

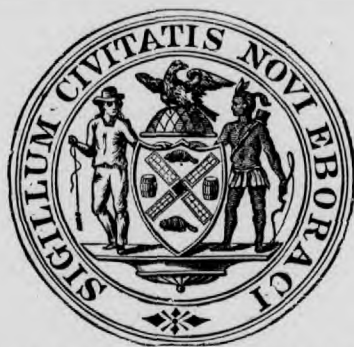
THE CITY RECORD.

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NUMBER 2,039.



POLICE DEPARTMENT.

The Commissioners of Police met on the 7th day of February, 1880, Present—Commissioners Wheeler and French (and Sidney P. Nichols). Mr. John D. Townsend, of counsel for S. P. Nichols, presented and read an opinion of "Supreme Court, Special Term—The People on the relation of Sidney P. Nichols agst. Edward Cooper, as Mayor of the City of New York—Opinion, Lawrence, J." Whereupon S. P. Nichols was officially recognized by Commissioners Wheeler and French as Police Commissioner of the City of New York. The Board of Police went into session. Present—Commissioners Wheeler, French, and Nichols. Resolved, That Commissioner French be appointed Chairman and Acting President until the next meeting of the Board. On motion of Commissioner Nichols, it was Resolved, That the Superintendent be directed to promulgate to the force his reinstatement as Police Commissioner in place of Charles F. MacLean. The Superintendent was summoned, and directed by the Chairman to notify the force that Commissioner Nichols had been reinstated in place of Charles F. MacLean.

Leaves of Absence Granted.

Surgeon D. Matthews, eight days.
Doorman Charles Flood, Fourth Precinct, five days, without pay.

Parades Approved.

Dahlgren Post G. A. R., February 4. Parade.
Fidelia Singing Society, February 4. Parade.
Employees of Foster, Herlson & Co., February 7. Parade.
Cheraska Lodge I. O. O. F., February 2. Funeral.
Germania Schutzen Corps, Twenty-fifth Company, February 5. Funeral.
Koltes Post G. A. R., February 5. Funeral.

Masked Balls Allowed.

Bloomington Freundschaft Bund, at Germania Rooms, February 9.
Hoffman & Labi Ladies' Benevolent Society, at Harmony Rooms, February 11.
Krenkel Association, at Concordia Rooms, February 9.
Manhattan Pleasure Club, at Concordia Rooms, February 21.
Schwabischer Saenger Bund, at Concordia Rooms, February 24.
Atlanta Coterie, at Concordia Rooms, February 28.
New York Mannerchor, at Terrace Garden, February 10.
New York Skating Club, Skating Rink, February 4.
Weir's Dancing Academy, at Turtle Bay Hall, February 7.
Renner's Dancing Academy, Walhalla Hall, February 3.
Pfingstader und Ungegend K. U. V., at Walhalla Hall, February 10.
Schleswig Holsteinischen Vereins, at Walhalla Hall, February 16.
Theodore Hoerner Leidertafel, at Coburger Hall, February 14.
Rheinischer Saengerbund, at Beethoven Hall, February 14.
Eagle Social Club, at Pythagoras Hall, February 26.
Apollo Dramatic Association, at Yorkville Hall, February 27.
Teutonia Benevolent Society, No. 1, at Germania Rooms, February 9.

Deaths Reported.

Sergeant Henry J. Miner, Twenty-sixth Precinct, at 5 A. M., 3d inst.
Jerome H. Ferris, Nineteenth Sub-Precinct, at 3.30 A. M., 6th inst.
On motion of Commissioner Nichols, it was Resolved, That the opinion of Judge Lawrence be entered in full in the minutes, as follows:

SUPREME COURT.

The People ex rel. Sidney P. Nichols against Edward Cooper, Mayor.
Lawrence J.:

On the day on which this cause was argued before me the Court of Appeals, on the appeal taken by this relator from an order of the General Term of this Department granting a writ of prohibition against the Special Term, rendered a decision reversing the order of the General Term.

The opinion of the Court of Appeals was concurred in as stated by all the Judges of the Court, and it must be followed as decisive of the law of this case. In that opinion the Court say, "The relator was the Mayor of the city, and its charter conferred upon him power to remove the defendant, but only for cause and after an opportunity to be heard."

(Session Laws of 1873, chap. 335, sec. 25.)

"The power is not an arbitrary one, to be exercised at pleasure, but only upon just and reasonable grounds, and then not until after notice to the person charged, for in no other way could he have an opportunity to be heard. The proceeding, therefore, must be instituted upon specific charges, sufficient in their nature to warrant removal, and these, unless admitted, be proven to be true. Defendant might also cross-examine the witnesses produced to support the charges, call others in his defense, and in these and other respects be represented by counsel. In no other way could the person sought to be removed have a due hearing or opportunity to be heard, and the condition must be complied with before the power of removal is exercised." After citing the cases which sustain this position, the Court proceed to say: "It follows therefore, that the proceeding is judicial in its character, and as a necessary consequence is subject to review by a writ of certiorari issued by the Supreme Court in the exercise of its superintending power over inferior tribunals, and persons exercising judicial functions."

This definition of the power of the Mayor and of the nature of that power will render it unnecessary for me to consider some of the questions which were so forcibly and thoroughly discussed by the learned counsel for the respective parties upon the hearing. The Court of last resort has authoritatively declared that the Mayor's power is judicial, that his judgment upon the question of removing a Police Commissioner is subject to review by the Court on a certiorari, and that the accused official has the right to know what the specific charges against him are, that such charges, if not admitted, must be proven, and that the defendant should be permitted to cross-examine witnesses and to call witnesses in his own behalf, and in these and other respects to be represented by counsel. If the return of the Mayor to the writ shows that in all or any of these particulars the relator in this proceeding was denied his right, it follows necessarily that the Mayor's proceedings must be reversed and his decision declared to be null and void. By the return of the Mayor to the writ it appears that on the 14th day of March, 1879, he addressed to the relator a written communication, as follows:

MAYOR'S OFFICE, NEW YORK, March 14, 1879.

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

SIR—Under the Board of Police of which you are a member, the government and discipline of the Police Force have become lax and incapable, the Police Force has deteriorated in efficiency, and it has become demoralized.

