At Burling slip, between Pearl street and Front street.
3. At Old slip, between Water street and Front street.
4. In Broad street, between Front street and South street.
5. In Vesey street, between Church street and Washington street.
6. In the square in front of Greenwich Market, on a line with Christopher street, west of Greenwich avenue.

Sec. 295. No goods, wares, merchandise, or other thing whatever, shall be sold at public auction, or exposed for sale in any street, road, lane, highway, or public place in the city of New York, except between the hours of nine o'clock in the morning and two o'clock in the afternoon of each day, under the penalty of ten dollars for every such offense, to be sued for and recovered from the seller, auctioneer, or his agent, severally and respectively.

## THE REGULATION OF SALES IN THE PUBLIC STREETS.

Sec. 296. No auctioneer, or his agent or servant, or any other person, shall sell at auction or expose for sale, or lay or place any goods, wares, merchandise, or other thing, in any street, road, lane, highway, or public place in the city of New York, unless such person shall first obtain the consent or permission, in writing, of the occupant of the lot or building before which such articles or any part thereof, shall be placed or exposed for sale, under the penalty of ten dollars for every such offense, to be sued for and recovered from the seller, auctioneer, or his agent, severally and respectively.

Sec. 297. Such articles, after permission granted as required in the third section of this chapter, when placed or exposed for sale, shall not occupy more than one-third part in width of the carriage-way in any street, under the penalty of ten dollars for every such offense, to be sued for and recovered from the seller, auctioneer, or his agent, severally and respectively.



Sec. 298. No person shall sell, or expose for sale, or lay or place in any street, lane, road, highway, or public place, at any time between the first day of June and the first day of November, in each year, any salted beef or pork, dried or pickled fish, blubber, hides, cotton, or wool, under the penalty of ten dollars for each offense, to be sued for and recovered from the seller, auctioneer, or his agent, severally and respectively.

Sec. 299. No person shall sell, or expose for sale, at auction, any carriage or carriages, any animal or animals of any description, in any public street or place in the city of New York, except in the Fourth avenue, at the corner of Eighty-sixth street, under the penalty of ten dollars for each offense, to be sued for and recovered from the seller, owner, or purchaser thereof, severally and respectively.

Sec. 300. Every article exposed for sale at public auction, or sold in any public place, street, lane, road, or highway in the city of New York, shall be removed from the same by the setting of the sun of the day of selling or exposing to sale, under the penalty of ten dollars for each offense, to be sued for and recovered from the auctioneer, his agent, or the purchaser thereof, severally and respectively.

Sec. 301. No bellman or crier, nor any drum or fife, or other instrument of music, nor any show-signal or means of attracting the attention of passengers other than a sign or flag, shall be employed or suffered, or permitted to be used, at or near any place of sale, or at or near any auction room, or at or near the residence of any auctioneer, or at or near any auction whatsoever, under a penalty of ten dollars for each offense, to be sued for and recovered from the person using the same, and the auctioneer or his agent suffering or permitting the same, severally and respectively.

Sec. 302. No auctioneer or other person shall sell, or expose for sale, at public auction or vendue, any drygoods, hardware, wooden ware, or tin ware, by retail or in small parcels or pieces, in any public street, lane, highway, or public place in the city of New York (articles of household furniture at the places and as hereinbefore provided alone excepted), under the penalty of ten dollars for each offense, to be sued for and recovered from the seller, auctioneer, or his agent, severally and respectively.

Sec. 303. No auctioneer or his agent or servant shall sell, or expose for sale, at public auction, any goods, wares, merchandise, or other thing whatsoever, to any person or persons who, at the time of bidding for the same, or whilst examining the same, shall be on the sidewalk or carriage-way of any of the streets of the city, under the penalty of ten dollars for every such offense.

Sec. 304. This chapter shall not be construed to prevent the sale of goods to persons who may be standing on the carriage-ways of such streets or parts of streets or places as are hereinbefore mentioned and designated.

Sec. 305. No auctioneer, or his agent or servant, or any other person, shall lay or place, or sell or expose for sale, any article of household furniture in any street or public place in the city of New York other than such as is hereinbefore designated or mentioned, under the penalty of twenty dollars for every such offense, to be sued for and recovered from the seller, auctioneer, or his agent or servant, severally and respectively.

Sec. 306. No furniture, goods, wares, merchandise, or other article or thing whatever, shall be sold at auction or exposed for sale by any auctioneer, his agent or servant, or by any other person or persons, upon the sidewalk of Chatham square, between James street and Catharine street, in the city of New York, under the penalty of twenty dollars for every such offense, to be sued for and recovered from the seller, auctioneer, or his agent or servant, or any other person or persons offending, severally and respectively.

Sec. 307. No auctioneer or other person shall sell, or expose for sale, at public auction or vendue, any dry goods, hardware, wooden ware, tin ware, earthen ware, china ware, glass ware, goods, wares, or merchandise of any description, or any other article whatever, by retail or in small parcels or pieces, in Chatham square, between James street and Catharine street, aforesaid, under the penalty of ten dollars for each offense, to be sued for and recovered from the seller, auctioneer, or his agent or servant, severally and respectively.

Sec. 308. No person shall sell, or expose for sale, in any of the streets or slips in the city of New York, any tin-plate ware, earthen ware, china ware, glass ware, goods, wares, and merchandise of any description, or any other article, under the penalty of ten dollars for each offense.

Sec. 309. No person shall sell or expose for sale, in any of the streets of said city, any fire-wood of any description, under a penalty of ten dollars for each offense; but nothing herein contained shall prevent the sale, by any licensed cartman of said city, of any fire-wood on any of the wharves of said city.

#### ARTICLE XXXIII.

##### *Sprinkling Salt or other Substance in the Streets for the purpose of Melting Snow or Ice.*

Sec. 310. It shall not be lawful for any person or persons, company or corporation, to cast, throw, or sprinkle, or cause to be cast, thrown, or sprinkled, salt, or any other substance, in or upon any avenue, street, railroad track, except upon switches and turnouts, lane, alley, highway, or public place in the city of New York, for the purpose of melting any snow or ice which may have fallen, accumulated, or been deposited upon or in any such avenue, street, railroad track, lane, alley, highway, or public place in the said city, under a penalty of not less than five hundred dollars nor more than one thousand dollars for each and every violation of and against the provisions of this section; provided that permission to throw salt on switches and turnouts on railway tracks be first obtained from his honor the mayor.

#### ARTICLE XXXIV.

##### *Removal of Snow and Ice.*

Sec. 311. The owner or occupant, or person having charge of each house or other building, or lot or lots of ground in the city of New York, shall, within the first four hours after every fall of snow, or hail, or rain, which shall freeze on the sidewalks and in the gutters, cause the same to be removed entirely from off the sidewalks opposite such house, building, lot, or land, under the penalty of three dollars for every such neglect, to be paid by the said owner, occupant, or person having charge, severally and respectively.

Sec. 312. In case the ice or snow shall be so congealed that it cannot be removed without injury to the pavement, the owner, occupant, or person having charge of any building, lot, or land as aforesaid, shall, within the first four hours after every fall thereof, cause the sidewalks opposite his, her, or their premises to be strewn with ashes or sand, under the penalty of one dollar, to be paid by the owner or occupant, or person having charge thereof, severally and respectively.

Sec. 313. It shall be the duty of the commissioners of police, immediately after every fall of snow, or hail, or rain, which shall freeze on the crosswalks or in the gutters, forthwith to cause the same to be removed from the said crosswalks and from out of the said gutters, to the breadth of one foot, in the several wards respectively; and the said crosswalks and gutters shall be kept clean and free from obstructions.

Sec. 314. The owners or occupants of all houses and lots in the city of New York shall level the snow and ice in front of his or their premises, in such a manner as will admit of the convenient passing of horses, sleighs, and carriages, under the penalty of one dollar for every neglect, to be recovered from the owner or occupant, or person having charge thereof, severally and respectively.

Sec. 315. In case the owner, occupant, or person having charge of any house, lot, building, or land, shall neglect to comply with any of the provisions of the five preceding sections of this article, it shall be the duty of the commissioners of police to cause the same to be done.

Sec. 316. In addition to the penalties imposed by the said preceding sections of this article, said owner, occupant, or person having charge of any such premises, shall likewise pay to the commissioners of police for causing the snow to be removed, as provided in the last preceding section, the sum of eighteen and three-quarter cents for every twenty-five feet in width which shall have been cleansed by order of the said commissioners of police, and so in proportion for any greater or less extent; which said amount the said commissioners of police may sue for and recover in any court having cognizance thereof, in the name of the mayor, aldermen, and commonalty of the city of New York, the same being first demanded.

#### ARTICLE XXXV.

##### *Stages or Accommodation Coaches.*

Sec. 317. The mayor is authorized and required, from time to time, to issue licenses, under his hand and seal, in accordance with the provisions of the laws of the state of New York, to persons to keep and use accommodation coaches or stage-coaches. Such licenses shall specify in each case, and for each coach or stage, the name of the owner, the number of the coach or stage, the route to be taken in going to and returning from such parts of the city for which it shall be licensed.

Sec. 318. All licenses granted by virtue of this chapter shall expire on the first Monday in July next after the date thereof, and shall be renewed by the mayor on application.

Sec. 319. A separate license shall be taken out for every accommodation stage or coach.

Sec. 320. Every person licensed by virtue of the provisions of this article shall pay to the mayor of the city of New York, for the use of the city, for every accommodation coach or stage, or stage coach, which such person shall keep, the sum of thirty dollars, when drawn by four horses, and twenty dollars when drawn by two horses, and half those prices respectively when the tire of any accommodation coach or carriage licensed by this article shall be of the width of four inches or upward.

Sec. 321. No accommodation coach or stage drawn by more than two horses, except such as were licensed before the seventh day of April, one thousand eight hundred and thirty-five, shall be licensed or permitted to run in the streets of this city.

Sec. 322. The owner of any coach or stage driven without license, or taking any other route than that designated by license, or using any other street or place than that assigned by license to it, shall, in each, or any, or every case of such violation of this article be subject and held to the penalty of twenty-five dollars.

Sec. 323. No person shall keep or drive, for hire or wages, in the city of New York, any accommodation coach or stage, or stage-coach, by whatever name or title the same may be known or designated, without being licensed as aforesaid, under the penalty of fifty dollars for every such offense, to be recovered from the owner or owners, or driver thereof, severally and respectively.

