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PROCLAMATION.

\$1,000 REWARD.

MAYOR'S OFFICE,
NEW YORK, September 6, 1875.

Whereas, JAMES H. NOE was brutally assaulted at his place of business, at No 275 Greenwich street, in this city, on the 22d day of August, 1875, by one or more persons attempting a burglarious entry of his premises, and died from the effect of the wounds then received, on the 26th day of August, 1875; now,

I, WILLIAM H. WICKHAM, Mayor of the City of New York, do hereby offer a reward of one thousand dollars for the discovery and conviction of the party or parties who may have committed the deed, the said reward to be paid on the conviction of the said party or parties, and the certificate of the District Attorney that such conviction was had upon the testimony of the person or persons claiming the reward. But all claims not presented to the Mayor within twenty days after such conviction shall be disregarded.

WM. H. WICKHAM,
Mayor.

LAW DEPARTMENT.

OPINIONS OF THE COUNSEL TO THE CORPORATION.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 11, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter of the 5th instant, to my predecessor, states that the proposal of Mr. John Burnett, for regulating, grading, etc., Forty-fourth street, between First and Third avenues, has been transmitted to the Finance Department by the Department of Public Works for the approval of the "adequacy and sufficiency" of Messrs. P. F. McGuire and Michael Treacy as sureties thereon. You also state that it appears by notices of the Department of Public Works, published in the CITY RECORD of July 6, 1875, that said McGuire had failed to perform his contract with the city for paving Twenty-first street, from Tenth to Thirteenth avenue. Also, that said Treacy was one of McGuire's sureties on said contract, and that notice was given that the work would be relet, and such sureties held liable for any excess of cost over and above the prices specified in said contract. Also, that on the 27th day of July, 1875, the work of paving Twenty-first street was relet at a sum in excess of the amount of McGuire's proposal for the same; and your letter requested the opinion of this Department whether said McGuire and Treacy could be approved as sureties on such contract with said Burnett.

You do not refer in your letter to any provision of law under which it is supposed that McGuire and Treacy may be disqualified as sureties upon Burnett's contract. In the absence of such reference, I assume that such disqualification may have been supposed by you to arise under section 99 of the Charter of 1873, as I am not aware that there is any other existing provision of law relating to this matter.

The section in question is as follows: "No bid shall 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." Whatever may be the case as to Treacy, there can be no doubt that McGuire is a defaulter upon his contract with the Corporation. You will observe, however, that the penalty imposed by this section upon a defaulter is, that any bid made by him for a contract shall not be accepted, nor shall any contract be awarded to him. Upon the facts stated in your letter I do not think that the provisions of this section are applicable to the present case. McGuire and Treacy are merely the sureties upon Burnett's contract, and it is not suggested that Burnett himself is in default. No bid could be accepted from nor contract awarded to McGuire (and perhaps Treacy), but there is nothing in the section which forbids their becoming sureties upon Burnett's contract.

I am, sir, yours, respectfully,
WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 11, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to my predecessor of the 7th instant states that an action was commenced in August, 1874, by Frank McMullen, for \$145.88 as official reporter of the Board of Aldermen from January 1 to 16, 1872, but that the case has not as yet been tried. You request the opinion of this department whether the answer interposed in this case is a good defence, or whether it would be advisable to settle the claim at the original amount, without interest or costs, there being an unexpended balance of the appropriation for "Salaries—Legislative" for 1872 still outstanding.

I find upon examining the papers that the answer suggested by the Finance Department, and interposed in this case, was, that the plaintiff rendered no services during the period mentioned in the complaint, as official reporter of the Board of Aldermen. It is alleged in the complaint, and not denied in the answer, and must therefore be taken as true, that on or about June 1, 1870, the plaintiff was duly appointed official reporter of the Board of Aldermen, at a salary of \$3,500 per year, payable monthly; and that he continued in and held said office as such reporter to and including January 16, 1872, when he was discharged. That his salary as such reporter has been paid except for the period from the first to the sixteenth of January, 1872.

Upon the facts presented it seems to me that this answer is not a good defence to the action. The right to a salary is ordinarily incident to the title to the office, and does not depend upon the rendition of services. It being conceded that McMullen was duly appointed official reporter of the Board of Aldermen, and that he was not lawfully removed from that office until January 16, 1872, and that he was to be paid by an annual salary, he would be entitled to be paid for the period of sixteen days mentioned in the complaint, even though he performed no services.

It is alleged in the complaint that the plaintiff not only was in office during the period in question, but that he also rendered services during that period, and the complaint is sworn to. I presume the allegation of the answer that the plaintiff rendered no services is based upon information and belief only. I have no means of determining at present what the fact in this regard was; but, as McMullen has sworn in his complaint that he did render services, it is highly probable that he would testify to the same effect in Court; or, as is quite frequently the case where actions for salary are brought against the city, that he was willing and ready to perform all services required of him. It

would seem from your letter that the plaintiff will accept the original amount claimed, namely, \$145.88, without costs or interest; and, as such costs and interest would amount to nearly as much as the claim itself, and as it seems to me that the defence will not be sustained, I advise a settlement of the suit upon the terms suggested.

I am, sir, yours, respectfully,
WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 12, 1875.

COLONEL EMMONS CLARK, Secretary of the Health Department:

SIR—Your letter to my predecessor of the 4th instant contains the following preamble and resolution adopted by the Board of Health August 3, 1875:

"Whereas, This Board has declared the district known as the 'Harlem flats' to be in a condition dangerous to the public health, and has ordered the same to be properly drained and filled, and orders to such effect have been duly entered by this Board; and

"Whereas, The Board of Estimate and Apportionment has transferred the sum of \$21,067.43 from the unexpended balances of this Department for the years 1872 and 1873, for this purpose; and

"Whereas, This Board has employed suitable agents to execute the said orders and perform the necessary work under its direction; and

"Whereas, Questions have arisen as to the legality of this action, by which the execution of the work is seriously retarded; therefore

"Resolved, That the Corporation Counsel be and hereby is respectfully requested to inform this Board, at his earliest convenience:

"First.—Whether the Board of Estimate and Apportionment did legally transfer the necessary funds.

"Second.—Whether the Board of Health is empowered to execute its own orders in such behalf under the several acts conferring power upon said Board, and especially under section 7 of chapter 636 of the Laws of 1874.

"Third.—Whether in so doing the Board of Health is authorized to do the work in such manner as it may deem the best adapted to abate all nuisances and protect the public health."

Under section 81 of the Charter of 1873, and section 5 of chapter 636 of the Laws of 1874, the Board of Health is authorized to appoint its own Attorney and Counsel, and it is not therefore the official duty of the Counsel to the Corporation to advise the Board of Health upon questions of law. As the subject matter of your communication relates, however, to the public health, and comes from a co-ordinate department of the city government, I reply thereto as a matter of courtesy.

First.—The question whether the transfer of \$21,067.43 by the Board of Estimate and Apportionment was legally made depends upon facts which cannot be readily or conveniently ascertained except through the Finance Department. It appears by the records of this office that, after the receipt of your letter, my predecessor addressed a communication to the Comptroller requesting information in regard to such facts, but that no reply has yet been received to that letter.

Section 2 of chapter 308 of the Laws of 1874 provides that the Board of Estimate and Apportionment shall have the power at any time to transfer any appropriation for any year which may be found by the head of the department for which such appropriation shall have been made, to be in excess of the amount required or deemed to be necessary for the purposes or objects thereof to such other purposes or objects for which the appropriations are insufficient, or such as may require the same.

If, therefore, there remains an unexpended balance of the appropriation for the Health Department for the years 1872 and 1873, amounting to \$21,067.43, and there are no valid outstanding claims against such balance, the Board of Estimate and Apportionment, under the law above cited, has undoubtedly, authority to transfer such amount for the purpose of draining and filling the district known as the Harlem Flats. Whether such a balance exists, and whether there are any such claims against it, cannot, as above stated, be readily ascertained except from the books of the Finance Department.

Second.—I have no doubt that, under the several acts conferring powers upon the Board of Health, the Board is empowered to execute its own orders in reference to the draining and filling of the Harlem Flats.

Third.—I think that in so executing such orders the Board of Health is authorized to do the work in such manner as it may deem best adapted to abate all nuisances and protect the public health.

I am, sir, yours, respectfully,
WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 12, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to my predecessor of the 6th instant, states that on the 19th of July, 1875, proposals were opened at the Department of Public Works for the drainage of lands as follows:

First—Between One Hundred and Sixth and One Hundred and Ninth streets and Third avenue and the Harlem river.

Second—Between One Hundred and Sixth and One Hundred and Ninth streets and Third and Fifth avenues.

Third—Between Ninety-sixth and One Hundred and Sixth streets, Fourth and Fifth avenues.

Fourth—Between One Hundred and Third and One Hundred and Fourth streets, Third and Fourth avenues.

You state that you are informed that these works were let under the authority of resolutions of the Board of Health alone, without concurrent action of the Common Council, and, as is alleged, in pursuance of authority conferred upon the Board of Health and the Department of Public Works by chapter 566 of the Laws of 1871. You state that the act in question provides for the construction of "drains" only, while these contracts, although ostensibly for the construction of drains, are, to a large extent, for the filling in of lots, the drains themselves being a very subordinate and trifling part of the work under the contract, the surveyor's estimate for earth filling in the case of the drains between One Hundred and Sixth and One Hundred and Ninth streets being 165,000 cubic yards. You also refer to a communication from the Commissioner of Public Works to the Board of Aldermen relative to these proposed works, in which he requests the passage of ordinances authorizing him to do the filling in question preliminary to the execution of the work of draining, and you state that such ordinances are still pending in the Board of Aldermen. Under these circumstances you request the opinion of this Department whether, under the above-mentioned resolutions of the Board of Health, the said contracts can be entered into by the Department of Public Works and valid assessments for the expense thereof be levied upon the property benefited.

I presume that you are under a misapprehension in supposing that the Commissioner of Public Works intends to enter into the contracts referred to in your letter solely under the authority conferred by chapter 566 of the Laws of 1871. It seems to me that the authority given by the law in question to construct a drain does not carry with it the authority to do the large amount of filling referred to. From the facts stated in your letter, I presume that such is also the opinion of the Commissioner of Public Works. It appears by the communication from him to the Board of Aldermen, referred to in your letter, that he has submitted to the Board ordinances authorizing him to do the filling in question, and has also urged the passage of such ordinances as something necessary to be done before the construction of such drains could be commenced. I infer from the facts stated by you that the Commissioner of Public Works anticipated the prompt passage of such ordinances, and considering that there was urgent necessity for immediate action in the matter, issued proposals for doing the entire work of filling the lots and laying the drains. Such course seems to me to have been proper, as the expense of the filling as well as of laying the drains must be assessed upon the property benefited. I presume, however, that no one entertains a doubt that, while the drains in question may be laid by the Commissioners upon the certificate of the Sanitary Inspector that they are necessary for the protection of the public health, an assessment cannot be laid for the filling of the lots unless such filling is first authorized by ordinance of the Common Council.

I am, sir, yours, respectfully,
WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 12, 1875.

The Honorable the Common Council:

GENTLEMEN—I am in receipt of a copy of a resolution adopted by your Honorable Body on the 5th instant, authorizing the Counsel to the Corporation to take the necessary legal measures to have

One Hundred and Sixty-first street, from Kingsbridge road to Eleventh avenue, opened according to law.

I presume that this resolution has been adopted by your Honorable Body under a misapprehension as to the present state of the law in regard to proceedings for opening streets and avenues in this city. Formerly the Common Council possessed the exclusive right to initiate proceedings, but by a series of statutes this power has been taken from the Common Council, and is now vested as follows:

First.—As to streets and avenues below Fifty-ninth street, in "the Board of Street Opening and Improvement," created by section 105 of the Charter of 1873.

Second.—As to streets and avenues between Fifty-ninth street on the south, and the Harlem river and Spuyten Duyvil creek on the north, in the Commissioner of Public Works.

Third.—As to parks and public places throughout the whole city, and as to streets and avenues in the Twenty-third and Twenty-fourth Wards, in the Commissioners governing the Department of Parks.

You will perceive, therefore, that I am unable to proceed under the resolution adopted by you without the authority of the Commissioner of Public Works.

I am, gentlemen, yours, respectfully,

WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 13, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter of the 5th instant to my predecessor encloses a contract with James J. Belden and Henry D. Denison, for a storage reservoir on the middle branch of the Croton river, made with the Department of Public Works on the 17th of November, 1874. You state that it appears by the contract that the estimates upon which the bids for this work were tested, and upon which the computation of cost was made, fixed the amount of earth excavation at 16,000 cubic yards. That vouchers have been transmitted to your department for 23,500 cubic yards of earth excavation, being an excess of 7,500 yards, and an excess over the estimated cost amounting to \$3,000. You state that the question arises whether the Finance Department is warranted in paying for any portion of this excess, or would be justified in refusing payment of any excess of the amount due under the contract where such excess exceeds the sum of \$1,000, on the ground that such payment would be in violation of section 91 of the Charter as work not provided for by the contract.

I find upon an examination of the surveyor's estimate, transmitted with your letter, that the estimate of earth excavation in grubbing and clearing the site of the dam was 16,000 cubic yards. The estimate of earth excavation for the reservoir and road work is 46,000 cubic yards. It is possible that the excess of 7,500 yards, referred to in your letter, over the 16,000, is a part of the 46,000 yards provided for under the head of "reservoir and road work." For the purpose, however, of answering your letter, I assume that such excess is a part of the excavation necessary in grubbing and clearing the site of the dam, and an excess over the 16,000 yards estimated for that work.