The Board of Police of which you are a member has not caused the streets of the city to be thoroughly cleaned from time to time, and kept thoroughly cleaned, and has not removed from the city daily and as often as necessary, all ashes, dirt, rubbish, and garbage.

You have been negligent in the discharge of the public duties which you were bound to fulfill.

You have allowed personal dissensions to preclude the proper exercise of the official trust which you assumed.

Your conduct has been unbecoming your office.

These causes warrant your removal from office.

I will give you an opportunity to be heard thereon at twelve o'clock, noon, on Wednesday, March 19, 1879, at the Mayor's office.

EDWARD COOPER, Mayor.

It is also stated that at the time and place appointed the relator appeared in person, and accompanied by his counsel, and that thereupon the following consultation or discussion took place:

MAYOR'S OFFICE, March 19, 1879.

Mayor Cooper—I have addressed a letter to General Smith, Mr. Erhardt, and Mr. Nichols. Is Mr. Erhardt here? General Smith is here, I see, and Mr. Nichols is here. Mr. Nichols, did you receive my letter of March 14?

Commissioner Nichols—I did, sir.

Mayor Cooper—I now give you an opportunity to be heard in response to it if you have anything to say?

Commissioner Nichols—I ask you, sir, in my case, whether I can be permitted to be heard by counsel, who are here, Messrs. Vanderpoel & Townsend?

Mayor Cooper—I will not hear counsel; anything you have to say I will hear. I will state here to all the gentlemen, that after the proceedings are over, if they have any desire to submit any papers in writing or in print they can be put in, say within twenty-four hours, or at any time to-morrow.

Commissioner Nichols—Will you permit me to speak through my counsel, Mr. Townsend, without argument?

Mayor Cooper—No.

Commissioner Nichols—If he acts as my agent only, will you permit him?

Mayor Cooper—No; but I will hear what you have to say.

Commissioner Nichols—What I have to state I have reduced to writing, and will read it, unless you will permit Mr. Townsend.

Mayor Cooper—I will not hear counsel read it.

Commissioner Nichols—I protest against this action, as being an outrage upon my rights in this Court (reading):

To the Honorable: EDWARD COOPER, Mayor of the City of New York:

As one of the Police Commissioners of the City of New York, I appear in response to the communication from you delivered to me on the 15th inst., citing me to appear before you on the 19th day of March, 1879, at 12 o'clock, noon, and in reference to the citation.

First—I respectfully protest that the charter of this city secures to me a right to be heard before it is adjudged that there is cause for my removal, and that this right has been violated in that you, as Mayor, by the terms of the notice served on me, have stated your conclusions, and adjudged that they warrant my removal from office before an opportunity has been accorded me of such hearing as is provided for in the Charter.

Second—This paper or notice served upon me as containing charges against me, and being the only statement of charges received by me is general, indefinite, and uncertain. It is impossible to understand from that paper or notice what specific acts or omissions are intended thereby, I therefore say there is not given me a sufficient statement of charges or matters alleged as cause for my removal, nor proper opportunity to hear the proofs, if any there may be thereon.

Third—By further responding to said paper or notice I do not intend to waive, but hereby expressly reserve the right to take and save all exceptions and objections to the uncertainty and insufficiency of said paper or notice as a statement of charges against me, and also to your Honor's want of jurisdiction in the matter, and I only further respond in order that your Honor may be apprised of the fact that I fully deny each and every conclusion therein declared or intimated, and that this may be explicit, I deny that under the Board of Police, of which I am a member, the government and discipline of the police force have become lax and incapable, or that the police force has deteriorated in efficiency, or that it has become demoralized; I deny that the Board has, or that I, as a member thereof, have failed or omitted to do or perform any duty imposed upon me or it by law, in respect to cleaning the streets or removing from the city ashes, dirt, rubbish, or garbage. On the other hand, I affirm that at all times since I have been such Commissioner all the moneys taken from the public treasury or allowed for street cleaning purposes have been properly and faithfully applied to such purposes, and the Board has at all times discharged its whole duty in the premises; I deny that I have been negligent in the discharge of the public duties which I was bound to fulfill; I deny that I have allowed personal dissensions to preclude the proper exercise of the official trust which I assumed; I deny that my conduct has been unbecoming my office; I deny that I have done any act or omitted any duty which would warrant or justify your Honor in removing me from the office of Police Commissioner.

Respectfully submitted,

SIDNEY P. NICHOLS.

Mayor Cooper—Mr. Nichols, as I have been around the city a good deal, I have observed the condition of the streets myself. I am prepared to state to you a good many places in the city where the streets have not been cleaned as required by statute. Do you wish me to specify them to you—the particular places?

Commissioner Nichols—Are you prepared to be cross-examined?

Mayor Cooper—No, sir. I ask you whether you wish to have specifications of particular streets and places from which the dirt and rubbish has not been removed as required by statute?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—You can be heard now, Mr. Nichols, if you like. I wish to ask you whether you are acquainted with the condition or the following streets on March 12th, and a week prior?

Commissioner Nichols—I answer if the Mayor will furnish to me specifications of the charges that he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—I want an answer. Do you know the condition in which Greenwich street, from Murray street to the Battery, was on the 12th of March?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—Is that the only answer you have to make to my question?

(No response.)

Mayor Cooper—I ask, have you any answer to make to my question?

(No response.)

Mayor Cooper—Will you answer my question?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges that he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—I have many other places that I am prepared to ask you about. For instance, I will ask you whether—merely as an illustration—and if you answer this, I shall ask you with respect to a good many others. I will take West Thirty-second street on the same date, are you acquainted with its condition?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges that he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—You decline to answer my question, I understand you, except as you have stated?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges that he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—Have you anything else you wish to say in reply to my letter?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—If Mr. Nichols wishes to answer, I am prepared to ask him questions in regard to the discharge of his duty, which will, I think, be sufficiently specific to give him an opportunity of answering specifically. I can ask you some questions now. Mr. Nichols, in 1877, were you informed by Mr. Erhardt, or by any reports that he caused to be furnished to the Board of Police, or to the Street Cleaning Bureau, that the men that were employed in the Street Cleaning Bureau were idling away their time or inefficient?

(No response.)