Sec. 324. No person shall drive any such coach or stage unless he be twenty-one years of age and have obtained license from the mayor for such purpose, under the penalty of ten dollars for every such offense, to be recovered from the owner of such coach or stage, and from such driver, both or either.

Sec. 325. The mayor is hereby authorized to grant licenses, from time to time, to drivers of such coaches as are herein mentioned as often as may be necessary, and to suspend and revoke the same whenever he may deem it expedient; and every driver of a stage or accommodation coach shall, on receiving his license, pay to the mayor of the city of New York, for the use of the city, the sum of twenty-five cents.

Sec. 326. Any driver of any stage-coach or carriage who shall be thrice convicted of a breach of any of the sections of this article shall be deprived of his license and forever debarred of a license under this article.

Sec. 327. The provisions and penalties of the several sections of the ordinances regulating hackney-coaches shall apply in every respect to all accommodation stages or coaches, or stage-coaches, which shall or may be licensed by virtue of the provisions of this article.

#### THE PLACES AT WHICH STAGES MAY STAND WAITING FOR HIRE.

Sec. 328. It shall be the duty of the aldermen of the respective districts, where it may be necessary to fix a stand for the accommodation of stage-coaches, together with the mayor, to designate a place for the accommodation of said coaches; and the place so fixed upon by them shall be the stand or place until a change shall be made by the same authority.

Sec. 329. If any stage or accommodation coach or carriage shall be allowed to stand, for hire or employment, in any other street or place, or for any longer time than is prescribed by or under this chapter, the owner or driver thereof shall forfeit and pay for every such offense the sum of five dollars, to be sued for and recovered from the owner and driver thereof, severally and respectively.

Sec. 330. Every stage-coach or carriage named or referred to in the second article of this article shall, on returning to the stand designated for it, take its station in the rear of the stage-coaches then occupying the stand; and each stage-coach or carriage when leaving the stand shall wait for its turn in the order in which it arrives on said stand, under a penalty for a violation of either of the provisions of this section of ten dollars, to be sued for and recovered from the owner or driver thereof, severally and respectively.

Sec. 331. No stage-coach or carriage occupying either of the stands designated for it shall, for the purpose of taking and conveying passengers, leave the stand or place which it occupies until its turn, under the penalty of five dollars for every offense, to be sued for and recovered from the owner or driver thereof, severally and respectively.

Sec. 332. No stage-coach or carriage while upon, at, or near either of the said stands shall stand abreast or alongside of any other stage-coach or carriage, under the penalty of five dollars for every such offense, to be sued for and recovered from the owner or driver thereof, severally and respectively.

Sec. 333. The mayor of the city of New York, by and with the consent of the aldermen, shall have full power and authority to make such rules and regulations and give such orders respecting the standing of accommodation stages or coaches, or stage-coaches at and upon the stands designated and specified for such coaches or stages as may be necessary to preserve order and decorum.

Sec. 334. Every owner or driver of any such stage-coach or carriage who shall neglect to obey any of the said rules, regulations, or orders, shall forfeit and pay for every such offense the sum of five dollars, to be recovered from the owner or driver of any such coach or carriage severally and respectively.

Sec. 335. No person, whether driver or owner of any hackney-coach or accommodation stage-coach, while waiting for employment at either of the said stands, shall snap or flourish his whip, or shall leave such coach or carriage, under the penalty of five dollars for every such offense, to be recovered from the owner or driver thereof, severally and respectively.

Sec. 336. The owner or driver, or person having charge of any stage or accommodation coach, shall not drive, or permit the same to be driven, in the city of New York at a greater speed than at the rate of six miles an hour, nor at a less rate than four miles an hour, unless obstructed in the streets, under the penalty of ten dollars for every such offense.

Sec. 337. The owner or driver, or person having charge of any stage or accommodation coach, shall not, on any street, road, avenue, or highway in the city of New York, pass, or attempt to pass with the same, any other stage or accommodation coach which shall be driving or going the same route or direction on the same street, road, or way, at the rate of speed of four miles and upward an hour, under the penalty of ten dollars for every such offense.

Sec. 338. No coach or stage, after the commencement of its route, in going or returning, shall stop until its arrival at the termination of such route, unless an actual necessity shall exist therefor (or to set down a passenger or passengers, or to take up and into such stage a passenger or passengers claiming to be admitted); and no such coach or stage shall be stopped or driven abreast of another, or stopped so as to obstruct the free passage of any cross-walk or cross-street or the passage-way at the intersection, head, or termination of any street, under the penalty of ten dollars for each and every offense.

Sec. 339. No driver shall take up or set down any passenger or passengers, except upon the right hand side of the way, in going and returning on his route, under the penalty of ten dollars for each offense.

Sec. 340. Every stage or coach shall be numbered on each side near the centre thereof, and on the door behind, both on the inside and the outside of the panel, with the license number thereof, in plain, distinct figures, four inches in length, painted on a ground of a distinct contrast color, and so placed as to be readily seen and known at all times, under the penalty of twenty-five dollars for each and every day's use of such stage or coach not so numbered.

Sec. 341. Every stage or coach when driven or used in the night shall have fixed upon the inside of the front of the stage a sufficient lighted lamp or candle, and shall have the number of its license in plain legible figures of at least four inches in length, and no other figure or device, painted on each front side sash light of such stage or accommodation coach, in such a manner that the same may be distinctly seen and known by persons either inside or outside (whether the said stage or accommodation coach may be standing or driving), said sashes to be made and kept stationary, under a penalty of ten dollars for every violation.

Sec. 342. No stage or coach shall have exhibited on any part thereof any other number than the number of its license, under the penalty of fifty dollars.

Sec. 343. All stages shall be prohibited from stopping by the sidewalk in front of any hotel or private residence, without express permission of the occupants thereof, except for the purpose of taking up such passengers as may hail them, or of setting down those who may desire to quit them.

Sec. 344. No stage shall be allowed to stop for the purpose of watering the horses attached thereto, excepting at such points as may be selected and designated by the mayor.

Sec. 345. The owner or owners, driver, and any person having the charge of any stage or accommodation coach, shall be liable, severally and respectively, for the penalty or penalties prescribed for any and every infringement of the provisions of this article.

Sec. 346. It shall be the duty, especially of all police officers and mayor's marshals to daily report all violations of the laws and regulations appertaining to stages or accommodation coaches to the attorney of the corporation.

Sec. 347. All the provisions and penalties of this article, except those requiring lamps, shall apply to sleighs, which shall come upon and use the stands designated for them, and to the owner or owners or drivers thereof; and shall also apply, in all respects, to sleighs which shall be driven and used for the conveyance of passengers in the city of New York for hire or wages.

Sec. 348. Every owner, driver, or person having charge of any accommodation coach or stage, shall, upon being requested so to do, give to any person or persons the number of his coach or stage, the name of the owner thereof, and his place of abode; and in default thereof shall forfeit and pay the sum of ten dollars, to be sued for and recovered from the owner or driver of any such coach or stage, severally and respectively.

#### ARTICLE XXXVI.

##### *Swine and Neat Cattle—Public Pounds.*

Sec. 349. No neat cattle shall go at large in any of the streets, lanes, alleys, piers, wharves, or public places in the city of New York, under the penalty of five dollars for every such swine or animal which shall be found at large, to be paid by the owner or person having charge, care, or keeping thereof, severally and respectively.

Sec. 350. The mayor shall appoint proper persons as masters of the public pounds in the city of New York, who, before entering upon the duties of their office, shall take and subscribe an oath or affirmation well and truly to execute the duties of their office.

Sec. 351. The said pound-masters shall enter into bonds, with two good and sufficient sureties, to be approved by the comptroller, in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties of their office.



Sec. 352. All swine or neat cattle found at large in the city of New York, in violation of this article, may be taken by any person or persons, and driven or carried to such place as may be designated by the common council as a public pound; and it shall be the duty of the pound-master or person having charge of such public pound, to enter in a book, to be kept by him for that purpose, the names and places of abode of all persons who may bring any such swine or neat cattle to such pound, and the time of bringing the same, respectively; and no person shall receive any compensation for driving or bringing any neat cattle or swine to any of the public pounds.

Sec. 353. If the owner of any such swine or neat cattle, or any other person entitled to redeem the same, shall appear and claim the same at any time before a sale thereof, it shall be the duty of the pound-master to deliver the same, on receiving the amount of his fee for keeping and feeding the same, not exceeding one dollar for each beast for every twenty-four hours, and at that rate for any less period of time.

Sec. 354. It shall be the duty of the pound-master, on making any delivery of swine or neat cattle, before sale, or on payment of surplus money after sale, to obtain from the person or persons claiming the same, his, her, or their name or names and residence; and once in each month to report to the attorney of the corporation the same, and the name or names of all persons claiming swine or neat cattle, and their places of residence, the date when the same were left, when the same were sold or redeemed, and the names of the persons leaving the same at the pound.

Sec. 355. If no person shall appear to claim such swine or neat cattle within three days after the same may have been impounded, it shall be the duty of the pound-master to give three days' notice of the sale thereof.

Sec. 356. Such notice shall contain some general description of the beasts impounded, and shall be posted up in some conspicuous place at said public pound and in the City Hall of the city of New York, and shall also be inserted in two or more of the public newspapers employed by the common council.

Sec. 357. In case of the sale of any impounded swine or neat cattle, the said pound-master shall retain, out of the proceeds of such sale, sufficient to pay the amount of his fees and all charges incurred by him on account of said swine or neat cattle.

Sec. 358. If, after any such sale, and whilst the proceeds thereof remain in the hands of the said pound-master, the former owner of any swine or neat cattle shall appear and claim the same, it shall be the duty of the said pound-master to deduct from the proceeds of such sale the fees and charges as provided in the last preceding section, to ascertain the name and residence of such owner, and to pay over the residue of the proceeds of such sale to the person so claiming to be the owner.

Sec. 359. It shall be the duty of the said pound-master, once in every month, to account to the comptroller of the city of New York for all moneys received or expended by him by virtue of this article, and to pay over to the said comptroller all such moneys remaining in his hands after deducting his legal fees and charges.

Sec. 360. No person or persons shall have or keep in the city of New York, in any pen or sty, more than three swine, at any one time, between the first day of May and the last day of October in each year, under the penalty of five dollars for every swine above the aforesaid number.