The contract in question is, as appears upon its face, a contract for building a storage reservoir on the middle branch of the Croton river, in the town of South East, Putnam county, New York, near Wood's Mill. By the terms of the contract, the contractors are to furnish all the materials and do all the work called for by the agreement, in the manner and under the conditions therein specified. The specifications referred to are of the most elaborate character, and are apparently intended to cover every description of work necessary in building the reservoir. The contract contains estimates of the quantities of work that will be required, but expressly states that such estimates are only approximate. It also stated that such estimates do not form a part of the contract, and persons bidding are cautioned that the Department of Public Works does not hold itself responsible that any of them shall strictly obtain in the construction of the work; and contractors are required to examine the plans and the ground, and to judge for themselves as to quantities and other circumstances affecting the cost of the work. The agreement on the part of Messrs. Belden and Denison is, in effect, to furnish all the materials and do all the work necessary in building a storage reservoir according to the plans set forth in the specifications; and the estimates as to the amount of work to be done, including earth excavation, are not, and do not purport to be, anything more than approximate estimates of such amount. It seems to me that this is a valid agreement between the city and the contractors, by which the contractors agree to do, and the city agrees to pay for, all the earth excavation which it may be necessary to do in building the reservoir.

Section 91 of the Charter requires all work done for the corporation involving an expenditure of more than \$1,000 to be by contract under such regulations concerning it as shall be established by ordinance of the Common Council, with certain exceptions not necessary now to notice. The Revised Ordinances of 1866, page 189, among other regulations in reference to the letting of contracts, declare that the proposals for estimates shall state the quantity and quality of supplies or the nature and extent, as near as possible, of the work required. But for these ordinances it would not seem to have been necessary for the Department of Public Works to have done anything more than make a general estimate of the expense of building this reservoir, and the proposals and agreement for building it might have provided for the doing of the entire work at a gross sum. It seems to me that if the estimates of the work to be done were made by the Department of Public Works in good faith the city is bound to pay for all work necessary to be done in building the reservoir, even though the amount considerably exceeds such estimate. If it could be shown that such estimates were fraudulent, such fact might be sufficient to invalidate the contract and release the city from any obligation to pay for work done in excess of the estimated amount. Your letter, however, does not contain any suggestion that there was fraud in making the estimates, and I therefore advise you that the Finance Department would not be justified in refusing payment for the earth excavation done in excess of the 16,000 cubic yards upon the ground suggested in your letter.

The contract transmitted with your letter is herewith returned.

I am, sir, yours, respectfully,

WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 13, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 10th instant states that several bills for printing done for the Board of Education are before the Finance Department for adjustment. You refer to the provisions of section 111 of the Charter, providing that all printing for the city shall be executed under contracts to be made by the Mayor, Corporation Counsel, and Commissioner of Public Works; and also to the provisions of chapter 757 of the Laws of 1873, section 19, amending said section 111, by providing that nothing contained in said section 111 shall apply to any printing for any department where, by the concurrent vote of the three officers named, it shall be decided to have such printing done without contract. You state that the Board of Education has ordered this printing to be done without the concurrent vote of the officers above named, and that the question arises, whether these bills are legal claims against the city, the above provision of law not having been complied with; and whether the Finance Department is justified in withholding payment of them.

It seems to me that the decision of the General Term of the Supreme Court in the case of Kedian vs. William H. Neilson and others, is decisive upon the question submitted by your letter. In that case it was held that the provisions of the Charter in reference to the audit and payment of claims against the city did not apply to claims incurred by the Board of Education. The case was decided after full argument, and Mr. Chief Justice Davis and Justices Lawrence and Daniels concurred in the decision.

The provisions of the Charter requiring all claims against the city to be audited and paid through the Finance Department are as broad as the provisions of section 111 of the Charter, referred to in your letter, requiring all printing to be done under contracts made by the three officers therein named; and as the General Term have decided that the former provisions do not apply to the Board of Education, it necessarily follows under this decision that the latter do not apply to that Board. I therefore advise you that the concurrent vote of the three officers named is not necessary to the legality of the bills in question, and that the Finance Department is not justified in withholding payment of them upon that ground.

It is proper for me to add that, upon my accession to this office, my attention was called to the correspondence in June last between the Finance Department and the Counsel to the Corporation in reference to payments for advertising the notices of the Board of Excise, the Board of Education, and the Commissioner of Jurors. I am informed that at the time that opinion was given by my predecessor an immediate reply was requested to your letter to him of June 16, and that such reply was consequently written and sent by him without a full investigation of the matter. I am also informed that subsequent consideration had convinced him that his letter to you of the 17th of June ought to be modified—certainly so far as it related to the Board of Education, and perhaps also as to the Board of Excise and the Commissioner of Jurors.

I am, sir, yours, respectfully,

WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 19, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—I have the honor to acknowledge the receipt of your communication of August 19, 1875, inquiring for the opinion of the Corporation Counsel as to whether, under the "Act to authorize the settlement of the claims of the City of New York against the Eighth National Bank," passed May 13,

1875, the Comptroller is authorized to execute a release, "except upon the payment of the original amount of the claims against the bank."

The only interpretation which gives effect to all the provisions of the act in this: That the act authorizes the Comptroller to settle and adjust the claims of the city upon the same basis of adjustment and settlement which shall have been arranged and agreed upon by the other depositors and creditors; and, when so adjusted and settled, the claim of the city becomes the amount of such settlement, upon payment of which the Comptroller is authorized to execute an acquittal and release.

The language in the last paragraph of the first section of the act, which provides that the Comptroller may sign a full acquittal and release upon "the payment to said Comptroller of the amount of said claims of the said city against said bank," refers, in my opinion, to the claims of the city when so adjusted and settled upon the same basis as shall have been agreed upon by the other creditors. Any other interpretation renders the act a practical absurdity.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 25, 1875.

The Honorable the Common Council:

GENTLEMEN—I am in receipt of a resolution, adopted by the Board of Aldermen on the 12th instant, and returned by his Honor the Mayor on the 23d instant, without his approval or objection thereto, authorizing and directing the Counsel to the Corporation to take the necessary legal measures to have One Hundred and Fifty-fourth street, from Tenth avenue to the Harlem river, opened according to law.

This resolution has doubtless been adopted under the same misapprehension which led to the adoption recently of a resolution for opening One Hundred and Sixty-first street. As I had occasion to advise your Honorable Body, in my communication of the 12th instant, the authority to initiate a proceeding to open a street in that part of the city, lying between Fifty-ninth street and the Harlem river, is vested exclusively in the Commissioner of Public Works.

I am, gentlemen, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 25, 1875.

Hon. J. NELSON TAPPAN, Chamberlain:

SIR—Your letter to me of the instant states that the question has arisen as to what duties can be performed legally by the Deputy Chamberlain; that the Comptroller claims that the City Charter leaves the matter in doubt by failing to specify what duties can be performed by that officer, but that you have taken the ground that the powers of the Chamberlain in the management of his office, as granted in sections 34 and 35 of chapter 335 of the Laws of 1873, are deputed without restriction to the Deputy; and you request my opinion as to the proper construction of the law.

It seems to me that the Comptroller is under a misapprehension in regard to this matter. At common law, independent of any statute, most ministerial officers can appoint deputies; and such deputies have power to do every act which their principals can do (5 Comyns' Digest, pp. 207 and 208). The Revised Statutes of this State also contain a provision that in all cases, not otherwise provided for, each deputy shall possess the powers and perform the duties attached by law to the office of his principal during a vacancy in such office, and during the absence of his principal (1 Edmond's Statutes, page 107).

As the Charter of 1873 simply authorizes the Chamberlain to appoint and remove at pleasure a deputy chamberlain, but does not declare what the duties and powers of such deputy shall be, I think that the deputy may lawfully perform all the duties of the Chamberlain except duties like those which are devolved upon the Chamberlain as a Commissioner of the Sinking Fund, in which case his personal attendance is undoubtedly necessary.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 25, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me, of the 10th instant, refers to the provisions of section 4 of chapter 528 of the Laws of 1873, authorizing the Department of Public Works to improve Tenth avenue, between One Hundred and Tenth street and Manhattan street. You enclose a requisition made by the Commissioner of Public Works, upon the Finance Department for \$7,444.63, in favor of the Bigelow Blue-Stone Company, on account of materials furnished by said company, to be used in the prosecution of this improvement; and also a letter from Edward H. Tracy, Chief Engineer of the Croton Aqueduct, addressed to the Hon. George M. Van Nort, late Commissioner of Public Works, and you request my opinion whether such certificate by the Chief Engineer of the Croton Aqueduct is in sufficient compliance with the terms of chapter 528 of the Laws of 1873 to enable the work of grading Tenth avenue to be done by days' work, and without contract for the material used.

The law referred to by you authorizes the Department of Public Works to contract for and let to the lowest bidder the work of improving Tenth avenue, between One Hundred and Tenth street and Manhattan street, requiring with such contract adequate security, in addition to that now required by law, for the proper protection of and against danger to the Croton Aqueduct. In case said Department, however, should deem it more advisable for the interests of the public and for the better protection of the Croton Aqueduct to do the said work, or any part thereof by days' work, it is authorized so to do and in such manner as may be approved by the Chief Engineer of the Croton Aqueduct.

The letter of Mr. Tracy, transmitted by you, after stating that the works of the Croton Aqueduct occupy the centre of the Tenth avenue for the entire distance between Manhattan street and One Hundred and Nineteenth street, states that the work of improving the avenue will have to be done with the greatest care, or the safety of the aqueduct and the supply of water to the city will be in danger. In view of the importance of the safety of the aqueduct and the supply of water to the city, the Chief Engineer recommends and advises that the work be done by day's work, by careful men employed directly by the Department of Public Works.

The law referred to above does not require a formal certificate by the Chief Engineer, but only that the work should be done in such manner as may be approved by him. I think, therefore, that Mr. Tracy's letter is a sufficient approval under the statute to authorize the Department of Public Works to procure the labor necessary for this improvement by day's work. It does not seem to me, however, that either the statute or the certificate, or both, authorize the Department of Public Works to procure the materials necessary for the work, except by contract in the manner provided in section 91 of the Charter of 1873. That section declares that whenever any supply is to be furnished for the corporation, and the several parts thereof involve the expenditure of more than a thousand dollars, the same shall be by contract, and that all such contracts shall be founded on sealed bids or proposals, made in compliance with public notice duly advertised in the CITY RECORD for at least ten days.

I do not see how the authority given by the statute to execute the improvement by day's work can be construed to authorize the purchase of the necessary materials in any other manner than that provided by the Charter.

The papers transmitted with your letter are herewith returned.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 25, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—I have the honor to acknowledge the receipt of your letters of August 11, 13, 18, and 23 in reference to judgments in favor of Daniel Green, Julius Benedict, Church of the Gates of Mercy, Cornelia Pastor, and Pamela Sares, recovered against the city for assessments paid by the several plaintiffs during the pendency of proceedings to vacate the several assessments, which proceedings subsequently resulted in the vacation of the assessments. I find, from an examination of the records of this office, that my predecessor has heretofore given an official opinion to the effect that the city cannot successfully resist claims of the nature of those referred to in your communications. After a full examination of the question as I have been able to make, I cannot at present give any different opinion from that which has heretofore been given by my predecessor in office.

Very respectfully, yours,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 26, 1875.

The Honorable the Board of Estimate and Apportionment:

GENTLEMEN—A communication from the Comptroller to the Board of Estimate and Apportionment, dated August 9, 1875, has been referred by you to this Department for an opinion. The communication of the Comptroller is accompanied by a statement of costs which, in the opinion of

the Comptroller, have been taxed by the Supreme Court at excessive and illegal rates. The Comptroller refers to section 9 of chapter 483 of the Laws of 1862, which authorized him in certain cases to employ counsel, and he requests the Board of Estimate and Apportionment to transfer \$3,000 of an appropriation entitled "Fire Department Fund," 1874, to an appropriation for "contesting street opening cases" under said chapter 483 of the Laws of 1862. The letter of the Comptroller is also accompanied by a resolution of the Commissioners governing the Fire Department authorizing such transfer to be made.

In referring this matter to me, the Board of Estimate and Apportionment has not indicated upon what particular point my opinion was desired, but the views which I entertain in regard to the power of the Comptroller to employ counsel renders it unnecessary for me to consider any other point.

Section 9 of the act of 1862, referred to by the Comptroller, provides as follows: "Whenever in any proceeding to take lands for extending, altering, or opening any street, avenue, public place, square or park in said city, the rights or interests of the Mayor, Aldermen and Commonalty of said city shall, in the judgment of the Comptroller thereof, be injuriously affected, he may, in his discretion, employ counsel to protect the rights or interests of the said Mayor, Aldermen, and Commonalty of the City of New York in said proceeding against any Commissioners or other authority prosecuting the same, if such rights and interests, in his judgment, cannot be fully protected by the Counsel to the Corporation."

In the cases referred to by the Comptroller in his communication the costs have been already taxed, and the reports of the Commissioners appointed by the Supreme Court have been confirmed, so that it might be doubtful whether, if the section above quoted was still in force, the Comptroller would have the right under it to employ counsel to take action in reference to the costs referred to in his letter. Assuming, however, that if this law was still in force he would have such right to employ counsel. I am of the opinion that the law has been repealed by the Charter of 1873. Section 36 of that Charter provides as follows: "The Law Department shall have the charge and conduct of all the law business of the corporation and its departments, and of all law business in which the city of New York shall be interested, except as herein otherwise provided; the charge and conduct of the legal proceedings necessary in widening, opening, or altering streets; and the preparation of all leases, deeds, and other legal papers connected with any department. No officer or department, except as herein otherwise provided shall have or employ any attorney or counsel, but it shall be the duty of the Law Department to furnish to every department and officer such advice and legal assistance, as counsel or attorney, in or out of court, as may be required by such officer or department."