Mayor Cooper—Have you any reply to make to my question, Mr. Nichols?

(No response.)

Mayor Cooper—Mr. Nichols, if you are not prepared to answer, you can hand your answer in. I do not wish to wait any longer; you can hand in any answer you wish to make.

Mr. Vanderpoel—It is all ready, I think; Mr. Townsend will look it over first. (Mr. Vanderpoel hands to Mr. Townsend a paper on which he, Mr. Vanderpoel, has been writing, and, after reading it, Mr. Townsend hands it to Commissioner Nichols.)

Commissioner Nichols—I would ask if that was for Commissioner Erhardt's case, or for my own? Mayor Cooper—It is for your own case.

Commissioner Nichols (reading from the paper last referred to)—I am and have at all times been ready and willing to give the Mayor full information upon every subject connected with the Police Department or its operations, but it is not proper for me, in a proceeding in which I am denied the right of counsel, and have not been furnished with any charges or specifications, to make answers which would seem to recognize in any way the regularity of the proceedings against me.

Mayor Cooper—That is the only answer you have to make to the question? (No response.)

Mayor Cooper—Mr. Nichols, if you have any information, or anything to say in respect to the causes which I have stated here, I am prepared now to go into the matter with you in detail.

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges, if any, he holds against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—That is all you have to say now in reply to any questions that I may put to you, do you decline to give any other answer? (No response.)

Mayor Cooper—Have you anything else to say? Commissioner Nichols—I desire to be heard by counsel.

Mayor Cooper—I say now to Mr. Nichols, in regard to these charges, especially in regard to the street cleaning, of which—he is the Chairman of the Committee which has special charge of it in the Board of Police, as I understand—if he has anything to say at all in respect to either the fact that the streets have not been thoroughly cleaned, as required by statute, or anything to say in explanation or excuse of its not being done so, I am prepared to hear it?

Commissioner Nichols—I am, and have at all times been ready and willing to give the Mayor full information upon every subject connected with the Police Department or its operations, but it is improper for me in a proceeding in which I am denied the right of counsel, and have not been furnished with any charges or specifications, to make answers which would seem to recognize in any way the proceedings against me.

Mayor Cooper—Mr. Nichols, do I understand you to admit or deny the fact that the streets have not been thoroughly cleaned from time to time, and kept well cleaned as required by statute; I simply wish to know whether you admit or deny that statement?

Commissioner Nichols—I have set forth an answer to that in the paper which I have handed you; if the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—Is that all the answer you make?

Commissioner Nichols—My answer to that last question is as follows, contained in my letter to you: "I deny that the Board has, or that I, as a member thereof, have failed or omitted to do or perform any duty imposed upon me or it by law in respect to cleaning the streets or removing from the city ashes, dirt, rubbish, or garbage; on the other hand, I affirm that at all times since I have been such Commissioner all the moneys taken from the public treasury or allowed for street cleaning purposes have been properly and faithfully applied to such purposes, and the Board has at all times discharged its whole duty in the premises."

Mayor Cooper—I understand you to say, then, that they have been properly cleaned; is that so? (No response.)

Mayor Cooper—Have you any answer to make to that question? (No response.)

Mayor Cooper—Have you anything to say, Mr. Nichols? (No response.)

Mayor Cooper—Does Mr. Nichols mean to answer my question or not?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—Is that the only answer?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—Mr. Nichols, I don't wish to misunderstand your answer here, but I do not understand you to take any ground as to the fact whether the streets have been thoroughly cleaned as required by statute or not; I wish a positive answer one way or the other.

Commissioner Nichols—I am, and have at all times been ready and willing to give the Mayor full information upon every subject connected with the Police Department or its operations, but it is improper for me, in a proceeding in which I am denied the right of counsel, and have not been furnished with any charges or specifications, to make answers which would seem to recognize in any way the proceedings against me.

Mayor Cooper—Mr. Nichols, I know of my own knowledge specific cases to which I will call your attention; if, in respect to them, you desire to make any other answer, I will have it taken down; I understand you decline to give me answers to the cases I present to you now; I will begin again with the memorandum that I have of the places where I have been myself; I will take Greenwich street, and Washington street below Morris street, and Mulberry street, and, in regard to them, do you claim that they have been properly cleaned? I do not go over all that I have here; that is merely an illustration; I have very many other instances that I am prepared to state to you.

(Commissioner Nichols here consulted with his counsel.)

Mayor Cooper—I am waiting; is Mr. Nichols preparing an answer?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—That is the only answer you have to make, I understand? (No response.)

Mayor Cooper—Mr. Nichols, have you anything that you wish to say further in regard to the matter of street cleaning as a reason why the streets have not been kept clean?

Commissioner Nichols—If the Mayor will furnish to me specifications of the charges he holds, if any, against me, and will allow me reasonable time to reply to the same, I desire to be heard.

Mayor Cooper—If Mr. Nichols desires to submit any views or anything in writing I will receive it within the next twenty-four hours; he may prepare it or have his counsel prepare it for him, or any other way he pleases; has Mr. Nichols anything more he wishes to say?

Commissioner Nichols (after consultation with his counsel)—A letter from the Hon. Samuel J. Tilden.

ALBANY EXECUTIVE CHAMBER, February 17, 1875.

To the Hon. WILLIAM H. WICKHAM, Mayor:

"Your messenger delivered to me the papers in the removal cases of February 4." Mayor Cooper—Mr. Nichols, if you have anything to say I will hear it; if you have anything written you may submit it.

Commissioner Nichols—This is in response.

Mayor Cooper—I will not hear anything read. If it is submitted to me in writing or in print I will hear it. Have you anything further you wish to say?

Commissioner Nichols again commenced to read the letter.

Mr. Vanderpoel (to Mr. Nichols)—He says he will not hear anything more.

Mayor Cooper—I will hear anything you are pleased to say, or anything in writing or in print you please to submit.

Commissioner Nichols—I desire to read this letter.

Mayor Cooper—Go on; read it through if you like.

(Commissioner Nichols here consults with his counsel.)

Commissioner Nichols—Instead of reading this, your Honor, at present, after consultation with my counsel, I accept of your offer for the next twenty-four hours to submit some papers. I will see what I will do, and submit anything that I have.