Sec. 361. All swine in the said city shall be kept in pens or sties during the period mentioned in the preceding section of this article, which sties shall be properly and effectually cleaned at least once in every three days, under the penalty of five dollars for each and every violation of either of the provisions of this section.

Sec. 362. So much of the foregoing provisions as relates to swine shall apply to the whole city of New York.

Sec. 363. The premises known as Nos. 81 and 83 New street, in the First Ward of the city of New York, are hereby designated as and for a public pound, and a pound-keeper is assigned therefor, without any compensation or salary to be paid by the corporation.

Sec. 364. There shall be established in the Twelfth Ward of the city of New York two public pounds, and also one other public pound in the Nineteenth Ward of said city, wherein shall be impounded all stray swine and cattle that shall be found at large in any of the streets, lanes, alleys, piers, wharves, or public places, or trespassing upon private grounds; and all such swine or cattle as shall be impounded shall be subject to the provisions set forth and prescribed by this article.

Sec. 365. The public pound authorized to be established in the Nineteenth Ward shall be located upon the grounds of the corporation, at or near the corner of Fifth avenue and Eightieth street.

Sec. 366. The premises known as the northeast corner of One Hundred and Fiftieth street and Tenth avenue, is hereby designated as and for a public pound; and a pound-keeper shall be assigned therefor without any compensation or salary to be paid by the corporation.

Sec. 367. The premises known as the rear of lot on the northwest corner of One Hundred and Twenty-seventh street and Third avenue, is hereby designated as and for a public pound; and a pound-keeper shall be assigned therefor, without any compensation or salary to be paid by the corporation.

Sec. 368. The mayor of the city of New York is hereby empowered and directed to assume the control, direction, and supervision of the public pounds, created by the two last preceding sections; and the mayor is also hereby further authorized and directed to cause the enforcement of all laws of the state and ordinances of the common council in relation to the public pounds in the said city of New York.

Sec. 369. The mayor is authorized and directed to occupy such of the unoccupied property belonging to the city as may be necessary, and to be located in Yorkville or vicinity, to be designated as and for a public pound; and that a public pound-keeper be assigned therefor, without any compensation or salary to be paid by the corporation.

Sec. 370. The premises located as near as possible to the intersection of Two Hundred and Fifteenth street with the Kingsbridge road are hereby designated as and for a public pound; and that a pound-keeper be assigned therefor, without any compensation or salary to be paid by the corporation.

Sec. 371. The premises situated on the east side of the Kingsbridge road, near the intersection of Berrian avenue, in the Twenty-fourth Ward, owned by Mrs. Jewett Fisher, be and is hereby designated as and for a public pound; and a pound-keeper shall be assigned therefor by the mayor, without any compensation or salary to be paid by the corporation.

Sec. 372. The premises situated on the east side of Fordham avenue, about (125) one hundred and twenty-five feet south of the southeasterly corner of Fordham avenue and Powell street, and is hereby designated as and for a public pound; and a pound-master shall be assigned therefor by the mayor, without any compensation or salary to be paid by the corporation.

Sec. 373. The premises situated on the Kingsbridge road, or Broadway, about two hundred yards above the Kingsbridge, in the Twenty-fourth Ward of the city of New York, owned by Benjamin H. Seeley, being the premises formerly known as and occupied by the "Exchange Hotel," be and are hereby designated as and for a public pound; and that a pound-master be appointed therefor, and assigned thereto, by the mayor, without any compensation or salary to be paid by the corporation.

Sec. 374. The mayor of the city of New York is hereby empowered and directed to assume control of the public pound created by the last preceding section.

#### ARTICLE XXXVII.

##### Express Wagons.

Sec. 375. All the provisions of Article IV. of this chapter, as far as relates to carts and cartmen, and not inconsistent herewith, excepting sections 9, 10, 11, 17, 25, and 26 of said article, are extended to and shall include and be applicable to all wagons and other vehicles commonly known as express wagons, which shall be kept, used, driven, or employed for the transportation of anything whatsoever, to or from any place within the city of New York, from or to any place where-soever, for hire, wages, or pay; provided, always, that the owners of such wagons or vehicles shall have a place in the city of New York for the transaction of such business, but nothing contained therein or herein shall prevent licensed owners or drivers of express wagons from soliciting employment at any steamboat landing, railroad depot, or other depot for passengers in the city, by transporting the baggage of passengers from any such depot to any other place where-soever.

Sec. 376. The mayor shall, from time to time, license and appoint so many and such persons as he may think proper to set up and keep one or more express wagons in said city, and he may revoke or suspend any or all such licenses at his pleasure; but it shall not be lawful for any person to receive or hold a license to keep such express wagons unless he is the actual owner of the wagon or wagons and of a good horse or horses therefor, nor unless he be a citizen of the United States and has a family and resides with his family in said city, or if not having a family, shall have resided himself therein during the six months preceding; and the mayor may examine, under oath, all persons applying for or holding any such license or the renewal thereof, touching their qualifications as aforesaid; and all licenses other than to persons so qualified shall be void.

Sec. 377. The mayor shall require and receive, for the use of the city, from every person to whom he may grant license to keep such express wagons, five dollars for every wagon so licensed, and two dollars and fifty cents for the license of each wagon renewed.

Sec. 378. Every such express wagon shall have fairly painted on the outside thereof, in a conspicuous place on each side, so as to be easily seen, in plain letters and figures of at least two and a half inches in length, the name of the owner or owners, the place of business in said city, and the number of the license for such wagon; and such owner or owners shall be responsible for all articles intrusted to such wagon or to the driver thereof, and for the conduct of such driver while in charge of or with such wagon.

Sec. 379. No person shall drive such express wagon unless he be twenty-one years of age and have obtained license from the mayor for such purpose, under the penalty of ten dollars for every such offense, to be recovered from the owner or owners of such express wagon, and from such driver, both or either.

Sec. 380. The mayor is hereby authorized to grant licenses, from time to time, to drivers of such express wagons as are herein mentioned, as often as may be necessary, and to suspend and revoke the same whenever he may deem it expedient.

Sec. 381. Any driver of an express wagon who shall thrice be convicted of a breach of any of the sections of this article of these ordinances shall be deprived of his license and forever debarred of a license under this chapter.

#### ARTICLE XXXVIII.

##### Weights and Measures.

Sec. 382. All that part of the city of New York lying southerly and westerly of a line running from the East river through the centre of Fulton street to Broadway; thence through the centre of Broadway to Union place at Fourteenth street; thence through the centre of Fourteenth street to the Bowery; thence along the easterly side of Union place northward to the Fourth avenue; and thence through the centre of the Fourth avenue to Harlem river, shall be known as the first district for the sealing and inspection of weights and measures; and the sealer and inspectors of weights and measures who may be appointed for the said first district shall be confined thereto in the performance of their respective duties.

Sec. 383. All the remaining part of the said city not embraced within the limits of the said first district shall be known as the second district for the sealing and inspection of weights and measures; and the sealer and inspectors of weights and measures who may be appointed for the said second district shall be confined thereto in the performance of their respective duties.

##### Sealing and Inspection of Weights and Measures.

Sec. 384. All persons using weights, measures, scale-beams, patent balances, steelyards, or any other instrument, in weighing or measuring any article intended to be purchased or sold in the city of New York, shall cause the same to be sealed and marked by a city sealer of weights and measures in the said city.

Sec. 385. Any person who shall, in weighing or measuring any article for purchase or sale within the city of New York, use any weight, measure, scale-beam, patent balance, steelyard, or other instrument, not sealed and marked as is required by section of this chapter, shall forfeit and pay the sum of fifty dollars for each and every offense.

Sec. 386. All weights, measures, scale-beams, patent balances, steelyards, and other instruments for weighing, to be sealed and adjusted by a city sealer of weights and measures in the city of New York, shall be made conformably to the standard of the state, and shall be marked by him with the initials of his name and the year in which the same shall be sealed and marked.

Sec. 387. If any person shall use, in the city of New York, in weighing or measuring as aforesaid, any weight, measure, scale-beam, patent balance, steelyard, or other instrument, which shall not be conformable to such standard, or shall use, in weighing as aforesaid, any scale-beam, patent balance, steelyard, or other instrument, which shall be out of order or incorrect, or which shall not balance, he, she, or they shall forfeit and pay for every such offense the sum of twenty-five dollars.

Sec. 388. It shall be the duty of the inspectors of weights and measures, and each of them is hereby authorized to inspect and examine, at least once in each and every year, and as much oftener as he may think proper, all weights, measures, scale-beams, patent balances, steelyards, and other instruments used in his district in weighing and measuring as aforesaid.

Sec. 389. No person shall refuse to exhibit any weights, measures, scale-beams, patent balances, steelyards, or other instruments, to either of said inspectors for the purpose of being so inspected and examined, under the penalty of twenty-five dollars for every such offense.

Sec. 390. No person shall in any way or manner obstruct, hinder, or molest any inspector of weights and measures in the performance of his duties as hereby imposed upon him, under a penalty upon every such person of twenty-five dollars for every such offense.

##### The Fees of the Inspectors of Weights and Measures.

Sec. 391. All weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing, shall be inspected at the stores and places where the same may be used; but in case they or any of them shall be found not conformable to the standard of this state, they shall be sent by the owner thereof, at his expense, to the office of the city sealer, for the purpose of being adjusted and sealed, within three days after the owner thereof shall be required so to do, in writing by the said inspector, under the penalty of ten dollars for such neglect.

Sec. 392. It shall not be lawful for the said inspectors to make charges for inspecting and examining weights, measures, scale-beams, patent balances, steelyards, or other instruments used for weighing, more than once in each year, unless they shall be found to be not conformable to the said standard.

Sec. 393. It shall be the duty of each of the said inspectors to make a register of all the weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing, inspected by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the state.

Sec. 394. It shall also be the duty of the said inspectors to report forthwith to the sealer of weights and measures the names of all persons whose weights, measures, scale-beams, patent balances, steelyards, or other instruments used for weighing, shall be found to be incorrect.

Sec. 395. It shall also be the duty of the said inspectors of weights and measures, once in every three months, to deliver a copy of the register made or kept by them, as mentioned in section 393 of this article, during the preceding quarter of the year, to the clerk of the common council.

