

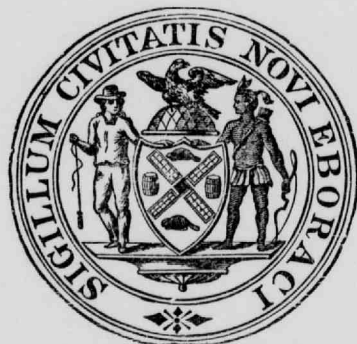
THE CITY RECORD.

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LEGISLATIVE DEPARTMENT.

BOARD OF ALDERMEN.

STATED SESSION.

TUESDAY, February 24, 1880, }
12 o'clock, M. }

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

PRESENT :

Hon. John J. Morris, President :

ALDERMEN

Frederick Finck,
Robert Foster,
Bernard Goodwin,
Henry Haffen,
Robert Hall,
Frederick Helbig,

John W. Jacobus,
Patrick Keenan,
Bernard Kenney,
William P. Kirk,
Charles H. Marshall,

Jeremiah Murphy,
William Sauer,
Thomas Sheils,
Joseph P. Strack,
William Wade.

The minutes of the last meeting were read and approved.

PETITIONS.

By the President—

Petition of Stanislaus Vyborny for appointment as a Commissioner of Deeds
Which was referred to the Committee on Salaries and Offices.

By Alderman Haffen—

Petition for the erection of retaining walls and railings in Fourth avenue, between One Hundred and Fifty-sixth and One Hundred and Sixty-second streets.

NEW YORK, February, 1880.

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

GENTLEMEN—The undersigned, owners of property lying adjacent to and near the tracks of the Harlem Railroad Company, in the Twenty-third Ward of the City of New York, respectfully petition your Honorable Body to cause the said Harlem Railroad Company to build retaining walls, surmounted by an iron railing, along each side of their tracks through the deep cutting between One Hundred and Fifty-sixth street and One Hundred and Sixty-second street, as the place in its present condition is dangerous and should be protected.

Charles H. Watson, 161st st., bet. Railroad ave. and Morris place.

Joseph Richards, Mott avenue, 161st st.

Ernest Hall, 161st st. and Railroad ave.

Charles Monks, 168th st. and Morris ave.

C. Vallender, N. W. cor. 161st st. and Railroad ave.

Francis Humbert, 161st st., bet. Railroad ave. and Morris pl.

Richard H. Teller, 161st st., bet. Railroad and Morris ayes.

Hugh Christie, 159th st., Railroad ave.

John H. Lohmeyer, 159th st., Railroad ave.

Henry W. Shaw, 162d st. and Morris ave.

Peter S. Daly, Teller pl., bet. 161st and 162d sts.

T. Dwight Martin, 161st st., near Morris pl.

G. H. Tinsly, 161st st., near Morris pl.

Edward Deicke, 161st st., N. E. cor. Railroad ave.

A. K. Livermore, 161st st., near Railroad ave.

J. C. Fagan, Morris pl. and 163d st.

Joseph Hoetzel, 158th st., bet. Court and Railroad ayes.

Thomas Bale, 158th st., near 4th ave.

M. A. Thyer, 158th st. and Terrace pl.

Which was referred to the Committee on Streets and Street Pavements.

By the President—

Petition of Van Schaick & Gillender for permission to erect a bay-window in front of No. 43 Fulton street.

Which was referred to the Committee on Streets and Street Pavements.

MOTIONS AND RESOLUTIONS.

By the President—

AN ORDINANCE to license persons of good character, and citizens of this State, to sell tickets or certificates of admission for all places of amusement where admission is by ticket or certificate.

Section 1. Every person, before selling or attempting to sell in any of the public streets of this city, any ticket or certificate of admission to any place of amusement or entertainment, where admission is by ticket or certificate, shall obtain a license from the mayor, together with a metal badge, not less in size than a silver dollar, with a number thereon to correspond with the number of his license; and at all times, while selling such tickets or certificates, the badge shall be worn in a conspicuous place on the front of his coat.