Prior to the passage of the Charter of 1873 the heads of many of the departments of the city government were in the habit of having counsel other than the Counsel to the Corporation, and it is well known that the object of this provision of the Charter of 1873 was to prevent such employment. The declaration that no officer or department shall have or employ any attorney or counsel is plain and explicit, and it seems to me there can be no doubt that it repeals the above quoted section of the act of 1862. As the Comptroller would therefore have no authority to employ counsel even if the transfer were made, it is of course unnecessary for me to consider or to advise the Board of Estimate and Apportionment in relation to the advisability or propriety of such transfer.

I am, gentlemen, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 26, 1875.

Hon. FITZ JOHN PORTER, Commissioner of Public Works:

SIR—Your letter to me of the 13th instant transmits a resolution adopted by the Common Council on the 24th of June, 1875, and which was returned by his Honor the Mayor on the 11th instant, without his approval or objections thereto, fixing the wages of all unskilled laborers employed in the several departments of the city government at the sum of \$2 per day of eight hours; and you request my advice whether such resolution is operative and binding, or whether the opinion expressed by you that such resolution is inoperative is correct.

There can be no doubt that formerly the Common Council possessed such full control over all the executive business now conducted by the various departments and officers of the city government as would have authorized it to pass the resolution in question. I am of the opinion, however, that, under the present Charter of the city, and other existing laws, the right to fix the wages of all unskilled laborers is vested exclusively in the heads of the departments, and officers employing the same.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 27, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—In your letter to me of the 11th instant, you state that on the 28th day of July last the bill of costs in the matter of opening One Hundred and Twenty-third street, between Eighth and Ninth avenues, was submitted to Mr. Justice Donohue for taxation, with objections on the part of the Finance Department to various items in the bill; that such bill as presented was, however, taxed by Judge Donohue; and that my predecessor, being requested by your letter of the 2d instant to take an appeal, in a letter dated the 5th instant, declined to take any steps in the matter, or to perfect an appeal. You also state that in a case which went to the Court of Appeals, in an action brought for the amount of the bill of costs in a street-opening matter, it was intimated that the proper method would have been to have had the costs retaxed. You also state that the desire of the Finance Department is to have these costs taxed in accordance with the act of 1862, and you request that an appeal be taken from such taxation for that purpose.

I am informed that the costs of the Commissioners in this matter were taxed according to the act of 1862, and that the objections made on behalf of the Finance Department were to the amounts claimed by the Clerk and Surveyor. I also understand that evidence was submitted to the Court, showing that these items were just and reasonable, and were made up at the same rate heretofore allowed for similar services by Mr. William M. Pritchard as referee, and which rates have been confirmed by several of the Judges of the Supreme Court. It would seem also that no evidence was submitted to the Court tending to establish the fact that the fees of the Clerk and Surveyor were illegal or excessive. Under these circumstances an appeal would be unavailing. The only way, if any exists, in which a readjustment of the costs can be obtained is through a retaxation.

For the purpose of enabling me to determine upon the advisability of making a motion for such retaxation, I will thank you to point out in what respects the items taxed to the Clerk and Surveyor are in excess of the rates allowed by the act of 1862; and I would also request you to furnish me with evidence upon which, if it shall be found advisable, I can apply to the Court for such retaxation.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 27, 1875.

McDonnell and others

vs.
The Mayor, etc.

Hon. Andrew H. Green Comptroller:

SIR—This action has been brought to recover \$5,222 due on contract or building school-house in West Farms; the indebtedness was incurred prior to January 1, 1874, and the claim has been audited and examined by the Board of Education on June 16, 1875.

By your letter of the 25th instant I am requested to defend upon the following grounds:
First—That a claim has been filed in your department by Thomas McMahon against James McDonnell for \$1,150, claimed to be due for work and material furnished on said school-house.

Second—That there is no appropriation from which the claim can be paid.
1. The filing of notice of McMahon's claim against McDonnell furnishes no ground of defence against the plaintiff's claim and will not justify a refusal to pay.

There is no statute which provides for any lien upon the fund in consequence of such notice, or which authorizes you to retain the plaintiff's money in consequence of McDonnell's alleged indebtedness.

2. The fact that there is no appropriation applicable to the payment of the claim constitutes no defence.

By section 8 of chapter 329, Laws of 1874, it is provided that all the debts and obligations of the several Boards of Education of the annexed towns shall be debts and obligation of the Mayor, Aldermen and Commonalty of the City of New York; that "the Board of Education of the City of New York shall audit and examine, and the Comptroller shall pay all the obligations of the several Boards of Education existing in either of said towns, and which have been legally incurred prior to the 1st day of January, 1874, the payment of which is not otherwise provided for."

The Legislature has thus cast the burden of payment of these debts upon the city, and it therefore became the duty of the Board of Apportionment to provide therefor in the manner that provision is made for payment of bonds, or any other debt of the city.

When an obligation is fixed by statute, it is no defence to say there is no money applicable to payment.

In Quinn vs. the Mayor, the Court say, in relation to such a claim, "if the Board of Apportionment and the Comptroller refuse or neglect to take proper action to make such provision, then the remedy of the plaintiff is to establish his claim by a judgment, and to collect it by execution."

I therefore advise you that neither ground of defence suggested is tenable, and that the claim should be paid without further litigation.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 27, 1875.

SUPREME COURT.

In the matter of the application of the Department of Public Works relative to the opening of One Hundred and Fifty-sixth and other streets.

SMITH E. LANE, Esq., Chairman of the Commissioners of Estimate and Assessment in the above matter:

DEAR SIR—In April last a resolution was adopted by the Commissioners appointed in this matter, and transmitted to this Department, requesting the opinion of the Counsel to the Corporation as to the validity of the appointment of Mr. Charles F. Stoddard as one of such Commissioners.

It appears by the preamble to such resolution that Mr. Stoddard was appointed on the 25th day of March, 1875, and that on the 11th of March, 1875, he executed a deed, which was recorded March 24, 1875, conveying to his wife, Mrs. Mary P. Stoddard, a certain lot of land situated in One Hundred and Fifty-sixth street, in this city. It also appears that the property so conveyed is situated immediately upon the line of the opening of the said street, and is affected by the above-entitled proceeding.

The statutes relating to proceedings in street openings require that the Commissioners to be appointed shall be "disinterested." It seems to me that a person owning property to be taken by a street opening proceeding cannot be regarded as a "disinterested" person. A Commissioner who is to pass on the question of the amount to be awarded to himself for land taken for a street, or upon the amount to be assessed upon such property for benefit on account of the opening of the street, would seem to be very materially interested, and therefore, under the statutes, disqualified to act.

If Mr. Stoddard was disqualified by reason of his ownership of the property in question, the conveyance of the same to his wife would not relieve him from such disqualification. In this State a husband cannot convey real property directly to his wife, either as a gift or for a valuable consideration.

Yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 27, 1875.

Hon. FITZ JOHN PORTER, Commissioner of Public Works:

SIR—With your letter to me of August 11th were transmitted a copy of a notice from the Department of Public Works to the administrators of the estate of the late John L. Brown, and to the sureties on the contract of said Brown for regulating, grading, etc., First avenue, from Ninety-second to One Hundred and Ninth street, declaring said contract forfeited; and also a copy of the answer of the attorneys of such administrators declaring their willingness now and heretofore to proceed with the work, provided the city would pay the amount now claimed to be due on said contract. With your letter to me of August 12th was also transmitted the answer received by you from William A. Seaver, special administrator of the estate of said Brown, upon whom a similar notice had been served. You state that these notices were given by you in pursuance of an opinion of my predecessor dated July 26, 1875; and you request to be advised whether you can go on with the improvement—already commenced—of First avenue, under the Eastern Boulevard Act, as advised by my predecessor, notwithstanding the answers above mentioned.

I have examined the opinion of my predecessor, the contract with Mr. Brown, and the notices and answers thereto referred to in your letter; and I think that under the circumstances you are authorized to proceed with the improvement of First avenue under the Eastern Boulevard Act notwithstanding the statements and offers to do the work contained in such answers.

Very respectfully, yours,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 27, 1875.

EUGENE T. LYNCH, Esq., Secretary of the Dock Department:

SIR—Your letter to me of the 18th instant refers to a resolution adopted by the Board of Aldermen on the 24th of June last, and returned to said Board by his Honor the Mayor on the 11th instant, without his approval or objection, whereby the wages of all unskilled laborers employed by the several Departments of the City Government are fixed at the rate of two dollars per day of eight hours. You state that it is the belief of the Commissioners governing the Dock Department, that under existing laws, they are vested with power to employ such force and fix such compensation therefor as they may deem best for the prosecution of the work undertaken by the Department; and you request my opinion whether the Department of Docks is in any manner affected by the resolution referred to.

There can be no doubt that formerly the Common Council possessed such full control over all the executive business now conducted by the various Departments and officers of the City Government as would have authorized it to pass the resolution in question. I am of the opinion, however, that under the present charter of the city and other existing laws, the right to fix the wages of all unskilled laborers is vested exclusively in the head of the Departments and officers employing the same.

I am, sir, yours, respectfully,

WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, August 28, 1875.

To the Honorable the Common Council:

GENTLEMEN—I have the honor to acknowledge the receipt of certain preambles and resolutions referred by your Honorable Board upon the 26th of August to me, requesting an opinion from this Department as to various questions arising under a proposed preamble and resolution, received by your Body from the Commissioners of Rapid Transit on the 19th instant, contemplating the consent of the Common Council to the location, construction, and operation of steam railways, to be hereafter located by the Commissioners mentioned in the resolution, acting under chapter 606 of the Laws of 1875.

All of the questions submitted by your Body to this Department, in my opinion, turn upon this proposition: Does the constitutional amendment referred to impose any obligation or duty upon the Common Council which they would violate by the contemplated action? And does it limit, in any way, the authority otherwise possessed by the Common Council in the matter of giving their consent to the use of streets under their control for the construction and operation of a railroad?

My opinion is that the constitutional provision referred to has no reference to the powers of the Common Council in the premises, and that any consent which it would otherwise be in the power of Common Council to give they can give without regard to that amendment. The amendment is in the nature of a prohibition upon the Legislature, and not upon the Common Council. It provides that the Legislature shall pass no law authorizing the construction or operation of a street railroad, except upon the condition that the consent of the local authorities having the control of that portion of the street or highway upon which it is proposed to construct or operate such railroad be first obtained. There is no prohibition upon the local authorities, and nothing that could be construed inferentially into a prohibition upon the local authorities, limiting the power otherwise possessed by them in the matter of consenting to and authorizing the use of the streets for the purposes of street railways.

If, therefore, the Common Council should regard a rapid transit road as of such great public importance as to be willing to authorize its construction in any of the streets or avenues of the city—except those expressly excepted by the act of the Legislature—I think that the resolution submitted by the Commissioners of Rapid Transit may be adopted by your Honorable Body without violating this provision of the constitution.

I should have been glad to have taken up and considered separately each of the points submitted for my consideration, but as you request an answer at your next meeting, to be held at two o'clock to-day, I am compelled by the shortness of the time allowed me to submit the foregoing general statement of my views, which I trust will nevertheless be found to cover all the points upon which my opinion is desired.

I am, gentlemen, yours, very respectfully,

WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 1, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 23d ultimo states that requisitions in favor of James H. Sullivan, for \$5,760 and \$7,260, have been drawn by the Department of Public Works under a contract for regulating and grading New avenue, between Eighth and Ninth avenues, from One Hundred and Tenth to One Hundred and Fourteenth street; and that payment of such requisitions has been requested of the Finance Department. Also that a judgment recovered upon this contract some time

since for \$12,360 was paid under the advice given by this department under date of March 20 and March 24, 1875. Also that a suit has been commenced by Mr. Sullivan upon a requisition of \$1,680 under this contract, in which action, at the request of the Finance Department, an answer has been interposed, and that such action is now at issue. You request my opinion whether this action can be successfully defended, and whether a valid assessment can be levied for the work which may have been performed under the contract. Also whether the two requisitions subsequent to that in which suit has been brought should be paid, or whether their payment can be successfully resisted in the courts.

I find upon an examination of the communication (referred to in your letter) from this department, dated March 20, 1875, that my predecessor, after a quite full consideration of the questions submitted in your letter, rendered an opinion which was to the effect that the contract with Mr. Sullivan for regulating and grading New avenue was valid; that an assessment could be laid for the work done under the contract, and that actions brought for instalments due under the contract could not be successfully defended in the courts. After such examination as I have been able to give to the matter, I concur in the views expressed by my predecessor, and advise you that in my opinion neither the suit now pending nor any actions which may be brought upon the two requisitions referred to in your letter can be successfully defended.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 1, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—I have the honor to acknowledge the receipt of your letter of August 30th, stating that the principal creditors of the Eighth National Bank have agreed upon the terms of settlement, but that there are a number of small creditors, amounting to the aggregate sum of \$207.87, who have not yet come in and acquiesced in the terms; it being impossible, as you are advised, in a number of cases, to find them or reach them by letter or otherwise. You request the opinion of this Department whether, under these circumstances, you are authorized to execute the release under chapter 296 of the Laws of 1875.