Sec. 396. It shall be the duty of the inspectors of weights and measures, and sealer of weights and measures, to report forthwith to the attorney of the corporation the names and places of business of all persons violating this chapter, and of all persons making use of any fraudulent or unsealed weights or measures, gauge or balances.

Sec. 397. It shall not be lawful for the said inspectors or sealer to vend any weights, measures, scale-beams, patent balances, steelyards, or other instruments to be used for weighing, or to offer or expose the same for sale in the city of New York, under the penalty of fifty dollars for every such offense.

Sec. 398. The said sealers of weights and measures shall be entitled to demand and receive the following fees for their services:

For sealing and marking every scale-beam, patent balance, steelyard, or other instrument used for weighing in the city of New York, twelve and a half cents.

For sealing and marking measures of extension, at the rate of twelve and a half cents per yard, not to exceed fifty cents for any one measure.

For sealing and marking every weight, three cents.

For sealing and marking liquid and dry measures: for every measure under one gallon, three cents; for one gallon and over, twelve and a half cents each.

For sealing and marking every measure of half a bushel, twelve and a half cents; for every measure of two bushels, seventy-five cents; and for every measure of three bushels and over, one dollar.

The said sealer shall also be entitled to a reasonable compensation for making such weights and measures conform to the standard established by law.

Sec. 399. Whenever any sealer of weights and measures shall resign, be removed from office, or remove from the city, it shall be the duty of the person so resigning, removing, or removed, to deliver at the mayor's office all the standard beams, weights, and measures in his possession.

#### ARTICLE XXXIX.

##### Telegraph Wires.

Sec. 400. No telegraph line or electric conductor shall be laid under the streets of this city at such depth from the surface that the necessary excavation incident to laying or repairing the same shall expose or endanger any water or gas pipes, sewers or drains, or any parts thereof.

Sec. 401. Such wires or conductors shall in no case be placed at a greater distance from the curb-stone separating sidewalks from carriage-way than four feet, except in crossing streets, running transverse to the direction of the said lines, when such crossing shall be made in the shortest straight line, or in making necessary connections with buildings and stations.

Sec. 402. The method employed in laying said conductors shall be such that it will at no time be necessary to remove so much of the pavement or to make such excavation as to materially impede traffic or passage upon sidewalk or street during operation of laying or repairing said conductors, except when in crossing streets transversely, where it shall be permitted to remove the paving-stone, for a width not exceeding two feet, and in the nearest straight line from corner to corner. In no case during the general hours of passage and traffic shall passage be interrupted thereby for a longer period than one hour.

Sec. 403. The work of removal and replacement of the pavements in any and all of the streets, avenues, highways, and public places in and through which the wire of any telegraph company shall be laid, shall be subject to the control and supervision of the commissioner of public works. Excavations in any and all of the unpaved streets, avenues, highways, or public places shall also be subject to like control and supervision.

Sec. 404. The space selected for placing said wires, in every case being limited as to direction and general position by the foregoing provisions, shall not exceed two feet in width by two feet in depth.



Sec. 405. Grantees under this ordinance shall be required, within six months after such permission shall be granted, to file with the county clerk maps, diagrams, and tabular statements indicating the amount and position of the spaces proposed to be occupied by them, and their rights and privileges under this ordinance shall be confined to the spaces, positions, and localities as indicated by said maps, diagrams, and statements.

Sec. 406. Whenever routes of several wires shall be laid, by and under the provisions of this ordinance, that one wire in each route shall be reserved for the use of the police and one for the fire-alarm telegraph, and the use of same shall be donated to the city and county of New York by the parties laying such lines or wires free of any price or charge therefor.

## ARTICLE XL.

*Public Worship in the Streets and Public Places.*

Sec. 407. No person shall be concerned or instrumental in collecting or promoting any assemblage of persons under the pretense of or for public worship or exhortation, in the Park or Battery, or in any of the markets or streets, or any public place in the city of New York laid out and appointed for the common use of the citizens, under the penalty of twenty-five dollars for each offense.

Sec. 408. It shall be the duty of all police officers of the said city to prevent all such assemblies, and to prosecute, apprehend and report to the attorney of the corporation all persons concerned or instrumental in promoting the same.

Sec. 409. Every constable or police officer who shall neglect or refuse to perform his duty in the premises, shall for every such neglect forfeit and pay the sum of five dollars.

Sec. 410. Nothing contained in the three preceding sections of this article shall be construed to prevent any clergyman or minister of any denomination from preaching in any place in this city, who shall have obtained the written permission of either the mayor, superintendent of police, or one of the aldermen of this city therefor.

Sec. 411. This article shall not be construed to prevent any ministers or people of any church usually called Baptists from assembling in proper places in the city of New York, for the purpose of performing the rites of baptism according to the ceremonies of such church.

Sec. 412. No person shall disturb, molest, or interrupt any clergyman or minister who shall have obtained permission, according to this article, or who shall be performing the rites of baptism, as permitted by this article, or shall commit any riot or disorder in any such assembly, under the penalty of twenty-five dollars for each offense.

## Chapter VIII.

*Resolutions of the Common Council.*

- ARTICLE I. City Record.
- II. Fruits, Game, etc., Sale of.
- III. Lamp-posts.
- IV. Public Office Hours.
- V. Railroads.
- VI. Sheriff, Compensation of.
- VII. Telegraph Poles.

## ARTICLE I.

*City Record.*

Sec. 1. All petitions presented in the board of aldermen for any public improvement involving an assessment upon the property benefited, or an expenditure of money, shall be published in full in the CITY RECORD, with the names of all the petitioners; and the board of City Record is respectfully requested to give effect to these provisions.

## ARTICLE II.

*Sale of Fruits, Game, etc., on Sidewalks or Streets in the Christmas Holidays.*

Sec. 2. All persons, who may be residents of this city, may sell on the sidewalks or streets, provided they do not obstruct more than one-quarter of the same, between the fifteenth day of December and the following first day of January, in each year, fruits, game, poultry, Christmas greens, and any other holiday goods of any kind, providing they obtain, in writing, the consent of the occupant of any store or building in front of which such goods are to be exposed for sale.

## ARTICLE III.

*Lamp-posts.*

Sec. 3. That no ornamental lamp-post shall hereafter be erected in any of the streets, avenues, or public place in the city of New York, which shall exceed in dimensions at the base more than eighteen inches in diameter, if circular in form, and if upon a square base no side thereof shall exceed eighteen inches.

## ARTICLE IV.

*Public Office Hours.*

Sec. 4. RESOLUTION. That all public offices of the city of New York shall be required to be opened from the hours of 9 A. M. to 4 P. M., for the transaction of public business.

## ARTICLE V.

*Railroads.*

Sec. 5. The several railroad companies whose lines terminate at the port of New York, may draw or cause to be drawn their freight cars by the use of dummy engines furnished by the said railroads, or the Central Park, North and East River Railroad Company, as may be agreed upon, between the hours of seven o'clock in the evening and five o'clock in the morning, between the fifteenth day of April and the fifteenth day of September, and between the hours of six o'clock in the evening and half-past five o'clock in the morning, between the fifteenth day of September and the fifteenth day of April in each year, over the railroad tracks used by the said Central Park, North and East River Railroad Company on West street, and from West street to and on the East river side of the city as far as Grand street, with the consent of said company, and also to lay down railroad tracks to and upon any of the bulkheads and piers and into warehouses on the North and East rivers to connect with any railroad tracks now laid on West street, and also to connect with any railroad tracks from West street to Grand street, on or near the East river, used by the said Central Park, North and East River Railroad Company, with the necessary branches, switches, and turnouts, and to run their freight cars thereon, provided the consent of the owners, lessee or lessees, of said bulkheads and piers and warehouses for the construction of said branches, switches and turnouts be first had and obtained. Every railroad company which shall avail itself of the permission hereby granted, shall limit the number of loaded cars to be drawn by a dummy engine at any one time to fifteen, and the speed of said engine to six miles an hour, and shall pay to the city of New York an annual license fee of fifty dollars for each dummy engine run by said company. None of said cars shall be permitted to stand on said railroad tracks, nor shall they be loaded or unloaded except on said bulkheads and piers or in said warehouses.

Provided always, that said Central Park, North and East River Railroad Company shall extend equal privileges to said first mentioned companies in the use of its railroad tracks.

Resolved, That the permission hereby granted shall continue during the pleasure of the common council.

The several city railroad companies may sprinkle clean sand, unmixed with salt or any other substance, upon the pavement between their rails, where necessary, in order to provide better and more secure footing for their horses, between the first day of November and the first day of April, upon receiving such permit from his honor the mayor.

## ARTICLE VI.

*Sheriff.*

Sec. 7. That the board of aldermen of the city of New York, being the board of supervisors of the county of New York, as now constituted, do hereby allow and fix the compensation of the sheriff of the county of New York, for the support and maintenance of the person or persons mentioned in the first section of said act, at the sum of seventy-five cents per day for each person, during the time such person or persons shall be actually confined in such jail, such compensation to be in full for such support and maintenance, except for furnishing the light, fuel, repairs to building and fixtures, rent of building, and the whitewashing of the interior of the building, "and also the furnishing of and repairs to bedsteads and bedding, chamber and other furniture, cooking, table, and eating utensils, and also the wages of the necessary cooks and cleaners;" and such sheriff shall be allowed, in addition to the per diem allowance for each person as aforesaid, such sums of money as may be required to expend for light, fuel, or whitewashing for said jail, "and for bedsteads and beddings, chamber and other furniture, cooking, table, and eating utensils, and all necessary repairs, and also the wages of the necessary cooks and cleaners;" and shall attach to his bills for such support and maintenance, vouchers for each and every of such sums of money so expended by him.

Sec. 8. That the allowance herein mentioned shall be applicable to all bills of such sheriff for such support and maintenance, since the first day of July, 1875, that now remain unpaid, and the acceptance in writing of the allowance herein contained by the said sheriff, within thirty days after the passage hereof, shall be deemed to be a contract as required by said act, or, if not so accepted, then these resolutions shall be void. "The provisions of this resolution, and the allowances herein mentioned, shall be applicable to all bills of said sheriff for such support and maintenance that have been rendered since July 1, 1875, and that now remain unpaid."