Mayor Cooper—You have nothing more that you wish to say now? (No response.)

Mayor Cooper—I am waiting for an answer.

Commissioner Nichols—Not under the intimation that I have that I cannot be heard by counsel.

Mayor Cooper—I understand Mr. Nichols has nothing more he wishes to say at present; is that so? (No response.)

Mayor Cooper—I understand there is nothing more that Mr. Nichols wishes to say; but he may hand in any paper he pleases in the course of the next twenty-four hours; the matter is closed as to Mr. Nichols.

It appears that although the relator was attended by his counsel, upon a direct request by him that he should be permitted to speak through his counsel, Mr. Townsend, he was denied that right; the charges, too, which are contained in the communication of March 14, 1879, are of a general nature, and no distinct specification is made of the streets which were not properly cleaned, of the particulars of the alleged negligence of the relator in the discharge of his duties, of the personal dissensions which precluded the relator from the proper exercise of the official trust which he had assumed, nor of the alleged conduct of the relator which was deemed by the Mayor to be unbecoming the office of a Police Commissioner. The charges, even if they can be regarded as sufficiently specific to warrant the Mayor in making them the basis of a proceeding for the removal of the relator, should, in the language of the Court of Appeals in their opinion, "unless admitted, have been proven to be true." The charges were not emphatically denied by the relator, as is shown by the extracts from the return which are set forth above, and not a single witness was called in their support. The Mayor did, it is true, after repeated requests on the part of the

relator that he should be furnished with specifications of the charges against him, put this question to the relator: "Do you know the condition in which Greenwich street from Murray street to the Battery was on the 12th of March," and also stated: "I have many other places that I am prepared to ask you about, for instance, I will ask you whether, merely as an illustration, and if you answer this, I will ask you with respect to a good many others. I will take West Thirty-second street on the same date, are you acquainted with its condition?" To these questions the relator replied, "If the Mayor will furnish to me specifications of the charges that he holds, if any, against me, and will allow me a reasonable time to reply to the same, I desire to be heard." The relator not having admitted the charges, was entitled to have them proven. It was not his duty to make an admission which would relieve the Mayor from making that proof which the charter required. He could not be compelled by means of the interrogatories addressed to him to shift the burthen of proof so that instead of being proven to be guilty he would be obliged to prove his innocence. Again, the returns show that the Mayor was acting either on his own knowledge of the condition of the streets to which he referred or on information which he had derived from other parties. If he acted upon the information given to him by others, under the provisions of the charter, as construed by the Court of Appeals, the relator was entitled to be confronted with his accusers, and to cross-examine them. And if the Mayor is to be regarded as acting on the statements which he made upon his own knowledge, he stood in the proceeding as a witness, and as such witness was subject to cross-examination.

To the distinct question put to him by the relator whether he was prepared to be cross-examined, the Mayor replied in the negative.

Under this state of facts it is difficult to see how it can be claimed that the relator had an opportunity to be heard, within the meaning of the provisions of the charter under which the proceedings for his removal were instituted.

It further appears by the return that after the proceedings which took place on the 19th of March, 1879, and on the 3d of April, 1879, the Mayor addressed a written communication to the relator, in which he stated that before taking final action in the matter he was willing, lest there may have been a misapprehension on the relator's part, to afford him a further opportunity for answer, explanation, or excuse, and notified him that such opportunity would be given at the Mayor's office at 11 o'clock in the forenoon of Saturday, the 5th of April, and that he would also then receive from the relator any statement, explanation, or argument in writing, but that in the absence of further answer or explanation, upon the statement of the cause heretofore made by him to the relator, if the record should remain unchanged, the same with a certificate of the relator's removal from the office of Police Commissioner, would be transmitted to the Governor for his approval. It will be observed from this communication that the Mayor had, on the proceedings already taken before him, determined to remove the relator.

That proceeding afforded no ground for the relator's removal, for the reasons above stated, and yet, unless the relator could excuse himself, he was notified that on the record thus made, if the record remained unchanged a certificate of his removal from office would be transmitted to the Governor. This was again calling upon the relator to prove himself innocent of charges of which he had not been proven to be guilty, and again shifting the burthen of proof from the accuser to the accused.

To this communication the relator replied, renewing all protests theretofore made and distinctly inquiring whether: First—"Will specifications of the charges of my removal be furnished me?" Second—"Will witnesses be produced to sustain the charges of my removal, and shall I be permitted to be present when they testify, and examine them?" Third—"Will I be permitted to introduce evidence to refute the charges made against me?" Fourth—"Shall I be allowed the assistance of counsel upon this hearing?"

Upon that day, no further proceedings having taken place before the Mayor, and, so far as appears by the return, no answer having been made by the Mayor to the relator's inquiries, the Mayor transmitted a certificate of the relator's removal from office to the Governor.

I am of the opinion that this record, so far from showing that the relator was afforded an opportunity of being heard as provided by the charter, distinctly shows that such opportunity was denied to him, and unless therefore the writ should be dismissed or quashed for the reasons stated by the learned counsel for the Mayor, judgment should be rendered that the proceeding be reversed.

One of the grounds taken by counsel on the argument was that the writ recites no grievance capable of redress, inasmuch as the Mayor's removal is inviolate, inchoate, and ineffectual without the approval of the Governor.

Upon an examination of the points submitted by the Mayor's Counsel, on the argument of the appeal, in the prohibition case in the Court of Appeals, I find that the same proposition was there advanced, and as that Court, after argument, held that the Mayor's action was subject to review by certiorari, I must regard that point as having been decided in the present relator's favor.

It was also contended by counsel that after the Mayor had transmitted the record to the Governor, as a basis for the exercise of the latter's power of approval, the whole case was res nova with the Governor, and that the presumption must be that the Governor would commit no errors of his own, and would correct those of the Mayor.

The point was in substance also taken before the Court of Appeals, and their decision that the Mayor's action was subject to review by certiorari is the answer to it. But it is argued that as the record had gone from the Mayor to the Governor the court cannot on certiorari recall the physical act of the Mayor in sending the papers to the Governor, and the case of *The People vs. Reddy*, 43 Barb. 539, among others, is cited as conclusive on this point. The opinion of the Court of Appeals in the prohibition case is also an answer to this position. The point was taken and the case was cited in the Court of Appeals, and it must be concluded that the question was disposed of adversely to the respondent, for the reason that it cannot be assumed that that court would have held that the writ of certiorari should be heard when it was apparent on the papers before the court such hearing must necessarily be of no avail, as the record which it was sought by the writ to review could not be brought before the court.