Sec. 2. Each license and badge shall be used only by the person to whom they were issued, and if used by any other person, in violation of this section, shall subject both the owner and the person other than the owner so using such license or badge, to the penalty prescribed in section 6 of this ordinance.

Sec. 3. No person so licensed shall sell or offer for sale any such ticket or certificate in any public street within the distance of one hundred feet of the entrance to any building or place of amusement in which any entertainment or theatrical performance is to be given, where admission is by ticket or certificate, under the penalty prescribed in section 6 of this ordinance.

Sec. 4. Every person so licensed as aforesaid, who shall deceive any purchaser by selling any ticket or certificate of admission, falsely representing the location or number of the seat or seats in any such place of entertainment, shall thereby incur the penalty prescribed in section 6 of this ordinance; nor shall any person sell any such ticket or certificate in any hallway or vestibule of any building in which such entertainment is to be given, without the consent of the person giving the entertainment, under a like penalty.

Sec. 5. Every person so licensed shall pay a license fee, for the benefit of the city treasury, of one hundred dollars, and for each renewal of such license the fee shall be fifty dollars; and all licenses and renewals shall be for one year from the date thereof, and may be revoked at the will and pleasure of the mayor.

Sec. 6. Every person offending against or violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be arrested and taken before the police magistrate sit-

ting at the nearest police court, or if after court hours, detained in the nearest police station until the opening of such court, and upon conviction, shall be fined ten dollars for every such offense or violation, and in default of payment, by imprisonment not exceeding ten days.

Sec. 7. The Commissioners of Police are hereby directed to carry into effect the provisions of this ordinance.

Sec. 8. All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance are hereby repealed.

Sec. 9. This ordinance shall take effect immediately.

Which was referred to the Committee on Law Department.

By Alderman Keenan—

Resolved, That permission be and the same is hereby given to E. D. Connolly to erect two bay-windows on premises Nos. 35 and 37 Fifty-seventh street, as shown in the annexed diagram, the consent of the adjoining property owners having been received and is hereto annexed, the work done at his own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

Alderman Marshall moved to refer to the Committee on Streets and Street Pavements.

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

Which was decided in the negative by the following vote, on a division called by Alderman

Marshall, viz. :

Affirmative—Aldermen Coggey, Hall, Kenney, Marshall, Murphy, and Strack—6.

Negative—The President, Aldermen Finck, Goodwin, Haffen, Jacobus, Keenan, Sauer, and Wade—8.

Alderman Sauer moved that the resolution be laid over.

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

Which was decided in the affirmative.

Subsequently Alderman Keenan moved a reconsideration of the vote by which the resolution

was laid over.

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

Which was decided in the affirmative.

Alderman Keenan then moved the adoption of the resolution.

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

Which was decided in the affirmative by the following vote, on a division called by Alderman

Marshall, viz. :

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Helbig, Jacobus, Keenan, Kenney, Kirk, Sauer, Sheils, Strack, and Wade—16.

Negative—Aldermen Marshall and Murphy—2.

By Alderman Perley—

Resolved, That a retaining-wall be built at the intersection of First avenue and Forty-third street, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Public Works.

By Alderman Finck—

Resolved, That August Isarr be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York.

Which was referred to the Committee on Salaries and Offices.

By Alderman Sheils—

Resolved, That Daniel Leamy be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York.

Which was referred to the Committee on Salaries and Offices.

By Alderman Sauer—

Resolved, That Tenth avenue, between Seventy-second and Seventy-fourth streets, be paved with Belgian or trap-block pavement, and that at the several intersecting streets and avenues cross-walks be laid where not now laid, and relaid where those now laid are, in the opinion of the Commissioner of Public Works, not in good repair, or are not upon a grade adapted to the grade of the proposed new pavement, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was referred to the Committee on Public Works.

By Alderman Goodwin—

Resolved, That Joseph H. Deane be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York.