## ARTICLE VII.

*Telegraph Poles.*

Sec. 9. That the commissioner of public works be and he is hereby directed to notify the several telegraph companies owning or using the telegraph poles now erected, or that may hereafter be erected, in any street, avenue, or public place within the corporate limits of the city of New York, to brand or paint upon a conspicuous place on every such pole, within thirty days after being so notified, the name of the company or other owner of every such pole. Any telegraph company or other owner of any such pole who shall neglect or refuse to comply with the directions mentioned in this resolution, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall thereby incur a penalty of ten dollars for every day such violation shall continue, and it shall be and is hereby made the duty of the commissioners of police to report every such violation to the corporation attorney, who shall prosecute the same, and the offender shall be punished pursuant to the provisions of section 20 and 21 of an act relative to the powers of the common council of the city of New York, and the criminal courts of said city, passed by the legislature of this State, January 23, 1833, and to the provisions of section 5 of article 4 of an act in relation to the police department of the city of New York, passed April 13, 1853.

Sec. 10. That each of the departments and officers of the city government using telegraph poles be and they are hereby respectively required and directed to brand or paint in like manner upon every telegraph pole so used by them the name of the department using every such telegraph pole.

EBENEZER B. SHAFER, Commissioner.

Resolved, That the ordinances of the Mayor, Aldermen, and Commonalty of the City of New York, this day transmitted by the Clerk from the Commissioners appointed to revise them, be and they are hereby adopted, and that the said ordinances be printed in the CITY RECORD, as provided in sub-division 26 of section 17 of chapter 335, Laws of 1873, under the direction of the Clerk of this Board.

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

## APPROVED PAPERS.

*Ordinances, resolutions, etc., approved by the Mayor during the Week ending February 14, 1880.*

Resolved, That Eleventh avenue, from Seventy-second to One Hundred and Sixth street, be hereafter known and designated as West End avenue.

Adopted by the Board of Aldermen, February 3, 1880.  
Approved by the Mayor, February 10, 1880.

Whereas, It is known that artists have been permitted to make copies from some of the original paintings in the Governor's room in the City Hall, without the knowledge or consent of the Common Council, and that in the process of copying, one at least, of the paintings has been injured; be it therefore

Resolved, That the Commissioner of Public Works be and he is hereby directed to prevent any person from taking copies from any of the paintings owned by the city, in the City Hall, or any other of the public buildings, unless specially authorized to do so by resolution of the Common Council.

Adopted by the Board of Aldermen, January 13, 1880.  
Received from his Honor the Mayor, January 27, 1880, with his objections thereto.  
In Board of Aldermen, February 10, 1880, taken up and considered, as provided in section 13, chapter 335, Laws of 1873, and adopted, notwithstanding the objections of his Honor the Mayor, two-thirds of all the members elected voting in favor thereof.

Resolved, That the use of the Chamber of the Board of Aldermen, in the City Hall, be and is hereby given, as requested, to the Committee on the Affairs of Cities of the Assembly, in which to hold its meetings, when in the city; also that any other of the Committees of the Legislature of this State, desiring to do so, may use the said room when not required, or in use by this Board, due notice to be given to the Clerk of the Common Council, in order that the apartment may be placed in readiness for such occupation; the permission hereby given to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, February 10, 1880.  
Approved by the Mayor, February 11, 1880.

Resolved, That Emil A. Kleibe 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, who has failed to qualify.

Adopted by the Board of Aldermen, February 10, 1880.  
Approved by the Mayor, February 12, 1880.

FRANCIS J. TWOMEY,  
Clerk Common Council.

## DEPARTMENT OF BUILDINGS.

## [BOARD OF EXAMINERS.]

At a meeting of the Board of Examiners, held pursuant to call of the Superintendent of Buildings, at the office of the Department of Buildings, No. 2 Fourth avenue, on Tuesday, the 10th day of February, 1880, at 3 o'clock P. M.

There being present thereat, Superintendent Henry J. Dudley, John Banta, James M. McLean, Henry Dudley, and Edwin Dobbs.

Superintendent Henry J. Dudley, presiding, the Chairman submitted for the action of the Board, the hereinafter named petitions and applications, to wit:

Petition of J. F. Duckworth, architect, on behalf of Myer Finn, owner, for permission in the proposed alteration of the building, No. 25 Chambers street, extending through to Reade street, five stories (68 feet in height) 29 x 150 feet 8 inches, to be allowed to so far vary the provisions of the Building Law as will permit the same to be altered and two additional stories placed thereon, and thereby increasing the height of the building to 90 feet 7 inches, in conformity with Alteration Plans and Specifications No. 73, filed, relative thereto, January 29, 1880. Which petition was, on motion, disapproved by the unanimous vote of the Board.

Petition of J. F. Duckworth, architect, on behalf of Myer Finn, owner, for permission in the proposed alteration of the five-story brick building, No. 25 Chambers street, running through to Reade street, for permission to be allowed to so far vary the provisions of the Building Law as will permit him to place an additional story on the present building which is 29 x 150 feet 8 inches in depth, and 68 feet in height, in conformity with Alteration Plans and Specifications No. 73, filed, January 29, 1880, with the exception that said plan provides for the erection of two additional stories thereon instead of one as herein petitioned for. Which petition was, upon motion, disapproved by the unanimous vote of the Board.

Petition of A. E. Fountain, architect, on behalf of Daniel Harnett, owner, for permission, in the proposed alteration of the three-story brick and iron building Nos. 15 and 17 East Thirtieth street, the same being a stable, the foundation walls being of stone, twenty inches in thickness, and the upper walls of brick, twelve inches in thickness, forty feet above curb level, to be allowed to so far vary the provisions of the Building Law, as will permit the said building to be altered and raised ten feet higher, in conformity with Alteration Plans and Specifications No. 20, filed, relative thereto, January 8, 1880. Which petition was disapproved, on motion, by the unanimous vote of the Board.

At this point Superintendent Dudley, being called from the chair, Deputy Superintendent Diaper assumed the duties thereof.

Petition of J. H. Valentine, architect, on behalf of Ann E. Davis, owner, for permission in the erection of a three-story and basement brick and brown stone dwelling on premises southwest corner of Lexington avenue and One Hundred and Seventh street, to be allowed to so far vary the provisions of the Building Law, as will permit him to build the bearing wall thereof, on line of street, from top of basement up, but twelve inches in thickness, in conformity with new Building Specification No. 94, filed, February 5, 1880, the building to be constructed in conformity with new Building Plan No. 3, filed January 2, 1880. On motion of John Banta, it was resolved, that so much



of said petition be approved as will permit the construction of said bearing wall on street line twelve inches in thickness above the top of the second story floor beams, by unanimous vote of the Board.

Petition of L. W. Crow, for owner, for permission in the erection of two brick stables, each two stories in height, 25 x 90 feet (25 feet in height), on the premises Nos. 137 and 139 West Fifty-fourth street (rock bottom foundation of stone twenty inches thick, the outside upper walls to be built of brick twelve inches in thickness on first story, and eight inches in thickness on upper story; the centre party-wall to be built twelve inches thick all the way up), to be allowed to build the said stables in conformity with new Building Plans and Specifications No. 104, relative thereto filed, February 9, 1880. Which petition was, upon motion, disapproved and denied on a division, Messrs. Henry Dudley, and the Chairman F. Diaper voting to approve, and Messrs. J. Banta and E. Dobbs voting against the approval of the same.

Petition of L. W. Crow, for owner, for permission, in the erection of two two-story brick stables, each 25 x 90 and 25 feet in height, on premises Nos. 143 and 145 West Fifty-fourth street (on a rock foundation, the foundation walls to be of stone 20 inches in thickness, the outside upper walls to be built of brick 12 inches in thickness on first story and but 8 inches in thickness on the upper story; the centre party wall to be built 12 inches in thickness all the way up), to be allowed to so far vary the provisions of the Building Law as will permit to erect the said stables in conformity with New Building Plans and Specifications No. 105, filed relative thereto February 9, 1880. Which petition was, upon motion, disapproved and denied, on a division, Henry Dudley and the Chairman, F. Diaper, voting to approve, and Messrs. Banta and E. Dobbs voting to disapprove the same.

Petition of James Renwick, architect, for and on behalf of R. T. Auchmucky, lessee, for permission, in the proposed alteration of the two-story brick building Nos. 14 and 16 Fourth avenue, which building is 52 x 62 and 36 feet in height, with foundation wall of brick 10 feet in depth, 20 and 12 inches in thickness, the upper walls being independent and 12 inches in thickness, and reciting that he had made application to Department of Buildings on the 21st day of January, 1880, to alter the said building and place two additional stories thereon, in conformity with Alteration Plans and Specifications therefor, filed January 21, 1880, and numbered 45; that your petitioner is now informed that such application failed to meet the approval of the Department of Buildings, and subsequently of the Board of Examiners, by reason of the walls not being, in the judgment of the Board, of sufficient thickness, and he now petitions your Board to allow him to so far vary the provisions of the Building Law as will permit him to carry out and complete the proposed alterations to said brick building and place the two required additional stories thereon by lining up the said present walls with brick work of such thickness as your Board may deem to be required, and in any otherwise modifying his said specifications and plans therefor as your Board and the Department of Buildings may direct and advise. Relative to which petition it was, upon motion of Edwin Dobbs,

Resolved, That so much of the said petition as will permit the said building to be raised, be approved upon the condition that a centre foundation wall to the building be built 20 inches in thickness, and that said centre wall be, above foundation constructed of the thickness of 16 inches up to the top of third-story floor beams, and 12 inches thence to top.

Approved by the unanimous vote of the Board.

Petition of Mallon & O'Rourke for permission, in the erection of a four-story brick factory building on premises southeast corner of Jane street and Thirteenth avenue, to use the brick wall now standing on southerly side of said building on premises as a part of the new building to be erected, and which petition was disapproved and denied by the Board at Board meeting of February 3, 1880, and was resubmitted to the Board, and, on motion of H. Dudley, the vote and action of the Board on February 3, 1880, was reconsidered, and the amended application of said petitioners and by them subscribed on Specification No. 68 of New Buildings, February 5, 1880, providing and stipulating that the old wall therein referred to and proposed to be used in the erection of the new building shall be lined up with brickwork laid in cement mortar and well anchored with iron holdfasts, the lining to be started upon proper footing course and to be twelve inches in thickness to the height of twelve feet and eight inches in thickness thence to top of present wall; above that point the said wall to be carried up of the thickness of sixteen inches to the roof-line, was submitted to the Board, and, on motion of Edwin Dobbs, such amended application was approved by the unanimous vote of the Board, upon condition that the said wall be lined up with 16 inches of brickwork to the height of 12 feet (instead of 12 inches), and from thence to the top of present wall 12 inches thick (instead of 8 inches), and from thence new wall to be carried 16 inches in thickness.