Besides, I can find nothing in the 25th section of the Charter which requires the Mayor to transmit to the Governor the record of the proceedings before him. The charter provides that the Mayor shall in all cases communicate to the Governor, in writing, his reasons for such removal. This does not call for a transmission of the original record to the Governor, and if the proceedings before the Mayor were not in accordance with the Charter, his judgment, if erroneous, ought not to be allowed to stand because he has put it out of his power to return the original record before him, particularly when, as in this case, he certifies that he has returned to the court that which he believes to be a true and correct transcript of the papers on record transmitted to him by the Governor. Counsel also contended that the relator was guilty of laches in not obtaining a writ of certiorari until August, 1879, being a period of four months after the date of his removal by the Mayor, and allege that the court cannot, on this proceeding, go beyond the writ for the purpose of ascertaining that it was applied for as early as June, although not issued until August. Conceding that to be so, I am not prepared to hold that the lapse of four months between the date of his removal and the obtaining of the writ of certiorari would constitute laches on the part of the relator. Lastly, with the opinion of the Court of Appeals so often referred to before me, I cannot avoid the conclusion that the relator did not have such a hearing before the Mayor as the 25th section of the charter entitled him to, and therefore judgment should be rendered that the proceedings for the removal of the relator be in all respects reversed and set aside, and that the relator be reinstated in the office of Police Commissioner.

Judgment accordingly.

Mr. Townsend, for the Relator.

Mr. Bangs, for the Respondent.

Adjourned.

S. C. HAWLEY, Chief Clerk.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DAILY MEETINGS, FEBRUARY 2 TO 7, 1880.

Communications Received.

From Penitentiary—List of prisoners received during week ending January 31, 1880: Males, 24; Females, 4. On file.

List of 51 prisoners to be discharged from February 8 to 14, 1880. Transmitted to Prison Association.

From Lunatic Asylum, Blackwell's Island—History of 8 patients received during week ending January 31, 1880. On file.

From N. Y. City Asylum for Insane, Ward's Island—History of 6 patients received during week ending January 31, 1880. On file.

From City Prison—Amount of fines received during week ending January 31, 1880, \$143. On file.

Appointments.

February 5. Mary Doherty, Cook, Maternity Hospital.

" 5. Adelia Campbell, Attendant, Lunatic Asylum.

" 6. Daniel Reilly, Attendant, N. Y. City Asylum for Insane.

" 6. Thomas Connors, Plumber, N. Y. City Asylum for Insane.

Resignations.

February 6. Alfred A. Kane, Plumber, N. Y. City Asylum for Insane.

" 6. August Conrad, Attendant, N. Y. City Asylum for Insane.

JOSHUA PHILLIPS, Secretary.

OFFICIAL DIRECTORY.

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

EXECUTIVE DEPARTMENT.

Mayor's Office.

No. 6 City Hall, 10 A. M. to 3 P. M.
EDWARD COOPER, Mayor; JAMES E. MORRISON, Secretary.

Mayor's Marshal's Office.

No. 7 City Hall, 10 A. M. to 3 P. M.
JOHN TYLER KELLY, First Marshal.

Permit and License Bureau Office.

No. 1 City Hall, 10 A. M. to 3 P. M.
DANIEL S. HART, Registrar.

Sealers and Inspectors of Weights and Measures.

No. 7 City Hall, 10 A. M. to 3 P. M.
WILLIAM EYERS, Sealer First District; ELIJAH W. ROE, Sealer Second District; JOHN MURRAY, Inspector First District; JOSEPH SHANNON, Inspector Second District.

LEGISLATIVE DEPARTMENT.

Office of Clerk of Common Council.

No. 8 City Hall, 10 A. M. to 4 P. M.
JOHN J. MORRIS, President Board of Aldermen.
FRANCIS J. TWOMEY, Clerk Common Council.

DEPARTMENT OF PUBLIC WORKS

Commissioner's Office.

No. 10 City Hall, 10 A. M. to 4 P. M.
ALLAN CAMPBELL, Commissioner; FREDERICK H. HAMLIN, Deputy Commissioner.

Bureau of Water Register.

No. 10 City Hall, 10 A. M. to 4 P. M.
JOHN H. CHAMBERS, Register.

Bureau of Incumbrances.

No. 13 City Hall, 9 A. M. to 4 P. M.
JOSEPH BLUMENTHAL, Superintendent.

Bureau of Sewers.

No. 21 City Hall, 9 A. M. to 4 P. M.
STEVENSON TOWLE, Engineer-in-Charge.

Bureau of Chief Engineer.

No. 11½ City Hall, 9 A. M. to 4 P. M.
GEORGE W. BIRDSALL, Chief Engineer.

FINANCE DEPARTMENT.

Comptroller's Office.

Nos. 19 and 20 New County Court-house, 9 A. M. to 4 P. M.
JOHN KELLY, Comptroller; RICHARD A. STORIES, Deputy Comptroller.

Bureau for the Collection of Assessments.

No. 16 New County Court-house, 9 A. M. to 4 P. M.
EDWARD GILON, Collector.

Bureau of City Revenue.

No. 6 New County Court-house, 9 A. M. to 4 P. M.
EDWARD F. FITZPATRICK, Collector of City Revenue.

Bureau of Markets.

No. 6 New County Court-house, 9 A. M. to 4 P. M.
JOSHUA M. VARIAN, Superintendent of Markets.

Bureau for the Collection of Taxes.

First floor, Brown-stone Building, City Hall Park.
MARTIN T. MCMAHON, Receiver of Taxes; ALFRED VREDENBURG, Deputy Receiver of Taxes.

Bureau of the City Chamberlain.

No. 18 New County Court-house, 9 A. M. to 4 P. M.
J. NELSON TAPPAN, City Chamberlain.

Auditing Bureau.

No. 19 New County Court-house, 9 A. M. to 4 P. M.
DANIEL JACKSON, Auditor of Accounts.