Which was referred to the Committee on Salaries and Offices.

By Alderman Keenan—

Resignation of Edward Kaufmann as a Commissioner of Deeds.

Which was accepted.

By the same—

Resolved, That John Semered be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Edward Kaufmann, who has resigned.

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

Which was decided in the affirmative by the following vote, viz. :

Affirmative—The President, Aldermen Coggey, Finck, Goodwin, Haffen, Hall, Helbig, Jacobus, Keenan, Kenney, Kirk, Marshall, Murphy, Strack, and Wade—15.

By Alderman Jacobus—

AN ORDINANCE for the better protection of the theatre-going public.

Section 1. The mayor of the city of New York may from time to time grant licenses as he shall think proper to any person acting for himself to exercise or carry on the business commonly known as ticket speculating.

Sec. 2. Every person receiving such license shall pay therefor to the mayor, for the use of the city, the sum of one hundred dollars (\$100), and every such license shall expire, unless sooner revoked, one year from the date thereof; and it shall be lawful for the mayor to renew and continue any such license, provided the applicant therefor continue in all things qualified, as hereinbefore provided, to hold such license, and the application to be made therefor prior to the expiration thereof, at such time as may be appointed by the mayor; and every person, upon the renewal of said license, shall pay to the mayor for the use of the city the further sum of fifty dollars (\$50).

Sec. 3. Every such licensed person, whenever selling tickets at any place of amusement, shall wear conspicuously on his coat a metal badge containing the number of his license, and no person, except he be so licensed, shall wear such license badge, or any badge purporting to be the badge of such licensed person, under a penalty of \$20 for each and every offense. The mayor of the city shall determine the form and material of such badge.

Sec. 4. No person, except he be licensed as aforesaid, shall exercise the right or carry on the business commonly known as ticket speculating under a penalty of fifty dollars' (\$50) fine for each and every offense.

This ordinance shall take effect immediately.

Which was referred to the Committee on Law Department.

By the same—

Resolved, That the sidewalks on both sides of Sixty-third street, between Ninth and Tenth avenues, be flagged a space five feet wide through the centre thereof, where not already so flagged, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Streets and Street Pavements.

PETITIONS RESUMED.

By Alderman Sauer—

Petition of Richard Arnold and Henrietta Constable for permission to construct oriel window on the house corner of Fifth avenue and Nineteenth street.

Which was referred to the Committee on Streets and Street Pavements.

MOTIONS AND RESOLUTIONS RESUMED.

By Alderman Goodwin—

Resolved, That Harris Wines, Jr., be and is hereby appointed Commissioner of Deeds, in place of Harris Wines, Jr., whose term of office expires on the first day of March, 1880.

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

Which was decided in the affirmative by the following vote, viz. :

Affirmative—The President, Aldermen Coggey, Finck, Goodwin, Haffen, Hall, Helbig, Jacobus, Keenan, Kenney, Kirk, Marshall, Murphy, Sauer, Strack, and Wade—16.

MESSAGES FROM HIS HONOR THE MAYOR.

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

MAYOR'S OFFICE, NEW YORK, February 19, 1880.

To the Honorable the Board of Aldermen :

I return, without my approval, the resolution of the Board of Aldermen and accompanying ordinance, adopted February 10, 1880, providing that curb and gutter stones be set and sidewalks flagged in Sixty-third street, from Eighth to Tenth avenue.

From the records of the Bureau of Street Improvements, it appears that the part of Sixty-third street from Eighth to Ninth avenue was regulated, graded, curbed, guttered and flagged in 1868, and an assessment laid for the work. It has been decided that property which has been once assessed for curbing, guttering and flagging, cannot be again assessed for the same class of work.

A contract was made in 1869 to regulate, grade, curb, gutter and flag Sixty-third street, between Ninth and Tenth avenues, but the contractor abandoned the work in 1870, and no assessment has been laid. There would be no objection to a resolution and ordinance for curbing, guttering and flagging Sixty-third street, between Ninth and Tenth avenues.