Petition of Fletcher, Harrison & Co., by Joseph C. Harrison, owners, for permission, in the proposed alteration of the two-story brick building No. 430 Washington street, and the placing of two additional stories thereon (and thereby increasing height of said building from its present height of 22 feet to a height of 40 feet; the party foundation wall is constructed of stone, is 10 feet in depth, the front and north walls of the present building are 8 inches in thickness, the south party wall is of brick and is 16 inches thick, the rear wall is twelve inches thick; the northerly wall is independent; the southerly wall is a party wall), to be allowed to so far vary the provisions of the Building Law as will permit them to carry out and complete the proposed alterations to said building in conformity with Alteration Plans and Specifications No. 89 filed February 4, 1880. Which petition was, upon motion, disapproved by the unanimous vote of the Board.

Petition of Christie & Walker, owners, for permission in the erection of a four-story brick and brown stone store and dwelling on southeast corner of Lexington avenue and One Hundred and Fourth street, to be 25 x 62 feet, with 5 feet extension, 48 feet in height, to be allowed to so far vary the provisions of the Building Law as will allow them to build the gable end or bearing wall thereof on line of One Hundred and Fourth street, but twelve inches thick, instead of sixteen inches, as provided and described in New Building Plan and Specification No. 72, filed relative thereto January 29, 1880. On motion of Edwin Dobbs, so much of said petition as will permit of the construction of the bearing-wall on line of street, twelve inches thick above the top of the third story, floor beams was approved by unanimous vote of the Board.

Application of John Deer, for examination as to his qualifications and competency to fill the position of an Inspector of the Department of Buildings, in whose case decision was reserved at meeting of Board, February 3, 1880. was called up, and, upon motion, the candidate was rejected.

There being no further business before the Board, the minutes of the meeting were read, and, on motion, approved as recorded, and, upon further motion, the Board adjourned subject to the call of the Superintendent of Buildings.

NEW YORK, February 10, 1880.

SAMUEL WEBSTER, Clerk to Board of Examiners.

## FIRE DEPARTMENT.

HEADQUARTERS FIRE DEPARTMENT, CITY OF NEW YORK, }  
February 5, 1880.

Present—President Vincent C. King, Commissioner Cornelius Van Cott.

The action of the President in transmitting to the Comptroller for payment pay-rolls audited on the 2d instant, was approved, viz.:

### For the Current Year—Schedule No. 3.

Extra Telegraph Force, pay-roll for January, apparatus, supplies, etc.	\$1,363 50
Headquarters, pay-roll for January	3,505 50
Telegraph Force, "	2,303 37
Repair Shops, "	4,119 30
Bureau of Combustibles, pay-roll for January	1,016 67
Bureau of Fire Marshal, "	600 00
Superintendent of Horses, "	535 00
Bureau of Chief of Department, "	2,758 30
Engine and Hook and Ladder Companies, pay-roll for January	72,245 69
	\$88,447 33

### Communications.

From—  
Committee on Apparatus, returning report of foreman of Engine Co. No. 14, relative to condition of hose, with the information that the necessary repairs, etc., have been made. Approved; filed.  
Chief of Department—Report relative to Department property in possession of Assistant Pilot McGrath. Filed.

Same, returning complaint of George W. Lent against a member of the Department, with report. Filed.

Inspector of Combustibles—Report of licenses and permits issued to 3d instant. Filed.

Same, reporting violations of law. Filed, and the following resolution adopted:

Resolved, That John Burke, 518 East Fourteenth street, and William Shears, 426 East Seventeenth street, be and are hereby fined \$50 each, for violation of section 4, chapter 742, Laws 1871; that William H. Smith, 6 Stone street, be and is hereby fined \$50, for violation of section 8, chapter 742, Laws 1871; that Annie E. Van Tine, Washington avenue, between One Hundred and Sixty-eighth and One Hundred and Sixty-ninth streets; John Kadel, 880 Sixth avenue; C. W. Dowers & Son, 188 and 190 West Houston street; and William H. Hayes, 465 Fifth avenue, be and are hereby fined \$5 each, for violation of section 9, chapter 742, Laws of 1871, and that in each of the above named cases the Inspector of Combustibles is directed to enforce the collection of the penalty.

Examining Board of Engineers—Report of organization of Board. Filed.  
Same—Report of examination of Private Robert L. Kent, of Engine Co. No. 20, on application for promotion. Filed.

Medical Officer, recommending leaves of absence to—

Fireman Dennis Regan, of Engine Co. No. 8.

" Patrick J. Lynch, of Engine Co. No. 11.

" Henry Springsteen, of Engine Co. No. 19.

" John E. Boyle, of Hook and Ladder Co. No. 5.

" John McCarrick, of Hook and Ladder Co. No. 8.

Granted.

Same, recommending leave of absence, disabilities not attributable to duty, to—

Assistant Foreman J. F. L. Du Flon, of Hook and Ladder Co. No. 17, twenty days.

Engineer of Steamer Robert Mullen, of Engine Co. No. 31, ten days.

Fireman William Fogarty, of Engine Co. No. 10, for three days.

" William J. Cook, of Engine Co. No. 14, two days.

" Thomas Reilly, of Hook and Ladder Co. No. 6, for five days.

Private Mier A. Weiner, of Hook and Ladder Co. No. 18, for three days.

Granted, on half-pay.

Same, recommending excuse from fire duty to—

Private John T. Hanlon, of Engine Co. No. 23.

Approved.

Superintendent of Telegraph, reporting that Signal-box 429, located at Sixth avenue and Thirtieth street, has been placed in service. Filed, with directions to promulgate in orders.

Same, recommending that application of Managers of N. Y. House of Refuge, to use Department poles, be granted, route of wire to be designated. Approved.

Superintendent of Horses—Weekly report of inspection. Filed.

Captain in Charge of Repair Shops, requesting permission to wear citizen's clothes when not on duty. Granted.

Same, recommending that trial of hydrant connections be made, free of expense to Department. Approved.

Foreman of Engine Co. No. 28, reporting loss of box key located at 167 Avenue B, and recommending that it be replaced. Approved.

Foreman of Hook and Ladder Co. No. 7, requesting alterations at quarters. Referred to Committee on Repairs and Supplies.

Assistant Foreman Edward O'Brien of Hook and Ladder Co. No. 11, applying for promotion to rank of Foreman. Referred back for compliance with provisions of General Orders.

Fireman George McLaughlin of Engine Co. No. 12, requesting transfer. Laid over.

Fireman John C. Frobose of Hook and Ladder Co. No. 6, applying for promotion to rank of Assistant Foreman. Referred to Examining Board.

Fireman James H. Hood, of Hook and Ladder Co. No. 8, requesting transfer. Filed.

Foreman of Engine Co. No. 1—Report of inspection of Madison Square Theatre. Referred to Inspector of Combustibles, with directions to carry out recommendations relative to fire appliances.

Reports of Inspection by Company Commanders, under resolution adopted November 26, 1879, of which 4 were referred to Inspector of Combustibles, with directions to examine, etc.; 3 filed, with directions to inform Department of Buildings; and 1 filed.

Comptroller—Statement of condition of appropriation to 31st ultimo. Filed.

Department of Public Charities and Correction, requesting inspection of appliances for protection against fire on Randall's and Ward's Islands. Referred to Committee on Apparatus.

Same, stating that directions have been given to prepare estimate for building on Blackwell's Island to contain engine, etc. Filed.

Maximilian Goetz, directing attention to fire escape. Filed.

H. A. Landgraaf, applying for a badge. Laid over.

N. LeBrun, Architect, stating that damage to flagging complained of will be repaired by contractors. Filed, with directions.

Union Lubricator Manufacturing Company, offering lubricator for trial, without expense to Department. Referred to Captain in Charge of Repair Shops.

Chairman Committee on Apparatus, returning requisition for nozzles, with recommendation that same be purchased, estimated cost \$114. Purchase ordered.

Chief of Department—Requisitions for hire of extra horses, \$200 and \$20, respectively. Authorized.

Superintendent of Repairs to Buildings—Requisitions for carpenter work at quarters of Hook and Ladder Co. No. 1, and for plumbing at quarters of Engine Co. No. 34, estimated cost \$48 and \$6, respectively. Ordered.

Superintendent of Telegraph, recommending purchase of a repair wagon. Referred to Committee on Apparatus.

Same—Requisition for bell instrument for quarters of Engine Co. No. 7, estimated cost \$15. Purchase ordered.

Superintendent of Horses—Reports of selection of horse for Engine Co. No. 32, and of team for Engine Co. No. 37, and recommending purchase at \$300 and \$600 respectively. Ordered.

Supply Clerk—Requisitions for articles required, estimated cost \$44, \$41.75, \$31.20, \$168, \$27, \$148, \$20.05, \$120, \$42.73, \$5.10, and \$118 respectively. Purchase ordered.

Same—Requisition for leather. Referred to Committee on Apparatus.

Same, returning requisition for recutting files, with report as directed, estimated cost \$93.05. Ordered.

Same, returning requisitions for gas fixtures, with estimates as follows: For quarters of Engine Co. No. 17—George H. Kitchen & Co., \$100; Thomas Hughes, \$98; Cassidy & Son, \$113; for quarters of Engine Co. No. 34—George H. Kitchen & Co., \$98; Thomas Hughes, \$95; Cassidy & Son, \$108. Awarded to lowest.

Same—Requisition for repairs to phaeton, estimated cost \$95. Ordered.

Same—Requisition for hand-lanterns (laid over). Referred back with directions to obtain estimates for tin lamps.

Captain in Charge of Repair Shops—Requisition for repairs to gauges, etc., estimated cost \$19.05. Ordered.

### Transfers,

—to take effect 6th instant:

Fireman John McNally, Engine Co. No. 28, to Hook and Ladder Co. No. 51.

" Andrew McDevitt, Engine Co. No. 16, to Engine Co. No. 1.

" James Kelly, Engine Co. No. 1, to Engine Co. No. 16.