By the act referred to, you are authorized to adjust and settle the claims of the city "upon the same basis of adjustment and settlement which shall be arranged and agreed upon by the other depositors and creditors of said bank." It does not say in terms that all the other depositors and creditors of the bank must have agreed upon the basis before you are authorized to act. I think the law would be complied with when the body of depositors and creditors should have agreed upon the basis of adjustment and settlement, even though small claims to the amount of two or three hundred dollars should not have come in. The depositors are evidently referred to as a body, and as a body I think they have already agreed upon a basis of adjustment and settlement as stated in your communication.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 2, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 30th ultimo states that on May 31, 1869, the Street Department entered into a contract with George A. Treacy for regulating and grading Ninth avenue, between Eighty-sixth and One Hundred and Tenth streets, which contract was subsequently approved by the Commissioners acting under the provisions of chapter 580 of the Laws of 1872. You state that it is found on the completion of the contract that the quantities of work actually performed are greater than the quantities mentioned in the original estimate on which the proposals were based and the contract awarded, and that, owing to the peculiar bid of Mr. Treacy, the total cost of the work at the prices named in the contract is more by the sum of \$5,528.32 than the same quantities of work actually done would be at the rates of the next lowest bidder. It appears that the quantities in the Surveyor's original estimate were as follows:

10,230 cubic yards rock excavation,
55,450 " " earth " "
42,155 " " filling;

while the amounts of work actually done were as follows:

28,943 cubic yards earth excavation,
39,727 " " rock " "
65,901 " " filling;

which work at the prices bid by Mr. Treacy amounts to \$117,406.87, while the same work at the prices bid by Mr. William Gillespie would amount to only \$111,878.55. You request my opinion whether, under this state of facts, the Comptroller is authorized to make his certificate to the Board of Assessors, as provided for in section 5 of chapter 580 of the Laws of 1872.

I have no doubt whatever that the Comptroller is authorized, and that it is his duty to give the certificate in question. So long as the present system prevails of letting public work, the fact that the person to whom the contract is awarded turns out, when the work is completed, not to have been the lowest bidder, cannot prevent the laying of an assessment. The ordinances of the city require that the amount of work to be done shall be estimated, as near as possible, in advance, and that such amount shall be stated in the proposal. The parties desiring to contract for the work are required to put in their bids, not in a lump sum for the entire work, but at specified prices for the various kinds of work to be done. The only way in which the bids can be tested is by the estimated amounts of work, and the contract must be awarded to that bidder whose total bid is lowest when so tested. You do not suggest in your letter that there was fraud or collusion between the bidder and the officers connected with the Street Department. In the absence of such fraud and collusion there can be no question that the Street Department was bound to consider Mr. Treacy as the lowest bidder and to award the contract to him.

Under the present system of letting contracts no other construction of the law is possible, nor, I suppose, desirable. I presume that a large amount of money has been advanced by the city to Mr. Treacy as work has progressed under this contract, which money, if this certificate could not now be given, must be lost.

The blank certificate transmitted with your letter is herewith returned.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 2, 1875.

EUGENE T. LYNCH, Esq.,

Secretary of the Department of Docks:

SIR—With your letter to me of the 18th of August ultimo, is enclosed a copy of a resolution adopted by the Board of Aldermen on the 29th day of July, 1875, forbidding the location of a dumping board at the foot of Eighty-sixth street, and declaring that if it is decided by the proper department that such a dumping board is necessary in that portion of the city the same shall be located on the river front, between Ninety-second and One Hundredth streets. You request my opinion as to what action, if any, is required of the Dock Department in regard to such resolution, provided the location of said dumping board is considered by the Police Department essential to its use.

Section 4 of chapter 677 of the Laws of 1872, being the act of the Legislature which transferred to the Police Department the business of cleaning the streets in this city, provides as follows: "The department, bureau or city official, or officials, authority or authorities, having from time to time the management and control of the public docks, piers, and slips of said city, shall designate and set apart, for the use of the said Board of Police, suitable and sufficient docks, piers and slips, or berths in slips, and so located as to be adapted to and meet the wants of said board in executing the various duties imposed by this act, without interruptions or delays."

The act defining the powers of the Department of Docks (section 6 of chapter 574 of the Laws of 1871) invests that Department with the exclusive government and regulation of all wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto; and provides that the duties and powers theretofore performed and exercised by any officer, department, or bureau of the city in and about all or any part of the said property, are thereby transferred to, and vested exclusively in, the said department.

Under the section above quoted from the act of 1872, it is undoubtedly the duty of the Dock Department, upon the request of the Police Department, to designate and set apart a suitable place for a dumping board; and, under the act above cited in reference to the powers of the Dock Department, it seems to me that the right to determine what place shall be so designated and set apart for this purpose is vested exclusively in that department.

I cannot resist the conclusion that the resolution of the Common Council in relation to this matter is invalid.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 3, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 18th ultimo states that a number of the parties on the pay-rolls for planting trees upon the Boulevard have applied to the Finance Department for payment of the

amounts certified on such rolls, and agree to waive any claim which may exist for interest or costs. You also state that about 150 suits have been commenced against the city by persons upon such pay-rolls, and that the time to answer has been adjourned to September 6, 1875, awaiting the return of the attorney who has instituted the actions. You also state that the Finance Department has always contended that no assessment could be laid for the work in question, and that the cost thereof was not a proper charge upon the Treasury. You request my opinion as to the course to be pursued in this matter, whether an answer should be put in in each case, or, if the persons who are upon such rolls consent to receive the amounts credited to them, payment can be made to such persons without reference to any claim which the attorney may have for costs.

It appears by the records of this Department that the question of the liability of the city to pay for planting trees upon the Boulevard was some time since submitted to the Supreme Court, and that Mr. Justice Barrett decided that the city was liable for work of this description. I find also that after the suits referred to in your letter were brought you requested my predecessor to defend the same upon the ground that there was no authority for the employment of the plaintiffs; and that in a letter to you, dated July 2, 1875, the then Counsel to the Corporation expressed the opinion that the suits could not be defended upon the ground suggested, and that, as the suits could not be consolidated, the cost of carrying on the litigation would amount to many thousands of dollars, and he, therefore, advised that the claims be settled. It appears also, that, after the receipt by you of this letter, an additional defense was suggested by the Finance Department that on proper demand had ever been made upon the Comptroller for the payment of the claims in suit.

I have examined the question of the liability of the city to pay laborers employed in planting trees upon the Boulevard, and, after such examination, I am compelled to concur in the view taken by the Supreme Court and by my predecessor. The Boulevard was laid out under chapter 565 of the Laws of 1865, and section 8 of that act declares that it shall be lawful for the Commissioners of the Central Park from time to time to cause such of the streets, roads, squares or places laid out under that act as they may designate for that purpose, to be regulated, graded, and improved as streets, or as country roads, or in such manner as the said Commissioners may deem for the public interest and may direct; and for that purpose, and in and about such regulating, grading and improvements, the Commissioners of the Central Park shall have, possess, and enjoy all the powers now or heretofore possessed, enjoyed, or exercised by the Mayor, Aldermen, and Commonalty of the City of New York as to other streets and roads, and by such Commissioners, in respect to the Central Park, in said city.

It would be difficult to use language conferring broader powers upon the Commissioners of the Central Park, in reference to the improvement of the Boulevard and other streets, than is employed in this act. The fact that the Commissioners were authorized to improve the streets and roads laid out under the act as streets, or as country roads, or in such manner as the said Commissioners might deem for the public interest, indicates an intention to confer upon the Commissioners a very wide discretion as to the nature of the improvements to be made. The Commissioners were not only given such discretion by the language referred to, but, in addition thereto, were vested with all the powers then or previously possessed by the Mayor, Aldermen and Commonalty as to other streets and roads, and all the powers possessed by the Commissioners in reference to the Central Park. It seems to me that the clause of the law giving the Commissioners the same power over the streets laid out under the act that they had in reference to the Central Park, would alone be sufficient to authorize the planting of trees, as I am not aware that the authority to plant trees in the Central Park has ever been questioned. The fact that the Boulevard, instead of being called a street, was designated as a public drive; the route indicated showing that the intention of the Legislature was to provide for a pleasure drive; and the plan adopted by the Central Park Commissioners, as to a considerable portion of the drive, of a wide street, with two carriage-ways, with a space in the centre, tend to strengthen the view that the Commissioners were fully authorized to plant trees, if they saw fit.

Under these circumstances, I cannot advise you that any defence upon the merits exists to the one hundred and fifty suits referred to in your letter; and the question therefore arises what course can be adopted in the present position of affairs that will relieve the city from costs.

I understand that, after conferring with you upon the subject, my predecessor made a verbal offer of payment, provided the attorney for the plaintiffs would waive interest and costs, and that the time to answer has been extended awaiting the return of such attorney. It is possible that this offer may be accepted by the attorney when he returns, and I therefore recommend that it be continued, and, if it is accepted, that the suits be forthwith settled by payment of the original claim. If, however, this offer should not be accepted (as I am willing to do anything in my power to save the city from costs), I will, if you desire, interpose the second defence suggested by you—that no proper demand of payment of the claims was ever made. I understand that in a similar case, where the only demand made upon the Finance Department was by the filing of the pay-roll, this defence was sustained by his Honor Judge Robinson; and I am inclined to the opinion that this decision was correct. If the offer of payment without interest and costs is refused, there will, of course, be but two courses to take—one, to pay the claims, with the costs already accrued; and the other, to interpose the defence above mentioned. I am willing to be guided in the matter by your views as to the desirability of adopting the one or the other of these courses.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 3, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter of the 2d instant, inclosing a transcript of judgment in favor of the New York Mutual Gas-light Company has been received.

In this case the defense was interposed, which the Finance Department suggested; that the moneys appropriated for Maintenance and Government of Parks and Places for the year 1873 have been paid out and exhausted, and that there is no money in the city treasury from which the claim can be paid.

Upon motion, the Court ordered that the answer be stricken out as sham and frivolous, with judgment against the defendants for the amount demanded in the complaint.

The defense that there is no appropriation to meet a particular claim, or that there is no *unexpended* appropriation to meet a particular claim, ought, in my judgment, to be raised and thoroughly tested in the courts.

But to insure success, it should be raised in such a manner as that the facts existing with regard to the condition of an appropriation at the time any liability is incurred by a Department of the City Government shall appear.

So that the limitation which the exhaustion of an appropriation works upon the power of the head of the Department having control of it shall apply specifically to contracts subsequently made. To litigate the question in the form presented by the pleadings in this case is, in my judgment, to prejudice the defense; and an appeal from this judgment would, in my opinion, be futile. I have, therefore, indorsed the judgment in the usual form, and advise its payment.

I am, sir, very respectfully, yours,

WM. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 7, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 27th ultimo requests my opinion as to the manner in which a requisition in favor of Henry Dudley, Chairman of the Committee of Examinations of the American Institute of Architects, should be paid.

It appears by the records of this Department that this question was recently submitted to my predecessor, whose opinion upon the subject was given to you in a communication dated the 8th of July last. After an examination of the matter, I see no reason to doubt that the views expressed by my predecessor were correct, and I therefore concur therewith.

I am, sir, yours, respectfully,

WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 7, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 20th of August ultimo requests my opinion whether the Commissioners of the Department of Docks, appointed under the Charter of 1870, are entitled to compensation for services during the period extending from May 1 to May 20, 1873.

It appears that the precise question submitted by your letter has been twice passed upon by the Court of Common Pleas—once by his Honor Judge Robinson, in the case of Mr. Mullaly, a member of the old Board of Health; and once by his Honor Judge Larremore, in the case of Mr. McGregor, formerly Superintendent of Buildings. Those gentlemen were appointed under the Charter of 1870, and brought suit to recover—the one for services from the first to the tenth, and the other for services from the first to the twentieth of May, 1873. The Court in each case directed a judgment in favor of the plaintiff.

I find, moreover, that the question now submitted to me was considered by my predecessor at your request, and that in a communication to you dated the 8th of July last, he advised that, under the decisions in the cases of Mullaly and McGregor, and in accordance with his own views of the law, the old Commissioners of the Department of Docks were entitled to salaries from the 1st to the 20th of May, 1873, at the rates at which they had been previously paid.

It seems to me that the decisions of the Court of Common Pleas were correct, and as the cases

passed upon involved the precise question which arises in the case of the Commissioners of the Department of Docks, I must concur in the opinion above referred to given to you by my predecessor on the 8th of July last.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 7, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—I have the honor to acknowledge the receipt of your letter of August 31, inquiring of this department "in what manner the means can be obtained to pay claims against the city when no appropriation has been made to meet the expense."

Assuming your letter to be a *bona fide* application for information from this department upon matters of law, I would reply that whenever a claim of such a character shall become a judgment, the means can be obtained to pay it by making use of the appropriation for judgments as long as it lasts. As the claim to which you refer in your letter has already reached the position of a judgment, I presume the above is a sufficient answer to your question.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 8, 1875.

Hon. SALEM H. WALES, President of the Department of Docks:

SIR—I have the honor to acknowledge the receipt of a communication from the Secretary of your Department, dated September 7, 1875, asking for an opinion from this Department as to the power of your Board to make certain repairs upon the steam tug *Lou's* without public letting.

Referring to the opinion of this Department, under date February 16, 1875, and to the powers conferred by chapter 574 of the Laws of 1871, in the opinion of this Department, the work referred to in your communication, being connected with the new construction carried on by your Department under the plans adopted by the Commissioners of the Sinking Fund, can be performed in any method that your Board shall, by unanimous vote, authorize.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 8, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—In the case of John Sparks against The Mayor, etc., I have made an examination of the papers in the case, it being now on appeal to the Court of Appeals, and I find that the defense was interposed by this office in ignorance of section 23 of chapter 247 of the Laws of 1841. Under the provisions of that act, the defense hitherto interposed by this office will evidently be of no avail. The plaintiff has had judgment at the Trial Term as well as at the General Term of the Court of Common Pleas, and I am obliged to express the opinion that the appeal will be fruitless of benefit to the city, and can only result in an increase of the costs already incurred. I have, therefore, determined that it is my duty to countermand the notice of appeal which has been heretofore served in this case.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 8, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—In your letter to me of the first instant you state that parties bidding for contracts for supplies or work for the Corporation sometimes submit the names of irresponsible persons as sureties, and that, if the contract awarded to the bidder is regarded by him as a disadvantageous one, he neglects to execute the contract, but that, if he receives the award of a contract regarded as valuable, efforts are then made to substitute responsible sureties in the place of the worthless ones originally named. You request my opinion, therefore, as to the legality of the substitution of sureties in any case of inability or non-compliance with the requirements of the ordinances; and also, whether, when sureties on proposals fail to appear and justify after being duly notified, the Comptroller should refuse to accept substitutes offered by the contractor, and should return the proposals to the appropriate Department without his approval.