EDWARD COOPER, Mayor.

Resolved, That curb and gutter be set and sidewalks flagged in Sixty-third street, from Eighth to Tenth avenue, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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

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

MAYOR'S OFFICE, NEW YORK, February 19, 1880.

To the Honorable the Board of Aldermen :

I return, without my approval, the resolution of the Board of Aldermen, and accompanying ordinance, adopted February 10, 1880, providing for the paving of Seventy-fifth street, between Second and Fourth avenues.

Seventy-fifth street, between Second and Third avenues, is already paved. Between Third and Fourth avenues the street is regulated and graded, and has a sewer and water-main, but is not built upon, and no petition for the work accompanies the resolution.

EDWARD COOPER, Mayor.

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

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

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

MAYOR'S OFFICE, NEW YORK, February 19, 1880.

To the Honorable the Board of Aldermen :

I return, without my approval, the resolution of the Board of Aldermen and accompanying ordinance, adopted February 10, 1880, authorizing the paving of Seventy-sixth street, between Third and Lexington avenues.

A resolution and ordinance for the paving of Seventy-sixth street, from Third to Fourth avenue, was adopted by the Board of Aldermen December 2, 1879, and approved by the Mayor December 10, 1879.

EDWARD COOPER, Mayor.

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

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

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

MAYOR'S OFFICE, NEW YORK, February 19, 1880.

To the Honorable the Board of Aldermen :

I return, without my approval, a resolution of the Board of Aldermen and accompanying ordinance, adopted February 10, 1880, providing that the vacant lots on the east side of Broadway, between Fifty-fifth and Fifty-sixth streets, be fenced in.

The lots referred to in the resolution are already fenced in with a good fence.

EDWARD COOPER, Mayor.

Resolved, That the vacant lots on the east side of Broadway, between Fifty-fifth and Fifty-sixth streets, be fenced in, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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

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

MAYOR'S OFFICE, NEW YORK, February 24, 1880.

To the Honorable the Board of Aldermen :

I return, without my approval, the preamble and resolutions of the Board of Aldermen, adopted February 10, 1880, stating that "the Trustees of the Brooklyn Bridge have applied for an additional appropriation of \$2,250,000, and this city will be called upon to furnish one-third of this amount," and requesting "the Senators of this State to appoint the Senate Committee on Cities with power to fully investigate this whole matter before recommending the appropriation of a single dollar additional for any purpose connected with this bridge."

The construction of the bridge between New York and Brooklyn was commenced by "The New York Bridge Company," incorporated by chapter 399 of the Laws of 1867. The capital stock of the company was fixed by the act at \$5,000,000, with a provision that it might be increased with the consent of the owners of a majority of the stock. The cities of New York and Brooklyn were authorized to subscribe to the capital stock of the Company such amounts as two-thirds of their Common Councils should respectively determine, "and to issue bonds in payment of such subscriptions." The City of New York subscribed \$1,500,000, the City of Brooklyn \$3,000,000, and individuals \$500,000.

By chapter 26 of the Laws of 1869 the Mayor, Comptroller, and President of the Board of Aldermen of New York, and the Sinking Fund Commissioners of the City of Brooklyn, were constituted directors of the Company.

Chapter 601 of the Laws of 1874 authorized the two cities to make additional subscriptions to the stock by a vote of the Common Councils of the cities, respectively, and provided that after such subscriptions were made the directors should be appointed by the Mayor and Comptroller of each city. The act also provided for the purchase of the "private stock" subscribed under the Law of 1867. The Common Council of New York took no action under this law and it was consequently inoperative.

By chapter 300 of the Laws of 1875, which is now in force, the construction of the bridge was placed under the control of a Board of Trustees, composed of the Mayor and Comptroller of the cities of New York and Brooklyn, and of sixteen trustees holding office for the term of two years, eight appointed by the Mayor, Comptroller, and President of the Board of Aldermen of New York, and eight by the Mayor, Comptroller, and City Auditor of Brooklyn. Under this law the cost of the work is paid by the two cities in the proportion of two-thirds by Brooklyn and one-third by New York, New York having an equal share in the management while liable for only one-third of the cost.