Private William H. Williams, Engine Co. No. 27, to Engine Co. No. 8.

### Bills,

—audited and transmitted to the Comptroller for payment:

#### For the Year 1879—Schedule No. 71.

Bangor Extension Ladder Co., apparatus, supplies, etc.	\$397 60	Mahony Bros., three new engine-houses	\$2,500 00
Hynes, John, apparatus, supplies, etc.	268 00	Marshall, O. T., apparatus, supplies, etc.	1,180 00
Jones, C. A., & Co., apparatus, supplies, etc.	25 38	Peyser, John, apparatus, supplies, etc.	13 13
Jube, John P., & Co., apparatus, supplies, etc.	32 75	Quackenbush, Townsend & Co., apparatus, supplies, etc.	107 65
Kelly & Jones, apparatus, supplies, etc.	15 84		\$4,540 35

#### For the Current Year—Schedule No. 4.

Baker, S. W., Manufacturing Co., apparatus, supplies, etc.	\$9 00	Matthews & Frank, apparatus, supplies, etc.	300 00
Central Gas-light Co., apparatus, supplies, etc.	35 00	Merkent, B., apparatus, supplies, etc.	3 00
Dunham, Thomas C., apparatus, supplies, etc.	56 25	Metropolitan Gas-light Co., apparatus, supplies, etc.	38 00
Gold's Heater Manufacturing Co., apparatus, supplies, etc.	10 75	N. Y. Calcium Light Co., apparatus, supplies, etc.	3 45
Gutta Percha and Rubber Manufacturing Co., apparatus, supplies, etc.	85 00	Norris & Williams, apparatus, supplies, etc.	14 00
Hayward, S. F., apparatus, supplies, etc.	11 00	Ogden & Co., apparatus, supplies, etc.	4 48
Hughes, Thomas, apparatus, supplies, etc.	18 00	Quackenbush, Townsend & Co., apparatus, supplies, etc.	13 95
Jube, John P., & Co., apparatus, supplies, etc.	31 80	Rickaby, R. H., apparatus, supplies, etc.	12 00
Jussen, Carl, apparatus, supplies, etc.	39 30	Schmidt, A., & Bros., apparatus, supplies, etc.	3 50
Langstroth, T. W., apparatus, supplies, etc.	22 08	Seery, Peter, apparatus, supplies, etc.	43 27
McClave, E. W., & Co., apparatus, supplies, etc.	273 56	Shields & McEvoy, apparatus, supplies, etc.	8 29
McDonald, James, apparatus, supplies, etc.	60 00	Sheldon, George H., apparatus, supplies, etc.	20 50
Manhattan Gas-light Co., apparatus, supplies, etc.	185 48	Smith, J. Elliott, apparatus, supplies, etc.	28 50
		Wetmore & Co., apparatus, supplies, etc.	56 42
			\$1,386 58

On motion, adjourned.

CARL JUSSEN, Secretary.







No. 24. Basin on the northwest corner of One Hundred and Fifteenth street and Avenue A.

The limits embraced by such assessment include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on—

No. 1. Both sides of One Hundred and Fifty-second street, between the Boulevard and Hudson river.

No. 2. Both sides of Fourth avenue, between Eighty-second and Eighty-seventh streets, and to the extent of half of the block in Eighty-third, Eighty-fourth, Eighty-fifth, and Eighty-sixth streets.

No. 3. Both sides of One Hundred and Fourth street, between Second and Third avenues, and to the extent half the block at the intersection of Second and Third avenues.

No. 4. Both sides of One Hundred and Fourth street, between Ninth and Tenth avenues.

No. 5. Both sides of Madison avenue, between One Hundred and Twenty-sixth and One Hundred and Twenty-seventh streets, also south side of One Hundred and Twenty-seventh street, extending one hundred and ten feet east of and eighty-five feet west of Madison avenue.

No. 6. Both sides of One Hundred and Twenty-ninth street, between Seventh and Eighth avenues.

No. 7. Both sides of One Hundred and Fourth street, from six hundred and fifty feet east of Tenth avenue to Ninth avenue.

No. 8. Both sides of Sixty-eighth street, extending one hundred feet west of Fourth avenue.

No. 9. Both sides of Seventy-second street, extending one hundred feet east of Second avenue.

No. 10. Both sides of Lexington avenue, between One Hundred and Third and One Hundred and Fourth streets.

No. 11. Both sides of Lighthouse street, between West and Washington streets.

No. 12. Block bounded by Eightieth and Eighty-first streets, Madison and Fifth avenues.

No. 13. Both sides of Second avenue, between Seventy-fifth and Seventy-sixth streets.

No. 14. East side of Fifth avenue, between Sixtieth and Sixty-first streets.

No. 15. Both sides of One Hundred and Thirtieth street, between Sixth and Seventh avenues.

No. 16. Both sides of Ninety-third street, between Avenue A and Second avenue.

No. 17. West side of Dry Dock street, between Tenth and Eleventh streets.

No. 18. South side of Seventy-ninth street, between Fourth and Lexington avenues.

No. 19. West side of Eleventh avenue, between Fifty-ninth and Sixtieth streets.

No. 20. Both sides of One Hundred and Twenty-seventh street, between Seventh and Eighth avenues.

No. 21. Both sides of One Hundred and Thirtieth street, between Madison and Fifth avenues; and both sides of Madison avenue, between One Hundred and Thirtieth and One Hundred and Thirty-first streets.

No. 22. Central Park.

No. 23. Both sides of One Hundred and Thirtieth street, between Ninth and Tenth avenues.

No. 24. West side of Avenue A, between One Hundred and Fifteenth and One Hundred and Sixteenth streets, and south side of One Hundred and Sixteenth street, extending 187 feet 6 inches west of Avenue A, and north side of One Hundred and Fifteenth street, extending 166 feet 6 inches west of Avenue A.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to the Board of Assessors, at their office, No. 114 White street, within thirty days from the date of this notice.

The above described list will be transmitted as provided by law to the Board of Revision and Correction of Assessments for confirmation on the 17th day of February ensuing.

THOMAS B. ASTEN,  
JOHN MULLALLY,  
EDWARD NORTH,  
DANIEL STANBURY,  
Board of Assessors.

OFFICE BOARD OF ASSESSORS,  
NO. 114 WHITE STREET (CORNER CENTRE),  
NEW YORK, January 16, 1880.

## DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, February 11, 1880.

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 Penitentiary, Blackwell's Island—William Clough; aged 25 years; 5 feet 7½ inches high; dark hair; brown eyes. Had on when admitted black overcoat and sack coat, striped pants, blue vest, white shirt, white undershirt, gaiters. Nothing known of his friends or relatives.

At Homeopathic Hospital, Ward's Island—Mary Monahan, aged 34 years; 5 feet 7 inches high; hazel eyes; black hair. Nothing known of her friends or relatives.

By Order,

JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE.

## PROPOSALS FOR GROCERIES, DRY GOODS, HARDWARE, LUMBER, ETC.

### TO CONTRACTORS.

## SEALED BIDS OR ESTIMATES FOR FURNISHING

GROCERIES.  
100 barrels New Family Mess Pork.  
27,000 Fresh Eggs (all to be candled).  
12,000 pounds Dairy Butter, sample of which will be on exhibition February 19 and 20.  
1,000 pounds prime kettle rendered Lard.  
50 pieces prime quality Breakfast Bacon.

DRY GOODS.  
100 dozen Mens' Cotton Socks.  
100 " Womens' Cotton Stockings.  
1,500 yards Linsey Woolsey.

HARDWARE.  
6 dozen 6-Rim Locks (complete).  
25 " Shoe Brushes.  
20 " Dust Brushes.  
500 pounds Curled Hair (pure).

PAINTS.  
5,000 pounds Pure White Lead, equal to "Atlantic."

LIME AND CEMENT.  
50 barrels fresh Rosendale Cement.  
50 " Rockland Lime.  
50 " Joint Lime.  
20 " Plaster Paris.

LUMBER.  
60 pieces 3x3 inches by 15 feet Chestnut, dressed one side.  
12 " 3x3 inches by 12 feet Chestnut, dressed one side.  
8 " 1½ inches Yellow Pine Plank, 11 inches by 17 feet.  
20 " Spruce, 3x8 inches by 12 feet.  
4 " Spruce, 3x8 inches by 18 feet.  
4 " Spruce, 4x8 inches by 12 feet.  
2,000 lineal feet Spruce, 4 inches by 1½ inches.

MISCELLANEOUS.  
250 Rubber Blankets.  
50 gross Matches.  
2 " Tumblers.  
1 " Spittoons.

—or any part thereof, will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9 o'clock A. M. of Saturday, the 21st day of February, 1880. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Groceries, Dry Goods, Hardware, Lumber, etc.," and with his or their name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the head of said Department and read.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates; it deemed to be for the public interest, and to accept any bid or estimate as a whole, or for any one or more articles included therein. No bid or estimate 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 a defaulter, as surety or otherwise, upon any obligation to the Corporation.

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

Delivery will be required to be made from time to time, at such times and in such quantities as may be directed by the said Department, but the entire quantity will be required to be delivered on or before thirty (30) days after the date of the contract.

Any bidder for this contract must be known to be engaged in and well prepared for the business, and must have satisfactory testimonials to that effect; and the person or persons to whom the contract may be awarded will be required to give security for the performance of the contract by his or their bond, with two sufficient sureties, in the penal amount of fifty (50) per cent. of the estimated amount of the contract.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same, the names of all persons interested with him or them therein; and if no other person be so interested, it shall distinctly state that fact; that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud; and that no member of the 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 bid or estimate must be verified by the oath, in writing, of the party or parties 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 bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in 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 making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they shall pay to the Corporation any difference between the sum to which he would be entitled on its completion, and that which the Corporation may be obliged to pay to the person or persons to whom the contract may 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 this contract, 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 a surety in good faith and with the intention to execute the bond required by section 27 of chapter 8 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

Should the person or persons to whom the contract may be awarded neglect or refuse to accept to contract within forty-eight (48) hours after written notice that the same has been awarded to his or their bid or proposal, or if he or they accept but do not execute the contract and give the proper security, 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 re-let as provided by law.

The quality of the articles, supplies, goods, wares, and merchandise must conform in every respect to the samples of the same respectively at the office of the said Department. Bidders are cautioned to examine the specifications for particulars of the articles, etc., required, before making their estimates.