Section 91 of the Charter declares that all contracts when given shall be given to the lowest bidder, who shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance. Section 20 of article 2 of chapter 7 of the Revised Ordinances of 1866 requires that every proposal shall be accompanied by the consent, in writing, of two householders or freeholders, to the effect that if the contract be awarded to the person making the bid they will become bound as his sureties for its faithful performance. Section 27 of said article declares that every contract for supplies or work for the Corporation shall be accompanied by a bond executed by the persons consenting to become bound as sureties, as provided in said section 20, or by such other persons as shall be substituted therefor, with the consent of the head of the department making such contract.

I think there can be no doubt that, under these provisions of the Charter and the ordinances, it is lawful in any case to substitute as sureties other persons than those named in the proposals, provided such substitution is made with the consent of the head of the department making the contract, and provided also, of course, that the adequacy and sufficiency of such substituted sureties be approved by the Comptroller. It would seem, therefore, in all cases in which the original sureties are found by the Comptroller to be insufficient and inadequate, that the proper course would be to return the proposals on that ground to the head of the department with whom in the first instance the question rests as to whether substitute sureties shall be received. If such proposals are returned with the consent of such department to the substitution of other sureties it would seem to be the duty of the Comptroller to act upon the adequacy and sufficiency of such proposed substitutes. The same course should, in my opinion, be pursued when the sureties on proposals fail to appear and justify after being duly notified. This would seem to be the appropriate method of dealing with the question under the ordinances.

Very respectfully, yours,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 9, 1875.

Hon. FITZ JOHN PORTER, Commissioner of Public Works:

SIR—Your letter to me of the 3d instant states that the Department of Public Works is now ready to proceed, under chapter 230 of the Laws of 1870, with the construction of two houses—one over the gates of the Aqueduct at Ninety-third street, and the other over the gates at One hundred and Thirtieth street. You state that you desire to have these houses constructed by contract on competitive bids to be invited from reliable, competent, and responsible builders, to be selected by you. You request my advice whether you are authorized, under the law referred to, to proceed in this manner.

Chapter 230 of the Laws of 1870, discontinued that part of the Croton Aqueduct lying between Ninety-third and One Hundred and Thirtieth streets, and authorized and directed the Commissioner of Public Works to lay iron pipes or build a brick or stone conduit for the Croton water from the southerly side of One Hundred and Thirtieth street to connect with the Aqueduct in Ninety-third street. The second section of the act authorized the Commissioner of Public Works either to contract for the performance of the whole or any part of the work authorized by this act or to have such work done by days' work as should seem best to such commissioner and most advantageous to the interests of the city. As appears from your letter, the gate-houses which you now desire to construct are a portion of the work authorized by this act.

All doubts, if any ever existed, as to the power of the Commissioner of Public Works under the provisions above cited to contract for the performance of the work authorized by the act without public letting, must be regarded as removed by the recent decision of the Court of Appeals in the case of John B. Green against the Mayor. In that case the court of last resort held that, under chapter 213 of the Laws of 1871, which merely authorized the Commissioner of Public Works to expend a certain amount of money, he was empowered to have work in relation to the Croton Aqueduct done without public letting; the decision being placed upon the ground that the provisions of the Charter of 1870 in relation to the public letting of contracts applied only to the doing of work or the furnishing of supplies, under authority of the Common Council. At the time, therefore, of the passage of the Charter of 1873 there would seem to be no doubt that the Commissioner of Public Works was fully authorized to contract for the performance of all work authorized to be done under the law in question without public letting; and there is no doubt that the work under this act was a work in progress within the meaning of section 91 of the Charter of 1873, and therefore excepted from the general provisions of that section requiring work and supplies for the corporation to be procured by public letting.

I am of opinion, therefore, that you are authorized to proceed with the construction of the two gate-houses in the manner mentioned in your letter to me.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 9, 1875.

Hon. FITZ JOHN PORTER, Commissioner of Public Works:

SIR—I have the honor to acknowledge the receipt of your letter of August 17, 1875, asking for an opinion of this department upon certain communications and ordinances of the Common Council involving the question whether "it is the duty of the Comptroller to advance, upon requisition of your department, from time to time, the sum of \$100, to defray expenses for the removal of obstructions," and, if so, what further steps you can take to secure a compliance with and the execution of the law.

The question submitted by you is not devoid of difficulty. It is, in substance, whether the ordinance adopted by the Board of Aldermen May 20, 1875, and approved by the Mayor May 24, 1875, amending sections 23 and 24 of article 2 of chapter 4 of the Revised Ordinances of 1866, is legal. The original ordinance contained in the revision of 1866 provided that, for the purpose of defraying any expense which might be incurred in the removal of incumbrances, and for such other minor incidental expenses of the department as could not be conveniently accounted for in separate vouchers, the Street Commissioner might, by requisition, draw on the Comptroller for a sum not exceeding \$100, and it was provided that such draft might be renewed as often as satisfactory vouchers for the expenditure of the amount previously drawn had been presented to the Comptroller. The Commissioner of Public Works, under the Charter of 1873, succeeded to the power possessed by the Street Commissioner under this ordinance. This ordinance was in force on the 1st day of April, 1870, and as such is specifically re-enacted by the Charter of 1873. By the ordinance adopted by the Board of Aldermen, May 20, 1875, amending the old ordinance contained in the revision of 1866, it is provided that \$100 may be drawn by the Commissioner of Public Works by requisition upon the Comptroller for the purpose of being expended in the removal of incumbrances, and that an additional \$100 may be similarly drawn for the purpose of defraying any other minor or incidental expenses contingent to the Department of Public Works. That is to say, that an advance of \$200 may be required for the purposes indicated instead of \$100 only, as provided by the ordinance to which reference has been made, contained in the revision of 1866. The requisition to which you refer as having been made by you upon the Comptroller is in accordance with the provisions of the amended ordinance, and is fully within the authority conferred upon you by that ordinance. The question submitted to me is substantially whether the action of the Common Council in passing the amended ordinance of May 20, 1875, was within the law.

It will at once occur to you that the expenditures of the city government are ordinarily in the first instance made by the various Departments upon credit, the law making it obligatory upon persons contracting with all public officers to take note of the limitations of their power to contract; and the Charter of 1873 provides in terms that no money shall be taken out of the city treasury, except by a prescribed method, which is as follows: "No money shall be paid out of the treasury except on the warrant of the Comptroller, countersigned by the Mayor;" "No warrant shall be signed by the Comptroller, or countersigned by the Mayor, except upon vouchers for the expenditure of the amount named therein, examined and allowed by the Auditor, approved by the Comptroller, and filed in the Department of Finance" (except in certain cases specifically named, of which this is not one). It is evident that no money can be paid from the city treasury, except upon the basis of something which shall be, within the contemplation of this act, a voucher for the expenditure of the amount named in the warrant, properly audited. In section 29 of the Charter, it is provided that the Comptroller may prescribe the mode by which all creditors, officers, and employees of the Corporation shall be paid, and further provides that "all payments by or on behalf of the corporation shall be made * * * through the proper disbursing officer of the Department of Finance, on vouchers to be filed in said department," etc. It provides further, as follows: "The Comptroller may require any person presenting for settlement an account or claim against the corporation, to be sworn before him, touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account or claim." These provisions of the Charter establish a general system for the payment of public creditors necessarily involving the proposition that the expenditures of the city government shall be, as before stated, in the first instance, upon credit; and conferring upon the Comptroller of the city authority to scrutinize all claims, and, if deemed advisable, to examine under oath the claimants before payments are made out of the city treasury. The prepayment to the Commissioner of Public Works of a portion of his appropriation, to be expended by him, is evidently in contravention of the general system enacted by the Charter. If the Common Council possesses the general power to direct the prepayment by the Comptroller of any portion of one appropriation to the head of one executive department, to be disbursed by him, it is difficult to see why they may not with equal legality set aside the system provided for in the Charter, and direct the appropriation for each and all of the various departments, to be similarly turned over to the respective heads of such departments; in which case, if they can be thus legally transferred, the appropriation can then be legally disbursed by the various departments without any of the securities (such as vouchers, audit, examination of the parties, etc.,) which are obligatory upon the Finance Department making payments, but which are not obligatory upon any of the other executive departments of the city government.

In my opinion no such general power is possessed, and as the provision for the prepayment of \$100 found in the ordinance of 1866 is in contravention to the general system provided for by the Charter of 1873, I think the Common Council do not possess the power to extend or enlarge the authority conferred upon the Department of Public Works by the ordinance of 1866.

My conclusion therefore is that the amended ordinance, adopted by the Board of Aldermen, May 20, 1875, and approved by the Mayor, May 24, 1875, is without authority of law.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 9, 1875.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter to me of the 26th ultimo refers to chapter 528 of the Laws of 1873, authorizing the laying out of the Eastern Boulevard, and requests my opinion as to the construction of that part of section 4 of the act, which declares that the said boulevard, after the same has been laid out and opened, shall be and remain under the control and management of the Department of Public Works, as to the regulating, grading, paving, sewerage, and otherwise improving and maintaining the same, in such manner as the Commissioner of Public Works may deem expedient.

The language used in this act, conferring power upon the Commissioner of Public Works to improve the Eastern Boulevard, is the same as that used in a number of other laws in which power to improve streets, avenues and public places has been conferred upon various officers and boards. For instance, section 7 of chapter 367 of the Laws of 1866 declares that it shall be lawful for the Commissioners of the Central Park to do all the work required to be done by them by day's work, or by contract, or in such manner as they may deem expedient. So, too, section 6 of chapter 872 of the Laws of 1872 authorized the Commissioner of Public Works to improve South Fifth avenue and a part of Church street by day's work, or by contract, or in such manner as the said Commissioner of Public Works should deem expedient.

The interpretation put upon provisions of this character by the old Commissioners of the Central Park, the Department of Public Parks, and the various Commissioners of Public Works, who have held office since that department was created, has been, as I am informed, that the authority to do work in such manner as a particular officer or department might deem expedient placed the whole subject of procuring the necessary labor and materials absolutely in the discretion of the officer authorized to make the improvement. It also appears by the records of this office that in cases which have been brought before the Courts this interpretation has been sustained by judicial decisions. My own view of the law is in accord with such interpretation and with such decisions of the Courts, and I am of the opinion that the provision referred to in the act relating to the Eastern Boulevard authorizes the work to be done by day's work, and the materials to be purchased without contract, at the option of the Commissioner of Public Works.

I am, sir, yours, respectfully,
WILLIAM C. WHITNEY, Counsel to the Corporation.

BOARD OF CITY RECORD.

The Board, designated under sec. 111, chap. 335, Laws of 1873, met in the Mayor's office, Saturday, September 18, 1875.

Present—The Mayor, the Commissioner of Public Works, and the Counsel to the Corporation. The minutes of the last meeting were read and approved.

The following resolution was offered for adoption by the Commissioner of Public Works:

Resolved, That the Comptroller be and he is hereby authorized to publish, in accordance with section 102, chapter 335, Laws of 1873, an advertisement of corporation sale of ferry franchises, to take place on September 23, 1875, such advertisement to be made in the newspapers heretofore designated under section 111, chapter 335, Laws of 1873.

The Chairman put the question whether the Board would agree with such resolution.

Which was decided in the affirmative by the following vote:

Affirmative—The Mayor, Counsel to the Corporation, and the Commissioner of Public Works. On motion, adjourned.

CHAS. HOWARD WILLIAMS, Secretary pro tem.

NOTICE.—THE COMMITTEE ON PUBLIC
Works of the Board of Aldermen will meet every Monday, at 3 p. m., in Room No. 9, City Hall, for the consideration of such subjects as may have been referred for its action.

**JOHN REILLY,
EDWARD J. SHANDLEY,
JOHN J. MORRIS,**
Committee on Public Works.

FRANCIS J. TWOMEY,
Clerk.

OFFICE CLERK OF THE COMMON COUNCIL,
No. 8 CITY HALL.

THE COMMITTEE ON RAILROADS OF THE
Board of Aldermen will meet every Tuesday, at 2 p. m., in room No. 9, City Hall, for the consideration of such subjects as may have been referred for its action.

**ANDREW BLESSING,
J. WILLIAM GUNTZER,
HENRY E. HOWLAND,**
Committee on Railroads.

FRANCIS J. TWOMEY,
Clerk.

BOARD OF ALDERMEN,
New York, January 30, 1875.

THE COMMITTEE ON STREETS OF THE
Board of Aldermen will meet every Monday, at 2 o'clock, p. m., at No. 9 City Hall, for the transaction of such business as may be referred to the Committee.

**J. W. GUNTZER,
PATRICK LYSAGHT,
S. N. SIMONSON,**
Committee on Streets.

FRANCIS J. TWOMEY,
Clerk.

OFFICE CLERK OF THE COMMON COUNCIL,
No. 8 CITY HALL.

THE STATED SESSIONS OF THE BOARD OF
Aldermen will be held in their Chamber, room No. 15, City Hall, on Thursday of each week, at 2 o'clock, p. m.

SAMUEL A. LEWIS,
President.

FRANCIS J. TWOMEY,
Clerk.

FIRE DEPARTMENT.

HEADQUARTERS
FIRE DEPARTMENT, CITY OF NEW YORK,
155 and 157 MERCER STREET,
New York, September 13, 1875.