Bureau of Arrears.

No. 5 New County Court-house, 9 A. M. to 4 P. M.
ARTEMAS CADY, Clerk of Arrears.

LAW DEPARTMENT.

Office of the Counsel to the Corporation.

Staats Zeitung Building, third floor, 9 A. M. to 4 P. M.
WILLIAM C. WHITNEY, Counsel to the Corporation;
ANDREW T. CAMPBELL, Chief Clerk.

Office of the Public Administrator.

No. 43 Beekman street, 9 A. M. to 4 P. M.
ALGERNON S. SULLIVAN, Public Administrator.

Office of the Corporation Attorney.

No. 49 Beekman street, 9 A. M. to 4 P. M.
WILLIAM A. BOYD, Corporation Attorney.

Attorney to Department of Buildings' Office.

Corner Cortland and Church streets.
JOHN A. FOLEY, Attorney.

POLICE DEPARTMENT.

Central Office.

No. 300 Mulberry street, 9 A. M. to 4 P. M.
President: SETH C. HAWLEY,
Chief Clerk.

DEPARTMENT OF CHARITIES AND CORRECTION.

Central Office.

Third avenue, corner Eleventh street, 9 A. M. to 4 P. M.
TOWNSEND COX, President; JOSHUA PHILLIPS, Secretary.

FIRE DEPARTMENT.

Headquarters.

Nos. 153, 155, and 157 Mercer street, 9 A. M. to 4 P. M.
VINCENT C. KING, President; CARL JUSSEN, Secretary.

HEALTH DEPARTMENT.

No. 301 Mott street, 9 A. M. to 4 P. M.
CHARLES F. CHANDLER, President; EMMONS CLARK, Secretary.

DEPARTMENT OF PUBLIC PARKS

No. 36 Union square, 9 A. M. to 4 P. M.
JAMES F. WENMAN, President; EDWARD P. BARKER, Secretary.

Civil and Topographical Office.

Arsenal, 64th street and 5th avenue, 9 A. M. to 5 P. M.
Office of Superintendent of 23d and 24th Wards.
Fordham 9 A. M. to 5 P. M.

DEPARTMENT OF DOCKS.

Nos. 117 and 119 Duane street, 9 A. M. to 4 P. M.
EUGENE T. LYNCH, Secretary.

DEPARTMENT OF TAXES AND ASSESSMENTS

Brown-stone Building, City Hall Park, 9 A. M. to 4 P. M.
JOHN WHEELER, President; ALBERT STORER, Secretary.

BOARD OF ASSESSORS.

Office, No. 114 White street, 9 A. M. to 4 P. M.
THOMAS B. ASTEN, President; WM. H. JASPER, Secretary.

DEPARTMENT OF BUILDINGS.

No. 2 Fourth avenue, 8:30 A. M. to 4 P. M.
HENRY J. DUDLEY, Superintendent.

BOARD OF EXCISE.

Corner Mulberry and Houston streets, 9 A. M. to 4 P. M.
RICHARD J. MORRISON, President; J. B. ADAMSON, Chief Clerk.

SHERIFF'S OFFICE.

Nos. 3 and 4 New County Court-house, 9 A. M. to 4 P. M.
PETER BOWE, Sheriff; JOEL O. STEVENS, Under Sheriff.

COMMISSION FOR THE COMPLETION OF THE NEW COUNTY COURT-HOUSE.

No. 28 New County Court-house, 9 A. M. to 5 P. M.
WYLLIS BLACKSTONE, President; ISAAC EVANS, Secretary.

REGISTER'S OFFICE.

East side City Hall Park, 9 A. M. to 4 P. M.
FREDERICK W. LOEW, Register; AUGUSTUS T. DOCHARTY, Deputy Register.

COMMISSIONERS OF ACCOUNTS.

No. 27 Chambers street, 9 A. M. to 4 P. M.
WM. PITT SHEARMAN, JOHN W. BARROW,

COMMISSIONER OF JURORS.

No. 17 New County Court-house, 9 A. M. to 4 P. M.
THOMAS DUNLAP, Commissioner; ALFRED J. KEEGAN, Deputy Commissioner.

COUNTY CLERK'S OFFICE.

Nos. 7 and 8 New County Court-house, 9 A. M. to 4 P. M.
WILLIAM A. BUTLER, County Clerk; J. HENRY FORD, Deputy County Clerk.

DISTRICT ATTORNEY'S OFFICE.

Second floor, Brown-stone Building, City Hall Park,
9 A. M. to 4 P. M.
BENJAMIN K. PHELPS, District Attorney; MOSES P. CLARK, Chief Clerk.

THE CITY RECORD OFFICE.

And Bureau of Printing, Stationery, and Blank Books.
No. 2 City Hall, 8 A. M. to 5 P. M.
THOMAS COSTIGAN, Supervisor; R. P. H. ABELL, Bookkeeper.

CORONERS' OFFICE.

No. 40 East Houston street.
MORITZ ELLINGER, GERSON N. HERRMAN, THOMAS C. KNOX, and JOHN H. BRADY, Coroners

RAPID TRANSIT COMMISSIONERS.

RICHARD M. HOE, 504 Grand street.
JOHN J. CRANE.
GUSTAV SCHWAB, 2 Bowling Green.
CHARLES L. PERKINS, 23 Nassau street.
WILLIAM M. OLLIFFE, 6 Bowery.

SUPREME COURT.

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

SUPERIOR COURT.

Third floor, New County Court-house, 11 A. M.
General Term, Room No. 29.
Special Term, Room No. 30.
Chambers, Room No. 31.
Part I., Room No. 32.
Part II., Room No. 33.
Part III., Room No. 34.
Judges' Private Chambers, Room No. 35.
Naturalization Bureau, Room No. 36.
Clerk's Office, 9 A. M. to 4 P. M., Room No. 37.
WILLIAM E. CURTIS, Chief Judge; THOMAS BOESE, Chief Clerk.

COURT OF COMMON PLEAS.