Bidders will state the price for each article by which the bids will be tested.

Bidders will write out the amount of their estimate in addition to inserting the same in figures.

Payment will be made by a requisition on the Comptroller, issued on the completion of the contract, or from time to time, as the Commissioners may determine.

Bidders are informed that no deviation from the specifications will be allowed, unless under the written instruction of the Commissioners of Public Charities and Correction.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates if deemed to be for the public interest, and to accept any bid or estimate as a whole, or for any one or more articles included therein. No bid or estimate 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 a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The form of the agreement, including specifications, and showing the manner of payment, can be obtained at the office of the Department.

Dated New York, February 9, 1880.

TOWNSEND COX,  
THOMAS S. BRENNAN,  
JACOB HESS,  
Commissioners of the Department of  
Public Charities and Correction.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, February 6, 1880.

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—Morri Callahan; aged 58 years; 5 feet 4 inches high; dark gray hair; gray eyes. Had on when admitted black coat, gray pants and vest, colored shirt, black felt hat. Nothing known of his friends or relatives.

At Hart's Island Hospital—Joseph Lachmann; aged 35 years; 5 feet 4 inches high; dark hair and eyes. Had on when admitted light blue coat, pants, and vest. Nothing known of his friends or relatives.

By order,

JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, February 4, 1880.

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 Hart's Island Hospital—Catherine Wall; aged 42 years; 5 feet 6 inches; blue eyes; dark hair. Had on when admitted, dark dress, shawl, skirt hood, shoes. Nothing known of her friends or relatives.

By Order,

JOSHUA PHILLIPS,  
Secretary.

## DEPARTMENT OF BUILDINGS.

DEPARTMENT OF BUILDINGS,  
OFFICE OF SUPERINTENDENT, No. 2 FOURTH AVENUE,  
NEW YORK, December, 1879.

## NOTICE TO PROPERTY OWNERS AND BUILDERS.

FOR THE PROTECTION OF THEIR INTERESTS, property owners and builders are requested to refuse admission into their buildings to any officer of this Department who does not show his proper badge of office on demand.

All badges issued from this office are shield shaped, with the title of the officer, the name of this Department, and the number engraved thereon, and are numbered from 1 to 50. The following badges are lost or stolen: Inspectors, badges Nos. 4, 8, 9, 11, 12, 21, 22, 23, 36, 38, 39, 42, 43, 45, 46, 48, 49, and 50. Fire Escape Examiners, badges Nos. 3 and 8, and Messenger's badge No. 7. All parties professing to be officers of this Department not provided with badges of the above description, or who attempt to use badges of the above named missing numbers, or an oval shaped badge, formerly used in the Department, are impostors, and the public are cautioned against recognizing such persons, and are requested to report the same to this office in any case that may come to their notice.

HENRY J. DUDLEY,  
Superintendent of Buildings.

## LEGISLATIVE DEPARTMENT.

THE COMMITTEE ON PUBLIC WORKS OF the Board of Aldermen will meet every Monday at two o'clock P. M., at Room No. 8 City Hall.

HENRY C. PERLEY,  
THOMAS SHELS,  
JOHN McCLAVE,  
HENRY HAFKEN,  
BERNARD KENNEY,  
Committee on Public Works.

## DEPARTMENT OF TAXES AND ASSESSMENTS.

DEPARTMENT OF TAXES AND ASSESSMENTS,  
No. 32 CHAMBERS STREET,  
NEW YORK, January 12, 1880.

NOTICE IS HEREBY GIVEN THAT THE BOOKS of Annual Record of the assessed valuation of Real and Personal Estate of the City and County of New York for the year 1880, will be opened for inspection and revision, on and after Monday, January 12, 1880, and will remain open until the 30th day of April, 1880, inclusive, for the correction of errors and the equalization of the assessments of the aforesaid real and personal estate.

All persons believing themselves aggrieved must make application to the Commissioners during the period above mentioned, in order to obtain the relief provided by law.

By order of the Board.

ALBERT STORER,  
Secretary.

## FINANCE DEPARTMENT.

DEPARTMENT OF FINANCE,  
BUREAU FOR COLLECTION OF ASSESSMENTS,  
FIRST FLOOR, ROOM NO. 1, NEW COURT-HOUSE,  
CITY HALL PARK,  
NEW YORK, February 4, 1880.

## NOTICE TO PROPERTY-HOLDERS.

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

CONFIRMED JANUARY 30 AND ENTERED FEBRUARY 4, 1880.

10th street opening, from 3d avenue to 5th avenue. All payments made on the above assessment on or before April 5, 1880, 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 entry.

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.

FINANCE DEPARTMENT—COMPTROLLER'S OFFICE,  
NEW YORK, January 22, 1880.

## NOTICE TO OWNERS OF REAL ESTATE IN THE TWENTY-THIRD AND TWENTY-FOURTH WARD OF THE CITY OF NEW YORK.

THE COMPTROLLER OF THE CITY OF NEW YORK hereby gives notice to owners of real estate in the Twenty-third and Twenty-fourth Wards, that pursuant to an act of the Legislature of the State of New York, entitled "An act to provide for the adjustment and payment of unpaid taxes due the county of Westchester by the towns of West Farms, Morrisania, and Kingsbridge, lately annexed to the city and county of New York," passed May 22, 1878, the unpaid taxes of said towns have been adjusted and the amount determined as provided in said act, and that the accounts, including sales for taxes levied prior to the year 1874, by the Treasurer of the County of Westchester, and bid in on account of said towns, and also the unpaid taxes of the year 1873, known as Rejected Taxes, have been filed for collection in the Bureau of Arrears in the Finance Department of the City of New York.

Payments for the redemption of lands so sold for taxes by the Treasurer of the County of Westchester, and bid in on account of said towns, and payments also of said Rejected Taxes of the year 1873, must be made hereafter to the Clerk of Arrears of the City of New York.

N. B.—Interest at the rate of twelve per cent. per annum is due and payable on the amount of said sales for taxes and said rejected taxes.

JOHN KELLY,  
Comptroller.

DEPARTMENT OF FINANCE,  
BUREAU FOR COLLECTION OF ASSESSMENTS,  
FIRST FLOOR (NEW WING), NEW COURT-HOUSE,  
CITY HALL PARK,  
NEW YORK, Dec. 13, 1879.

## 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 DECEMBER 10, 1879.

83d street sewer, between 10th avenue and Boulevard. 95th street sewer, between 3d and Lexington avenues, etc. 107th street sewer, between 4th and 5th avenues. Water street basin, southeast corner Jefferson street. 92d street basin, southwest corner 8th avenue.

99th street, regulating, grading, etc., from 1st to 3d avenue. 9th avenue, regulating, grading, etc., from 63d street to Boulevard.

74th street, paving from Avenue A to East river. 45th street, flagging south side, between 1st and 2d avenues.

4th avenue, flagging east side, between 65th and 66th streets. All payments made on the above assessments on or before February 11, 1880, 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 entry.

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.

## 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 1857, prepared under the direction of the Commissioners of Records.

Grantors, 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, price, 15 00  
Records of Judgments, 25 volumes, bound, price, 10 00  
Orders should be addressed to "Mr. Stephen Angell, Comptroller's Office, New County Court-house."

JOHN KELLY,  
Comptroller.

## JURORS.

### NOTICE

## IN RELATION TO JURORS FOR STATE COURTS

OFFICE OF THE COMMISSIONER OF JURORS,  
NEW COUNTY COURT-HOUSE,  
NEW YORK, June 1, 1879.

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).

## DEPARTMENT OF DOCKS.

DEPARTMENT OF DOCKS,  
Nos. 117 and 119 DUANE STREET,  
NEW YORK, January 17, 1880.

### NOTICE.

PURSUANT TO THE PROVISIONS OF SUB-division 7 of section 6 of chapter 574, Laws of 1874, the following regulation was unanimously adopted by the Board of the Department of Docks, at a meeting held on the 14th instant, to wit:

### REGULATION 16.

The owners, lessees, and occupants of every pier, wharf, and bulkhead in the City of New York shall keep the same in good repair, and the slips adjacent thereto properly dredged, and whenever, in the judgment of the Board of the Department of Docks, it shall be necessary so to do, written notices, signed by the President or Secretary of said Board, shall be served upon the owners, lessees, or occupants, or collector of wharfage of any such pier, wharf, or bulkhead, or the slip adjoining the same, on which repairs or dredging are required by said Board, specifying the nature and extent of the repairs or dredging so required, and the time within which such repairs must be made or such dredging done; and in case of failure of the owners, lessees, or occupants so notified to comply with the terms and requirements of such notice, they shall be liable to a penalty of \$50 per day for every day they shall neglect to comply with such notice.

By order of the Board,

EUGENE T. LYNCH,  
Secretary.

## FIRE DEPARTMENT.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 AND 157 MERCER STREET,  
NEW YORK, February 12, 1880.

NOTICE IS HEREBY GIVEN THAT THREE (3) Horses will be sold at public auction, to the highest bidder, for cash, on Tuesday, February 17, 1880, at 12 o'clock M., by Van Tassel & Kearney, Auctioneers, at Nos. 110 and 112 East Thirtieth street.

VINCENT C. KING,  
JOHN J. GORMAN,  
CORNELIUS VAN COTT,  
Commissioners.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 AND 157 MERCER STREET,  
NEW YORK, February 12, 1880.

NOTICE IS HEREBY GIVEN THAT TWO (2) steam fire engines (Smith maker) will be sold at public auction, by Van Tassel & Kearney, Auctioneers, to the highest bidder for cash, on Thursday, February 26, 1880, at 12 o'clock M., at the Repair Shops, Nos. 130 and 132 West Third street.

VINCENT C. KING,  
JOHN J. GORMAN,  
CORNELIUS VAN COTT,  
Commissioners.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 AND 157 MERCER STREET,  
NEW YORK, November 7, 1878.

NOTICE IS HEREBY GIVEN THAT THE Board of Commissioners of this Department will meet daily at 10 o'clock A. M., for the transaction of business.

By order of the Board.

VINCENT C. KING, President,  
JOHN J. GORMAN, Treasurer,  
CORNELIUS VAN COTT,  
Commissioners

CARL JUSSEN,  
Secretary

## THE CITY RECORD

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