SEALED PROPOSALS FOR FURNISHING THIS
Department with the following-named materials, etc., in the quantities specified will be received at these Headquarters until 10 o'clock A. M. on Wednesday the 29th instant:

- CLASS I.**
200 Best White Oak Felloes, $3\frac{1}{4} \times 3\frac{1}{4}$ in.; Wheels, 4 ft diameter.
150 Best White Oak Felloes, $3\frac{1}{4} \times 2\frac{3}{4}$ in.; Wheels, 4 ft. 10 in. diameter.
150 Best White Oak Felloes, $3\frac{1}{4} \times 3\frac{1}{4}$ in.; Wheels 4 ft. 2 in. diameter.
400 Best White Oak Spokes, $2\frac{1}{2} \times 1-16 = 3\frac{1}{2}$ in. tenants.
400 Best White Oak Spokes, $2\frac{3}{4} \times 1 = 3$ in. tenants.
400 Best White Oak Spokes (for forward wheels), $3\frac{1}{4} \times 1\frac{1}{4}$ in. = $3\frac{1}{2}$ in. tenants.
400 Best White Oak Spokes (for hind wheels), $3\frac{1}{4} \times 1\frac{1}{4}$ in. = $3\frac{1}{2}$ in. tenants.

- CLASS II.**
24 Best Ash Boards, 1 in. thick, 14 to 20 in. wide.
300 Pieces Black Walnut Lagging, 6 ft. long.
12 Best Ash Boards, $1\frac{1}{2}$ in. thick, 14 to 20 in. wide.
12 Best Ash Boards, $1\frac{1}{2}$ in. thick, 14 to 20 in. wide.
12 Best Ash Planks, 2 in. thick, 14 to 18 in. wide.
6 Best Ash Planks, 2 in. thick, 14 to 18 in. wide.
12 Best Ash Planks, 2 in. thick, 16 to 20 in. wide.
6 Black Walnut Boards, 1 in. thick, 16 to 20 in. wide.
6 Black Walnut Boards, $1\frac{1}{2}$ in. thick, 14 to 18 in. wide.
3 Best Pine Planks, 2 in. thick, 18 to 24 in. wide.
3 Best Pine Planks, 3 in. thick, 18 to 24 in. wide.
3 Best White Hickory Planks, 1 in. thick, 12 to 14 in. wide.
3 Best White Hickory Planks, $1\frac{1}{4}$ in. thick, 12 to 14 in. wide.
3 Best White Hickory Planks, $1\frac{1}{2}$ in. thick, 12 to 14 in. wide.
3 Best White Hickory Planks, 2 in. thick, 14 to 18 in. wide.

- 18 Whitewood Boards, $\frac{5}{8}$ in. thick, 18 to 24 in. wide, planed on both sides.
6 Whitewood Boards, 1 in. thick, 14 to 18 in. wide, planed on both sides.
3 Whitewood Boards, 2 in. thick, 18 to 20 in. wide, planed on both sides.

- CLASS III.**
2 Bars Cast Steel, $1 \times 1\frac{1}{2}$ in.
2 Bars Cast Steel, round, of each of the following dimensions: $1\frac{1}{2}$, $\frac{3}{4}$, and $\frac{5}{8}$ in.
2 Bars Cast Steel, square, of each of the following dimensions: $1\frac{1}{2}$ and $\frac{3}{4}$ in.
1 Bar Cast Steel, square, $\frac{1}{2}$ in.
1 Bar Cast Steel, octagon, $\frac{3}{8}$ in.
1 Sheet Steel, No. 18.
2 Sheets Brass, No. 20, 72×24 in.

- 100 Carriage Bolts, $6\frac{1}{2} \times \frac{1}{2}$ in.
100 Carriage Bolts, each of the following dimensions: $2\frac{1}{2} \times \frac{1}{2}$, $3\frac{1}{2} \times \frac{1}{2}$, $1 \times 3-16$ in.
200 Carriage Bolts, each of the following dimensions: $3\frac{1}{2} \times \frac{3}{8}$, $1\frac{3}{4} \times \frac{1}{2}$ in.
150 Carriage Bolts, countersunk, each of the following dimensions: $4\frac{1}{2} \times 7-16$, $2\frac{1}{2} \times 5-16$, $1\frac{3}{4} \times 5-16$ in.
200 Carriage Bolts, countersunk, $3\frac{1}{2} \times \frac{3}{8}$.
100 Carriage Bolts, countersunk, each $1 \times 3\frac{1}{2}$, $2\frac{1}{2} \times \frac{1}{2}$, $2\frac{1}{4} \times \frac{1}{2}$, $2 \times \frac{1}{4}$, $1\frac{1}{2} \times \frac{1}{4}$, $1\frac{1}{4} \times \frac{1}{4}$, $1 \times \frac{1}{4}$ in.
50 Carriage Bolts, countersunk, each $2\frac{1}{2} \times 3-16$, $2\frac{1}{4} \times 3-16$, $2 \times 3-16$, $1\frac{1}{2} \times 3-16$, $1\frac{1}{4} \times 3-16$, $1 \times 3-16$ in.

- 200 Tire Bolts, $4\frac{1}{2} \times \frac{3}{8}$ in.
150 Tire Bolts, $3\frac{1}{2} \times 5-16$ in.
100 Tire Bolts, $3 \times 5-16$ in.
100 Wood Screw Bolts, each $2 \times \frac{3}{8}$, $2\frac{1}{2} \times \frac{3}{8}$, $3 \times \frac{3}{8}$, $3\frac{1}{2} \times \frac{3}{8}$, $3\frac{3}{4} \times \frac{3}{8}$, $4 \times \frac{3}{8}$, $2\frac{1}{2} \times \frac{1}{2}$, $2 \times \frac{1}{2}$ in.
2 lbs. Clout Nails, each 1, $1\frac{1}{4}$, $1\frac{1}{2}$ in.
1 lb. Clout Nails, $\frac{3}{4}$ in.
1 lb. Finishing Nails, each $\frac{1}{2}$, $\frac{3}{4}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, 2 in.
25 lbs. Steel Wire, each $\frac{1}{8}$, $\frac{3}{16}$, $\frac{1}{4}$, $\frac{5}{16}$, $\frac{3}{8}$, $\frac{7}{16}$, $\frac{1}{2}$, $\frac{5}{8}$, 1 in.
3 gross Iron Countersunk Screws No. 6, each $\frac{1}{2}$ and $\frac{3}{4}$ in.

- 3 gross Iron Countersunk Screws No. 8, each $\frac{1}{2}$, $\frac{3}{4}$, and $\frac{1}{2}$ in.
3 gross Iron Countersunk Screws No. 10, each $\frac{1}{2}$, $\frac{3}{4}$, $\frac{1}{2}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, and $1\frac{1}{2}$ in.
3 gross Iron Countersunk Screws No. 12, each $\frac{3}{4}$, $\frac{1}{2}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, and $2\frac{1}{2}$ in.
3 gross Iron Countersunk Screws No. 14, each $\frac{3}{4}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, 2, and $2\frac{1}{2}$ in.
3 gross Iron Countersunk Screws No. 16, each 1, $1\frac{1}{4}$, $1\frac{1}{2}$, $1\frac{3}{4}$, and 2 in.
3 gross Iron Countersunk Screws No. 18, each $1\frac{1}{2}$, $1\frac{3}{4}$, 2, and $2\frac{1}{2}$ in.
3 gross Iron Countersunk Screws No. 20, each $2\frac{1}{2}$ and 3 in.

- 3 gross Iron Button Head Screws, each 7-16 in. No. 6, $\frac{1}{2}$ in. No. 8, $1\frac{1}{4}$ in. No. 10, $\frac{1}{2}$ in. No. 12.
3 gross Brass Countersunk Screws No. 6, each $\frac{1}{2}$ and $\frac{3}{4}$ in.
3 gross Brass Countersunk Screws No. 8, each $\frac{1}{2}$, $\frac{3}{4}$, $\frac{1}{2}$, and 1 in.
3 gross Brass Countersunk Screws No. 10, each $\frac{1}{2}$, $\frac{3}{4}$, $\frac{1}{2}$, 1, and $1\frac{1}{4}$ in.
3 gross Brass Countersunk Screws No. 12, each $\frac{3}{4}$, $\frac{1}{2}$, 1, and $1\frac{1}{4}$ in.
3 gross Brass Countersunk Screws No. 14, each 1, $1\frac{1}{4}$, and $1\frac{1}{2}$ in.
3 gross Brass Countersunk Screws No. 16, each $1\frac{1}{4}$ and $1\frac{1}{2}$ in.
3 gross Brass Button Head Screws No. 6, each $\frac{1}{2}$ and $\frac{3}{4}$ in.

- 3 gross Brass Button Head Screws No. 8, each $\frac{1}{2}$, $\frac{3}{4}$, and 1 in.
3 gross Brass Button Head Screws No. 10, each $\frac{1}{2}$, $\frac{3}{4}$, and 1 in.
3 gross Brass Button Head Screws No. 12, each $\frac{3}{4}$ and 1 in.

- 3 gross Brass Button Head Screws No. 14, 1 in.
20 lbs. Brass Wire No. 2.
6 lbs. Copper Hose Rivets, 1 in., No. 7.
12 lbs. Copper Hose Rivets, $\frac{3}{8}$ in., No. 7.
15 lbs. Soft Solder.
12 bars Angle Iron, $3\frac{1}{2} \times 3\frac{1}{2}$ in.
1 coil Lead Line for Flag Halyards.
3 coils Manila Rope, $\frac{3}{4}$ in. diameter.
48 handles for Machinist Chipping Hammers.
24 small Blacksmith's Hammer Handles.
12 Blacksmith's Sledge Handles.
12 Pick Handles.
36 Machinists' Hammers, "Ball Pein" No. 3.
2 lbs. Brass Escutcheon Pins, $\frac{5}{8}$ in., No. 14 Wire.
1 gross Button Head Screws.
20 lbs. Iron Washers, $\frac{3}{4}$ in.
10 lbs. Iron Washers, $\frac{1}{2}$ in.
2 doz. 6 in. Flat Bastard Files.
4 doz. 8 in. Flat Bastard Files.
4 doz. 12 in. Flat Bastard Files.
4 doz. 14 in. Flat Bastard Files.
2 doz. 6 in. Half Round Bastard Files.
2 doz. 8 in. Half Round Bastard Files.
4 doz. 12 in. Half Round Bastard Files.
2 doz. 8 in. Hand Smooth Files.
2 doz. 6 in. Half Round Smooth Files.
4 doz. 8 in. Half Round Smooth Files.
4 doz. 12 in. Half Round Smooth Files.
4 doz. 10 in. Square Files.
4 doz. 8 in. Square Files.
2 doz. 6 in. Square Files.
4 doz. 10 in. Round Files.
4 doz. 8 in. Round Files.
2 doz. 6 in. Round Files.
2 doz. 8 in. Round Smooth Files.
2 doz. 6 in. Round Smooth Files.
3 doz. 5 in. Saw Files.
1 full set Ward Files.
6 Saw Blades, "Stubbs," $10\frac{1}{2}$ in., "end to end."
2 doz. 12 in. Cabinetmakers' Wood Rasps.

- CLASS IV.**
30 lbs. Deep English Vermillion.
20 lbs. Chinese Blue.
10 lbs. Coach Black Ground in Japan.
15 galls. Turpentine.
5 galls. Boiled Oil.
1 doz. Staples Quick-drying Varnish.
1 doz. Stripping Pencils, Fine Liners, "Ox Hair."
1 doz. Stripping Pencils, Broad Liners, "Ox Hair."
2 Putty Knives.
2 Camels-hair Blenders, 2-inch wide.

- CLASS V.**
30 Sides Best Harness Leather.
6 Sides Best Breaching Leather.
1 Side Best Russett Leather.
2 Sides Best Loop Leather.
1 Side Best Patent Collar Leather.
1 Side Best Patent Dash Leather.
2 Sides Best Belt Lacing Leather.
12 Sides Best Hose Pipe Leather.

- CLASS VI.**
50 Sheep Skins, Black or Scotch Bazzles.
2 rolls Enamel Cloth.
16 pairs Double Hames.
8 pairs Single Hames.
3 papers Brown Collar Thread, Letter B.
1 lb. Black Linen Thread, No. 16.
2 papers Hemp Thread, No. 3.
2 papers Hemp Thread, No. 10.
2 yds. Kersey.
2 yds. Serge.
1 gross Trace Buckles, $1\frac{1}{2}$ in.
1 gross Harness Buckles, each $1\frac{1}{4}$ and $\frac{3}{4}$ in.
2 gross Harness Buckles, each 1, $\frac{3}{4}$, and $\frac{5}{8}$ in.
1 gross Breaching Dees, $1\frac{1}{2}$ in.
2 gross Breaching Dees, $1\frac{1}{4}$ in.
3 gross Breaching Rings, $1\frac{1}{4}$ in.
1 gross Breaching Rings, $1\frac{1}{2}$ in.
6 balls Tufting Twine.
2 gross Snaps, each $\frac{1}{4}$, 1, and $\frac{3}{4}$ in.
2 gross Round-eye Ring Snaps.
1 lb. Bees Wax.
50 balls Black Wax.
1 lb. Skein Thread, No. 50.
12 pair Rein Chains, 18 in.
12 pair Rein Chains, 12 in.
2 doz. Bridle Fronts.
2 doz. Straight Bar Bits.
1 doz. bottles "Lynn" Burnishing Ink.
1 box G. L. Hauthway & Son's Harness Dressing.
50 Collar Pipes.
1 paper Fine Yellow Thread.
10 lbs. Leather Belt Lacing (in strips).
100 sheaves Straight Rye Straw, for Collars.

Proposals may be made to include all the articles specified in one or any number of the classes named above, but each proposal must be for furnishing all the articles named in at least one of the classes.