Third floor, New County Court-house, 11 A. M.
Clerk's Office, 9 A. M. to 4 P. M., Room No. 22.
General Term, Room No. 24.
Special Term, Room No. 25.
Chambers, Room No. 26.
Part I., Room No. 27.
Part II., Room No. 28.
Part III., Room No. 29.
Naturalization Bureau, Room No. 30.
Clerk's Office, 9 A. M. to 4 P. M., Room No. 31.
WILLIAM E. CURTIS, Chief Judge; NATHANIEL JARVIS, Jr., Chief Clerk.

MARINE COURT.

General Term, Trial Term Part I., Room 15, City Hall.
Trial Term Part II., Trial Term Part III., third floor.
27 Chambers street.
Special Term, Chambers, second floor, 27 Chambers street, 10 A. M. to 3 P. M.
Clerk's Office, basement, Brown-stone building, City Hall Park, 9 A. M. to 4 P. M.
GEORGE SHEA, Chief Justice; JOHN SAVAGE, Chief Clerk.

OVER AND TERMINER COURT.

General Term, New County Court-house, second floor southeast corner, Room 13, 10:30 A. M.
Clerk's Office, Brown-stone Building, City Hall Park, second floor, northwest corner

COURT OF SPECIAL SESSIONS

At Tombs, corner Franklin and Centre streets, Thursdays, and Saturdays, 10 A. M.
Clerk's Office, Tombs.

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).

RAPID TRANSIT COMMISSION.

COMMISSIONERS OF RAPID TRANSIT,
OFFICE, 54 EXCHANGE PLACE,
NEW YORK, Feb. 16, 1880.

THE COMMISSIONERS APPOINTED BY THE
Mayor, on the 30th day of August, 1879, hereby give public notice that the further submission of plans for the construction and operation of railways, on the routes by them determined, will be received until the 10th inst., and that they will meet at this office on the 22d inst., and decide upon the plans and requisite appliances.

RICHARD M. HOE,
President.

DEPARTMENT OF DOCKS.

DEPARTMENT OF DOCKS,
Nos. 117 and 119 DUANE STREET,
NEW YORK, February 16, 1880.

TO CONTRACTORS.

PROPOSALS FOR FURNISHING GRANITE STONES FOR BULKHEAD OR RIVER WALL.

SEALED PROPOSALS FOR FURNISHING THIS
material, indorsed as above, and with the name or names of the person or persons presenting the same, and the date of presentation, and addressed to "The President of the Department of Docks," will be received at this office until 12 o'clock M., of

WEDNESDAY, MARCH 3, 1880.

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

Any bidder for this contract must be known to be well prepared for the business, and the bidder to whom the award is made shall give security for the faithful performance of the contract, in the manner prescribed and required by ordinance, in the sum of four thousand dollars. The Engineer's estimate of the work to be done is as follows:

To be furnished, cut in accordance with specifications: 772 pieces of Granite, consisting of—
"A." {384 Headers and } containing about 15,167 cubic
1353 Stretchers, } feet; and
"B." 35 Coping Stones, containing about 2,800 cubic ft.

For further particulars, see the drawings referred to in the specifications forming part of the contract.
The contract is to be fully completed on the thirty-first day of July, 1880.

On or before the first day of May, 1880, about 2,000 cubic feet of Headers and Stretchers, divided between the several classes, as ordered by the Engineer-in-Chief, are to be completed and delivered in accordance with the terms of the contract. The damages to be paid by the contractor for each day that the contract, or any part thereof, may be unfulfilled after the time specified for the fulfillment thereof may have expired, Sundays and holidays not to be excepted, are, by a clause in the contract, fixed and liquidated at fifty dollars per day.

Bidders will state in their proposals the price per cubic foot of the Stone, to be furnished in conformity with the annexed specifications, by which the bids will be tested. This price is to cover all expenses, of every kind, involved in or incidental to the delivery, including any claim that might arise through delay, from any cause, in the receiving of the material by the Department.

Bidders will write out the amount of their estimate for doing this work, in addition to inserting the same in figures. Should the lowest bidder or bidders 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, after acceptance, he or they should refuse or neglect to execute the contract and give the proper security for forty-eight hours after notice that the contract is ready for execution, he or they will be considered as having abandoned it, and as in default to the Corporation; and the contract will be readvertised and relet, and so on until it be accepted and executed.

Bidders are required to state in their proposals their names and places of residence, the names of all persons interested with them therein; and if no other person be so interested, the proposal shall distinctly state the fact; also that the bid is made without any connection with any other person making an estimate for the same purpose, and that it is in all respects fair, and without collusion or fraud; and also that no member of the Common Council, head of a department, chief of a bureau, deputy thereof, or clerk therein, or other officer of the Corporation is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof; which proposals must be verified by the oath, in writing, of the party making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each proposal shall be accompanied by the consent, in writing, of two householders or freeholders 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 or persons making the bid, they will, on its being so awarded, become bound as his or their sureties for its faithful performance; and that if said person or persons shall omit or refuse to execute the contract, they will pay to the Corporation any difference between the sum to which said person or persons would be entitled on its completion and that which the Corporation may be obliged to pay to the person to whom the contract 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 the contract, and stated in these proposals, over and above all his debts of every nature, and over and above his liabilities as bail, surety and otherwise; and that he has offered himself as surety in good faith, and with the intention to execute the bond required by section 6 of chapter 574, Laws of 1871, and by section 27 of chapter VIII. of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered is to be approved by the Comptroller of the City of New York, after the award is made and prior to the signing of the contract. Bidders are informed that no deviation from the specifications will be allowed, unless under the written instructions of the Engineer-in-Chief.

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

The right to decline all the proposals is reserved, if deemed for the interest of the Corporation.
The form of the agreement, including specifications, and showing the manner of payment for the material, is annexed.

Bidders are requested, in making their bids, to use the blank prepared for that purpose by the Department, a copy of which, together with the form of the agreement, including specifications, and showing the manner of payment for the work, can be obtained upon application therefor at the office of the Department.

HENRY F. DIMOCK,
JACOB VANDERPOEL,
Commissioners of the 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 1871, 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.

CORPORATION NOTICE.