Where the particular kind or quality of the articles is not specified they are to be of the best quality.

All the materials, etc., are to be delivered at the Repair Shops, Nos. 130 and 132 West Third street, in such quantities and at such times prior to January 1, 1876, as may be directed by the officer in charge of the same, where samples may also be seen upon application.

Two responsible sureties will be required upon each proposal, who must each justify in twice the amount thereof.

Proposals must be indorsed "Proposals for furnishing Materials, etc.," and be addressed to the Board of Commissioners, who reserve the right to reject any or all received.

Blank forms of proposals and further information will be furnished upon application at these Headquarters.

**JOSEPH L. PERLEY,
ROSWELL D. HATCH,
VINCENT C. KING,**
Commissioners.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 16, 1875.

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 Lunatic Asylum, Blackwell's Island, September 15, 1875—Eliza Mack; age 70 years. This patient was transferred from City Prison July 23, 1875. Nothing known of her friends or relatives. No effects found on her person.

By Order, **JOSHUA PHILLIPS,** Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 17, 1875.

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—Leland Murphy; admitted August 12, 1875. This patient has no friends or relatives. No effects found on her person.

By Order, **JOSHUA PHILLIPS,** Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 10, 1875.

PROPOSALS FOR ONE CARGO GAS COAL, ABOUT 200 TONS.

PROPOSALS, SEALED AND INDORSED AS
above, will be received by the Commissioners of Public Charities and Correction, at their office, until 10 o'clock A. M., of the 23d day of September, 1875, at which time they will be publicly opened, for furnishing and delivering, free of all expense, at Blackwell's Island—

One cargo gas coal, about 200 tons, to be of pure Westmoreland Co.'s coal, and warranted to produce not less than $5\frac{1}{2}$ feet of gas to the pound, subject to inspection and analysis, each ton to consist of 2,240 pounds.

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

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

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

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

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

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 10, 1875.

PROPOSALS FOR 3,000 BARRELS OF FLOUR.

PROPOSALS, SEALED AND INDORSED AS
above, will be received by the Commissioners of Public Charities and Correction, until 10 o'clock A. M., of the 23d day of September, 1875, at which time they will be publicly opened, for furnishing and delivering at the Bake-house, Blackwell's Island—

3,000 barrels of flour, empty barrels to be returned and deducted in proposals from the price of flour, to be equal in quality to sample to be seen at this office, to be delivered in quantities of one hundred to five hundred barrels as may be required, free of expense to the Department.

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

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

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

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

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

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 10, 1875.

PROPOSALS FOR DRY GOODS, GROCERIES, MEAL, STRAW, CROCKERY, LEAD, TIN, ETC.

PROPOSALS, SEALED AND INDORSED AS
above, will be received by the Commissioners of Public Charities and Correction, until 10 o'clock A. M., of the 23d day of September, 1875, at which time they will be publicly opened for furnishing and delivering at the foot of East Twenty-sixth street, free of all expense to the Department—

- 7,000 yards Canton Flannel.
1,500 yards Striped Prison Cloth.
500 yards Plain Prison Cloth.
5 pieces Huckabuck Toweling.
5 barrels Chicory.
50 barrels A. 1 Hominy.
50 barrels Oat Meal.
500 barrels good, sound Irish Potatoes, to weigh 168 pounds to the barrel net, to be delivered in quantities as required.

- 200 bags Coarse Meal.
200 bags Fine Meal.
100 bags Shorts.
500 bales Long Rye Straw.
100 gross Pint Bowls.
100 gross Coffee Cups.
100 Rubber Covers.
2 tons White Lead, warranted pure.
10 boxes 14x20 XX Tin.

Samples of the above can be seen at this office.

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

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

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

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

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

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, June 12, 1875.

SCHOOL FOR NURSES.

THE COMMISSIONERS OF PUBLIC CHARITIES
and Correction purpose opening a School for Nurses, at Charity Hospital, on the first day of August next. It is their design to offer to worthy young women, between the ages of twenty and thirty-five, the opportunity to acquire proficiency in a pursuit, which is at once honorable, useful, and remunerative, by educating them in the profession of Nursing. Every effort will be made to elevate the occupation, by a course of careful instruction from competent teachers, and by considerate and generous treatment of the pupils. The course of training will occupy two years, and will embrace lectures upon nursing, food, ventilation, midwifery, and all subjects connected with nursing.

The lectures will be given by Physicians connected with the Hospital, and will include a course of twelve lectures upon each subject every six months, and frequent instruction at the bedside.

At the expiration of two years the Nurses will be examined by a Committee of Physicians, and those who are competent and qualified will receive a diploma, signed by the Commissioners of Charities and Correction and the Examining Committee.

Applications, stating name in full, age, and names of Clergyman and Family Physician should be addressed to **JOSHUA PHILLIPS,** Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 15, 1875.

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 Lunatic Asylum, Blackwell's Island, September 13, 1875—Sophie Marsam; age, 30 years; this patient was transferred from Charity Hospital, August 14, 1875. Nothing known of her friends or relatives. No effects found on her person.

By Order, **JOSHUA PHILLIPS,** Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 15, 1875.

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 Work-house, Blackwell's Island, September 10, 1875—Mary Dwyer; committed August 3, for vagrancy. Has no friends or relatives. No effects found on her person.

At Work-house, September 11, 1875—James Anderson; committed September 2, 1875, for vagrancy. No effects found on his person. Has no friends or relatives.

By Order, **JOSHUA PHILLIPS,** Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, September 14, 1875.

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, August 28, 1875, from foot of Eleventh street and North river—Unknown man; age about 35 years; 5 feet 9 inches high; red hair and moustache. Was dressed in blue check jumper, black pants, J. W. tattooed on left arm. No effects found on his person.

Unknown man, from Eighth Precinct Station-house, September 4, 1875—Age about 19 years; 5 feet 6 inches high; dark brown hair; blue eyes. Was dressed in brown and white striped shirt, black and gray pants, double breasted brown vest, black felt hat. No effects found on his person.

Unknown man, from foot of Forty-sixth street, North river—Age about 35 years; 5 feet 9 inches high; black hair; gray eyes. Was dressed in black and white striped duster, black vest, gray heavy cloth pants, striped red and green flannel shirt. On his person was found clay pipe, and card marked John Cockwell, Ann street.

Unknown man, from foot of Twenty-ninth street, North river, September 8, 1875—Age about 60 years; 5 feet 8 inches high; gray hair and side whiskers

SUPREME COURT.

In the matter of the application of the Mayor, Aldermen, and Commonality of the City of New York, relative to the opening of One Hundred and Fortieth street, from Eighth avenue to the Harlem river, in the City of New York.

NOTICE IS HEREBY GIVEN THAT THE BILL of the costs, charges, and expenses incurred by reason of the proceedings in the above-entitled matter will be presented for taxation to one of the Justices of the Supreme Court, at the chambers thereof, in the New Court-house, at the City Hall in the City of New York, on the twentieth day of September, 1875, at 10½ o'clock in the forenoon.

ROBERT SUTHERLAND,
GRATZ NATHAN,
MICHAEL C. MURPHY,
Commissioners.

Dated New York, September 6, 1875.

In the matter of the application of the Department of Public Works for and in behalf of the Mayor, Aldermen, and Commonality of the City of New York, relative to the opening of One Hundred and Fifty-first street, from the westerly line of Ninth avenue to the Hudson river, in the City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to the owner or owners, occupant or occupants, of all houses and lots and improved or unimproved lands affected thereby, and to all others whom it may concern, to wit:

I.—That we have completed our estimate and assessment, and that all persons interested in these proceedings, or in any of the lands affected thereby, and who may be opposed to the same, do present their objections in writing, duly verified, to the Commissioners, at our office, No. 57 Broadway Room No. 24, in the said city, on or before the 13th day of October, 1875; and that we, the said Commissioners, will hear parties so objecting within the ten week days next after the said 13th day of October, and for that purpose will be in attendance at our said office on each of said ten days, at 2 o'clock P. M.

II.—That the abstract of the said estimate and assessment, together with our maps, and also all the affidavits, estimates, and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works, in the City of New York, there to remain until the twenty-sixth day of October, A. D. 1875.

III.—That the limits embraced by the assessment aforesaid are as follows, to wit: All those lots, pieces, or parcels of land, situate, lying and being in the City of New York, bounded by, included, and contained within the following limits, that is to say:

Beginning at a point on the westerly line of Ninth avenue, distant ninety-nine feet and eleven inches south of the southerly line of One Hundred and Fifty-first street; running thence westerly parallel to One Hundred and Fifty-first street, to the Bulkhead line on the Hudson river; thence northerly along said Bulkhead line to a point distant ninety-nine feet and eleven inches north of the northerly line of One Hundred and Fifty-first street; thence easterly parallel to One Hundred and Fifty-first street to the westerly line of Ninth avenue; thence southerly along the westerly line of Ninth avenue to the point or place of beginning.

IV.—That our report herein will be presented to the Supreme Court of the State of New York, at a Special Term thereof, to be held in the New Court-house, at the City Hall, in the City of New York, on the 20th day of October, 1875, at the opening of the Court on that day, and that then and there, or as soon thereafter as Counsel can be heard thereon, a motion will be made that the said report be confirmed.

Dated New York, September 6, 1875.

EDWARD J. SHANDLEY,
JOSEPH CORNELL,
CLINTON G. COLGATE,
Commissioners.

In the matter of the application of the Department of Public Works, for and on behalf of the Mayor, Aldermen, and Commonality of the City of New York, relative to the opening of F street, from the northerly line of Inwood street, at a point distant five hundred and forty-two feet and ten inches westerly from the westerly line of Kingsbridge road, at its intersection with Inwood street, and running thence to the Bolton road, in the City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate in the above-entitled matter, hereby give notice, to the owner or owners, occupant or occupants of all houses and lots and improved or unimproved lands affected thereby, and to all others whom it may concern, to wit:

I.—That we have completed our estimate and assessment in the above matter, and that all persons whose interests are affected thereby, and who may be opposed to the same, do present their objections in writing, duly verified, to the undersigned Commissioners, at our office, No. 57 Broadway Room 24, in said city, on or before the 8th day of September, 1875, and that we, the said Commissioners, will hear parties so objecting, within the ten week-days next after the said 8th day of September, 1875, and for that purpose will be in attendance at our said office on each of said ten days, at 3 o'clock P. M.

II.—That the abstract of the said estimate and assessment, together with our maps, and also all affidavits, estimates, and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works, in the City of New York, there to remain until the 21st day of September, 1875.

III.—That the limits embraced by the assessment aforesaid are as follows, to wit: All those certain lots, pieces or parcels of land situate in the City of New York, bounded by, included and contained within the following limits, that is to say: Beginning at a point formed by the intersection of the centre line of Seaman avenue with the centre line of Bolton road; running thence easterly to a point distant one hundred feet east of the easterly line of Seaman avenue; thence northerly, parallel to Seaman avenue, to the centre line of Emerson street; thence northerly along the centre line of Emerson street to a point opposite the easterly boundary line of John H. Dyckman property; thence easterly to a point where the said boundary line intersects the easterly line of Emerson street; thence in a northerly direction along the aforesaid boundary line, to the southerly side of Spuyten Duyvil Creek; thence westerly along the southerly side of Spuyten Duyvil Creek as the same winds and turns, to a point distant about four hundred and twenty-five feet east of the easterly line of the Hudson River Railroad, and at right angles thereto; thence southerly, in a straight line, or nearly so, to a point distant two hundred feet north of the northerly line of the westerly line of F street (and at right angles thereto); thence easterly and parallel to Inwood street, eight hundred and twenty-five feet; thence southerly on a line at right angles to Inwood street to a point distant one hundred feet south of the southerly line of Inwood street; thence easterly parallel to Inwood street to the centre line of Kingsbridge road; thence northeasterly along the centre line of Kingsbridge road to the centre line of Bolton road; thence northerly along the centre line of Bolton road to the point or place of beginning.

IV.—That our report herein will be presented to the Supreme Court of the State of New York, at a Special Term thereof, to be held in the New Court-house, at the City Hall, in the City of New York, on the 7th day of October, 1875, at the opening of the Court on that day, and that then and there, or as soon thereafter as counsel can be heard thereon, a motion will be made that the said report be confirmed.

Dated August 3, 1875.

R. D. NESMITH
DE GRASSE LIVINGSTON,
E. HOGAN,
Commissioners

NOTICE IS HEREBY GIVEN BY THE UNDER-signed Commissioners, appointed to estimate and assess the expense of grading One Hundred and Fifty-first street (formerly Gouverneur), in the City of New York, from Morris to Railroad avenue, that they have completed their assessment-roll and report, and filed the same with John Mehlum, at his house, in Third avenue, between One Hundred and Fifty-first and One Hundred and Fifty-second streets, for public inspection, and that the said Commissioners will meet at the said house of John Mehlum, on Saturday, the 2d day of October, 1875, between the hours of 2 and 5 o'clock P. M., to revise their assessment and report, when all persons interested therein can examine the same, and file their objections, if any, in writing, with said Commissioners.

Dated New York, September 17, 1875.

HENRY F. L. BUNTING,
JOHN MEHLEM,
PETER PLATT,
Commissioners.

NOTICE IS HEREBY GIVEN BY THE UNDER-signed Commissioners, appointed to estimate and assess the expense of grading One Hundred and Forty-fifth street (formerly Villa place), in the City of New York, from Third avenue to One Hundred and Forty-sixth street, that they have completed their assessment-roll and report, and filed the same at the office of J. H. Hall, southwest corner of Third avenue and One Hundred and Forty-second street, for public inspection, and that the said Commissioners will meet at the said office of J. H. Hall, on Friday, the 1st day of October, 1875, between the hours of 2 and 5 o'clock P. M., to revise their assessment and report, when all persons interested therein can examine the same, and file their objections, if any, in writing, with said Commissioners.