NOTICE IS HEREBY GIVEN THAT THE FOL-
lowing Assessment Lists have been received by the Board of Assessors from the Commissioner of Public Works

| | |
|---|-------------|
| 1. Fencing Fifth and Madison avenues and Seventy-second and Seventy-third streets..... | \$243 58 |
| 2. Basin at the junction of Beaver and Pearl streets..... | 180 73 |
| 3. Regulating, grading, resetting curb and gutter, One Hundred and Twenty-ninth street, from Seventh to Eighth avenue..... | 999 99 |
| 4. Sewer in New avenue, west of Morningside Park, and in One Hundred and Twenty-second street, between One Hundred and Sixteenth street and Tenth avenue..... | 17,428 16 |
| 5. Crosswalk at the northerly and southerly intersections of Lexington avenue and One Hundred and Twenty-fifth street..... | 141 20 |
| 6. Sewer in One Hundred and Thirteenth street, between Fourth and Madison avenues..... | 1,057 77 |
| 7. Sewer in Fifty-eighth street, between First and Second avenues, from end of present sewer..... | 1,562 70 |
| | \$21,014 13 |

WM. H. JASPER,
Secretary.

OFFICE BOARD OF ASSESSORS,
No. 114 WHITE STREET (COR. CENTRE),
NEW YORK, January 13, 1880.

IN ACCORDANCE WITH THE PROVISIONS
of section 105 of chapter 335, of the Laws of 1873, entitled "An Act to reorganize the local government of the City of New York," passed April 30, 1873, the Board of Street Opening and Improvement give notice (1) that they deem it to be for the public interest to lay out and open, and they propose to lay out and open, a street to extend from the northerly side of Little West Twelfth street to the southerly side of West Fourteenth street, the easterly line of such street to be parallel with the Ninth avenue and four hundred and twenty-five (425) feet west of the westerly line of Ninth avenue, and the westerly line of such street to be five hundred (500) feet west of the westerly line of Ninth avenue, and parallel thereto and (2) that they will lay their proposed action before the Board of Aldermen on or after the 10th day of February, 1880.

NEW YORK January 23, 1880.

EDWARD COOPER, Mayor

JOHN KELLY, Comptroller.

ALLAN CAMPBELL, Commissioner of Public Works.

JAMES F. WENMAN, President of the Department of Public Parks

JOHN J. MORRIS, President of the Board of Aldermen.

RICHARD J. MORRISON, Secretary.

PUBLIC NOTICE IS HEREBY GIVEN TO THE
owner or owners, occupant or occupants of all houses and lots, improved or unimproved lands affected thereby, that the following assessments have been completed and are edged in the office of the Board of Assessors for examination by all persons interested, viz.:

No. 1. Regulating, grading, setting curb and gutter stones, and flagging in One Hundred and Fifty-second street, from the Boulevard to the Hudson river.

No. 2. Paving intersections of Fourth avenue with Eighty-third, Eighty-fourth, Eighty-fifth, and Eighty-sixth streets, with Belgian pavement.

No. 3. Paving One Hundred and Fourth street, between Second and Third avenues, with Belgian pavement.

No. 4. Sewer in One Hundred and Fourth street, between Ninth and Tenth avenues.

No. 5. Fencing vacant lots on the southeast and southwest corners of Madison avenue and One Hundred and Twenty-seventh street.

No. 6. Sewer in One Hundred and Twenty-ninth street, between Seventh and Eighth avenues.

No. 7. Sewer in One Hundred and Fourth street, from 650 feet east of Tenth avenue to 75 feet west of Ninth avenue.

No. 8. Sewer in Sixty-eighth street, between Fourth and Madison avenue, from end of present sewer to near Fourth avenue.

No. 9. Sewer in Seventy-second street, between First and Second avenues, from end of present sewer to near Second avenue.

No. 10. Sewer in Lexington avenue, between One Hundred and Third and One Hundred and Fourth

No. 20. Sewer in One Hundred and Twenty-seventh street, between Seventh and Eighth avenues.

No. 21. Sewer in One Hundred and Thirteenth street, between Madison and Fifth avenues, and in Madison avenue, between One Hundred and Thirteenth and One Hundred and Fifteenth streets.

No. 22. Basin on the west side of Fifth avenue, between Sixtieth and Sixty-first streets.

No. 23. Sewer in One Hundred and Thirteenth street, between Tenth avenue and summit east of Tenth avenue.

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 Laight street, between West and Washington streets.

No. 12. Block bounded by Eighth 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 Thirteenth street, between Madison and Fifth avenues; and both sides of Madison avenue, between One Hundred and Thirteenth and One Hundred and Fifteenth streets.

No. 22. Central Park.

No. 23. Both sides of One Hundred and Thirteenth 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 186 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 17, 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 Morgue, Bellevue Hospital, from Fourteenth Precinct Station House—Unknown man; aged 70 years; 5 feet 6 inches high; gray hair and side whiskers. Had on dark check coat, blue cloth vest, dark striped pants, brown shirt, ribbed socks, brogan shoes, black felt hat.

At Charity Hospital, Blackwell's Island—Andrew Herks; aged 40 years; 5 feet 8 inches high; dark hair; gray eyes. Had on when admitted, brown coat, gray pants, colored shirt, boots, black hat. Nothing known of his friends or relatives.

Christian Liner; aged 47 years; 5 feet 7 inches high; dark gray hair; blue eyes. Had on when admitted, brown coat and pants, black vest, colored shirt. Nothing known of his friends or relatives.

At Workhouse, Blackwell's Island—Edward Mangin; aged 44 years. Nothing known of his 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 Men's Cotton Socks.

100 " Women's 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 " Jointed Lime.

20 " Plaster Paris.

20,000 prime Lath.

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By Order,
JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, February 11, 1880.

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LUMBER.

60 pieces 3 x 3 inches by 15 feet Chestnut, dressed one side.

12 " 3 x 3 inches by 12 feet Chestnut, dressed one side.

8 " 1½ inches Yellow Pine Plank, 11 inches by 17 feet.

20 " Spruce, 3 x 8 inches by 12 feet.

4 " Spruce, 3 x 8 inches by 18 feet.

4 " Spruce, 4 x 8 inches by 12 feet.

2,000 lineal feet Spruce, 4 inches by 1½ inches.

MISCELLANEOUS.

250 Rubber Blankets.

50 gross Matches.

2 " Tumblers.

1 " Spitoons.

—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 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 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 11, 1880.

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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.