Dated New York, September 17, 1875.

HENRY F. L. BUNTING,
JOHN FLANAGAN,
ISAAC W. DUNSMORE,
Commissioners.

JURORS.

NOTICE

IN RELATION TO JURORS FOR STATE COURTS.

OFFICE OF THE COMMISSIONER OF JURORS,
NEW COUNTY COURT-HOUSE,
NEW YORK, June 1, 1875.

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.

When possible and legal, serving jurors will be allowed to select a convenient season—if application be made in time.

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 delinquents.

The Commissioner will receive applications for relief from those jurors who have served continuously and promptly for several years, or have done excessive jury service in the State Courts.

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. No fees of any kind exist or are allowed in regard to jury notices, and any one asking, receiving, or giving any such "fee" or "present" will be arrested, and, if possible, punished to the full extent of the law.

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

FINANCE DEPARTMENT.

REDEMPTION OF CITY STOCK.

THE WATER STOCK OF THE CITY OF NEW York, of the year 1854, payable on the first day of October, 1875, will be paid on that day, by the Comptroller, at his office, in the New Court-house, on the surrender of the certificates.

Interest on said stock will cease on and after that date.

ANDREW H. GREEN,
Comptroller.

CITY OF NEW YORK—DEPARTMENT OF
FINANCE, COMPTROLLER'S OFFICE,
September 15, 1875.

INTEREST ON CITY STOCKS.

THE INTEREST ON THE BONDS AND STOCKS of the City and County of New York, due November 1, 1875, will be paid on that day, by the Comptroller, at his office, in the New Court-house.

The transfer books will be closed from September 23 to November 1, 1875.

ANDREW H. GREEN,
Comptroller.

CITY OF NEW YORK—DEPARTMENT OF
FINANCE, COMPTROLLER'S OFFICE,
September 15, 1875.

CITY OF NEW YORK, DEPARTMENT OF FINANCE,
BUREAU FOR THE COLLECTION OF TAXES,
COURT-HOUSE, PARK, 32 CHAMBERS STREET,
September 13, 1875.

NOTICE TO TAX-PAYERS.

NOTICE IS HEREBY GIVEN THAT THE AS-essment Rolls on Personal Property and Bank Stock for the year 1875 have been delivered to the undersigned, and that the taxes thereon are now due and payable at this office.

In case of payment before the first day of November next, the person so paying shall be entitled to the benefits mentioned in the twenty-ninth section of the act of March 30, 1850, viz.: A reduction at the rate of seven per cent. per annum from the time of payment to the 1st day of December next.

The real estate books will be ready for payment on the 15th of September instant.

MARTIN T. McMAHON,
Receiver of Taxes.

DEPARTMENT OF FINANCE,
BUREAU FOR THE COLLECTION OF ASSESSMENTS,
ROTUNDA, NEW COURT-HOUSE,
NEW YORK, August 7, 1875.

NOTICE TO PROPERTY-HOLDERS.

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

CONFIRMED JULY 13, 1875.

Outlet sewer in One Hundred and Tenth street, from Harlem river to Fifth avenue, to One Hundred and Sixteenth street to Seventh avenue, with branches in Second, Fourth, and Fifth avenues, One Hundred and Eleventh, One Hundred and Twelfth, One Hundred and Thirteenth, and One Hundred and Twentieth streets.

All payments made on the above assessments on or before October 7, 1875, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of confirmation.

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

SPENCER KIRBY,
Collector of Assessments.

DEPARTMENT OF FINANCE,
BUREAU FOR THE COLLECTION OF ASSESSMENTS,
ROTUNDA, COURT-HOUSE,
NEW YORK, July 26, 1875.

NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTI-fied that the following Assessment Lists were received this day in this Bureau for collection:

CONFIRMED JULY 3, 1875.

Flagging Fifty-first street, both sides, from Tenth to Eleventh avenue, and north side, from Eleventh avenue to the North river, full width.

One Hundred and Sixth street, regulating, grading, curb, gutter, and flagging, from Third avenue to East river.

One Hundred and Fiftieth street (formerly Denman street, Morrisania), grading, from Third to Morris avenue.

One Hundred and Fifty-second street (formerly Elton street, Morrisania), grading, from Third to Morris avenue.

Sewers in One Hundred and Fifty-second street, between Boulevard and Tenth avenue, and in Tenth avenue, between One Hundred and Fifty-second and One Hundred and Fifty-fifth streets.

Sewers in Sixth, Seventh, and St. Nicholas avenues, between One Hundred and Tenth and One Hundred and Sixteenth streets, with branches.

Sewers in Sixth avenue, between One Hundred and Sixteenth and One Hundred and Twenty-fifth streets; Seventh avenue, between One Hundred and Sixteenth and One Hundred and Twenty-first streets, and in One Hundred and Twenty-first street, between Sixth and Seventh avenues, with branches.

Sewers in Seventh avenue, between One Hundred and Twenty-first and One Hundred and Thirty-seventh streets, with branches.

Sewers in Sixth avenue, between One Hundred and Twenty-ninth and One Hundred and Forty-seventh streets, with branches.

Paving Seventy-first street, from Eighth avenue to the Boulevard, with Belgian pavement.

Paving Eighty-fifth street, from Fifth avenue to Avenue A, with Belgian or granite-block pavement.

CONFIRMED JULY 13, 1875.

One Hundred and Fifty-first street (formerly Gouverneur street, Morrisania), grading from Third to Morris avenue.

One Hundred and Ninth street, curb, gutter, and flagging, from Third avenue to Harlem river.

Eighty-seventh street, regulating, grading, setting curb, gutter, and flagging, from First avenue to East river.

All payments made on the above assessment on or before September 24, 1875, 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 several dates of confirmation.

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

SPENCER KIRBY,
Collector of Assessments.

NOTICE OF THE SALE OF LANDS AND TENEMENTS FOR UNPAID ASSESSMENTS.

CITY OF NEW YORK,
DEPARTMENT OF FINANCE,
BUREAU OF ARREARS, JULY 1, 1875.

UNDER THE DIRECTION OF ANDREW H. Green, Comptroller of the City of New York, the undersigned hereby gives public notice, pursuant to the provisions of the act entitled "An act for the collection of taxes, assessments, and Croton water rents in the City of New York," and to amend the several acts relative thereto, passed April 8, 1871, that the respective owners of all the lands and tenements on which assessments have been laid and confirmed, and are now due and unpaid, and have remained due and unpaid since the confirmation of said assessments, for regulating, grading, curb, gutter, and paving streets, flagging sidewalks and crosswalks, fencing and filling lots, building sewers, culverts, underground drains, etc., confirmed prior to January, 1872, are required to pay the amount of the assessments so due and remaining unpaid to the Clerk of Arrears, at his office, in the City of New York, together with the interest thereon, at the rate of twelve per cent. per annum, to the time of payment, with the charges of this notice and advertisement; and if default shall be made in such payments, such lands and tenements will be sold at public auction, at the New Court-house, in the City Hall Park, in the City of New York, on Tuesday, October 5, 1875, at twelve o'clock, noon, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the amount of the assessment so due and unpaid, and the interest thereon, as aforesaid, to the time of the sale, and together with the charges of this notice and advertisement, and all other charges and costs accrued thereon; and that such sale will be continued from time to time, until all the land and tenements here advertised for sale shall be sold.

And notice is hereby further given, that a detailed statement of the assessments, the ownership of the property on which the assessments are due and unpaid, is published in a pamphlet, and that copies of the pamphlet are deposited in the office of the Clerk of Arrears, in the Finance Department, and will be delivered to any person applying for the same.

A S CADY,
Clerk of Arrears.

BUREAU FOR THE COLLECTION OF TAXES,
COURT-HOUSE, PARK, 32 CHAMBERS STREET,
September 15, 1875.

BUREAU FOR THE COLLECTION OF TAXES,
COURT-HOUSE, PARK, 32 CHAMBERS STREET,
September 15, 1875.

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September 15, 1875.

BUREAU FOR THE COLLECTION OF TAXES,
COURT-HOUSE, PARK, 32 CHAMBERS STREET,
September 15, 1875.

BUREAU FOR THE COLLECTION OF TAXES,
COURT-HOUSE, PARK, 32 CHAMBERS STREET,
September 15, 1875.

CORPORATION SALE OF FERRY FRANCHISES.

SEALED BIDS WILL BE RECEIVED AND publicly opened at the Comptroller's office, on Thursday, September 23, 1875, at 2 o'clock P. M., for Leases of Franchise or right to maintain and operate several ferries around the City of New York for the terms and on the conditions hereafter set forth.

The leases will be made to conform to the requirements of the laws relative to ferries, and subject to such regulations, ordinances, or by-laws, as now are or hereafter may be made or passed by the Common Council or State Legislature, and the leases will also provide that the lessees shall take and assume at their own costs and charges all or any responsibilities and liabilities of the Corporation of the City of New York to the present lessees of ferries in relation to boats, fixtures, etc., belonging to such lessees at the respective ferries.

The minimum rate for which the ferry franchise or license to operate ferries shall be used or enjoyed, has been appraised and set by the Commissioners of the Sinking Fund at two and one-half per centum of the gross receipts for ferrage that shall hereafter accrue at each separate ferry, to be paid quarterly to the Corporation, and a covenant will be contained in each lease requiring the lessees to make and deliver to the Comptroller of the City of New York, quarterly, a statement in writing verified by oath or affirmation of the lessee or of such proper officer of the lessee as may be designated by the Comptroller of the actual total gross receipts for ferrage received by such lessee during the preceding three months, and also that the lessees shall keep regular books of account showing the daily gross receipts of the ferry leased, and allow said Comptroller or any person designated by him to examine such books.

The Department of Docks of the City of New York has fixed and established the rent for which it will lease the property in wharves, piers, slips, and lands under water belonging to the Corporation, at the several ferries to be leased to the parties or persons to whom the lease of the ferry franchise shall be awarded by the Commissioners of the Sinking Fund, for the term specified for the lease of the franchise, at the rates set forth hereafter, and no deviation will be made from the same, and covenants will be contained in such leases for construction, maintenance and surrender of all necessary fixtures and appurtenances to the wharf and pier property belonging to the city used by such respective ferries.

Proposals for the lease or license to use the ferry franchise at the respective ferries, to state the maximum percentage on gross receipts which the person or parties offering to take each ferry will pay in addition to the rent fixed by the Department of Docks for the use of the pier or wharf property belonging to the city, but no lease will be given at less than the minimum rate of 2½ per cent. on the gross receipts.

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

The several ferries at which the franchise only is to be leased are as follows:

1st. The ferry from the foot of Tenth street, East river, to Greenpoint, Long Island, for the term of five years from October 1, 1875.

2d. The ferry from the foot of Barclay street, North river, to Hoboken, in the State of New Jersey, for the term of two years from October 1, 1875.

The several ferries at which the franchise is to be leased, with use of pier and wharf property belonging to the City of New York, are as follows:

3d. The ferry from the foot of Grand street, East river, to Grand street, Brooklyn, E. D., including such wharf property as shall have been heretofore used by the ferry run from these points, for the term of ten years from October 1, 1875, subject to payment of \$2,000 per annum for the first five years and \$3,000 per annum during the second five years, rent payable quarterly to the Department of Docks.

4th. The ferry from the north side of Twenty-third street, East river, as now occupied, to Greenpoint, Long Island, for the term of five years from October 1, 1875, subject to \$2,000 per annum rent, payable as last mentioned.

5th. The ferry from the foot of Desbrosses street, North river, to Jersey City, New Jersey, for the term of one year from October 1, 1875, subject to \$3,000 per annum rent, payable as last mentioned.

6th. The ferry from the foot of Chambers street, North river, to Pavonia, New Jersey, for the term of one year from May 1, 1875, subject to \$15,000 per year rent, payable as last mentioned.

All of such leases to contain, in addition to the usual covenants and agreements, a clause to the effect that the lessees will, at all times during the term of their respective leases, well and sufficiently repair, uphold, sustain, amend, maintain and keep all and singular the floats, racks, fenders, bridges, and other fixtures at each landing place of their respective ferries, and that in the event of any damage to the bulkheads and piers adjoining their respective ferries, from collision by ferryboats or otherwise, from any action or negligence on their part, that they the said lessees will immediately repair and restore said property to its former good condition, free of cost and expense to the Corporation; also, that if at any time during the continuance of the demised term the Department of Docks shall require any of the premises connected with any ferry slip or landing place so leased, upon written notice having been given for three months previously that it is the desire of the Department of Docks to progress with the improvements in that vicinity, such Department of Docks may declare the demised term to be terminated, and the lessees shall surrender up the premises and vacate the same without any claim upon the City of New York for any damages whatever.

Bids to be addressed to the undersigned, indorsed "Bids for Ferry Franchises."

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

NEW YORK, COMPTROLLER'S OFFICE,
September 7, 1875.

ANDW. H. GREEN,
Comptroller.

DEPARTMENT OF FINANCE,
BUREAU FOR THE COLLECTION OF ASSESSMENTS,
ROTUNDA, COURT-HOUSE,
NEW YORK, August 10, 1875.

NOTICE TO PROPERTY-HOLDERS.

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

CONFIRMED AUGUST 2, 1875.

Regulating and grading One Hundred and Twentieth street, from Seventh to Eighth avenue.

Regulating and grading One Hundred and Twenty-second street, from Mount Morris square to Ninth avenue.

Regulating, grading, curb, gutter, and flagging One Hundred and Twenty-sixth street, from Eighth avenue to Lawrence street.

All payments made on the above assessments on or before October 9, 1875, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of confirmation.

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

SPENCER KIRBY,
Collector of Assessments.

THE CITY RECORD.

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