The bridge is declared to be "a public work to be constructed by the two cities," which, upon requisition of the trustees, are to furnish the sums necessary to pay the expenses of construction to the amount of \$8,000,000 in addition to the sums advanced before the passage of the act. The two cities are authorized and required to issue bonds bearing interest at a rate not exceeding seven per cent. "to meet the requirements of the trustees and to pay the proceeds thereof to them." Sums required to pay interest on the bonds issued are withheld from the payments to the trustees and charged "as part of the construction of the bridge." Under the provisions of this law the stock of private stock-holders was bought in by the Board of Trustees for the sum of \$477,808.36, the amount actually paid for it and interest, and the system was inaugurated under which the construction of the bridge has since proceeded as a public work. The object of the bill now before the State Senate is to make a further appropriation of \$2,250,000 to complete the bridge.

The cost of the bridge up to February 1, 1880, is reported to me to be as follows, viz :

Cash expenditures.....	\$11,286,386 54
Amount withheld for interest on bonds payable by New York and charged to construction.....	244,750 31
Amount withheld for interest on bonds payable by Brooklyn and charged to construction.....	809,639 93
Cash liabilities.....	68,674 93
Total cost to February 1, 1880.....	\$12,409,451 71

The payments made and the amounts now payable by New York, are as follows, viz. :

Subscription to Stock of the New York Bridge Company, under chapter 399 of the Laws of 1867.....	\$1,500,000 00
Payments to the Bridge Trustees, under chapter 300 of the Laws of 1875.....	2,350,000 00
Total payments to Bridge Company and Bridge Trustees.....	\$3,850,000 00
Amount withheld for interest.....	244,750 00
Balance payable on account of appropriation of \$8,000,000, under chapter 300 of Laws 1875.....	71,900 00
Total.....	\$4,166,650 00

In addition to the amount of \$71,900 payable by the city of New York on account of the appropriation of \$8,000,000, under chapter 300 of the Laws of 1875, the amount of \$154,726.73 still remains to be paid to the Trustees by the City of Brooklyn under that act, making the total balance available to the Trustees, \$226,526.73. This sum will soon be exhausted, and unless a further appropriation is made work on the bridge must stop.

It is useless to discuss at this time whether the erection of the bridge should have been originally undertaken, or whether the City of New York should have assumed a share in its cost and ownership. The investment is too large to be abandoned.

The Law of 1875, under which nearly \$8,000,000 have been expended, was fully discussed at the time of its passage and was advocated before Committees of the Legislature by prominent citizens of New York, among them the present Comptroller of this City.

The liability of New York for the bonds which it has issued for past expenditures must be met, whether the appropriation asked for be granted or refused, or whether the work be completed or stopped. Delay in completing the bridge will postpone the receipts of income from tolls. I am assured that, if the appropriation now asked for be made promptly, the bridge will be completed before May 1, 1881, and that no further appropriations will be needed.

The condition of the contracts now outstanding furnishes a strong reason against delaying the appropriation. They were made during low prices and cannot be duplicated except at a very large advance, which would probably amount to nearly one hundred per cent. on the contract for the metal suspended superstructure. This contract amounts to \$568,000. The contracts for stone and other materials yet to be furnished amount to over \$400,000. The contract for the suspended superstructure is terminable on the first of May next, at the option of the contractors, unless the Trustees before that date notify them to furnish the whole of the work. If the trustees shall not be in a position to do this, the contractors will doubtless terminate the contract.

Failure on the part of the trustees to provide for the continuance of the work before May first, would also, I believe, cause a delay of at least from six to nine months in the completion of the bridge and add to its cost from one-half to three-quarters of a million of dollars for interest and the expenses of the permanent staff of engineers and employees, etc.

The preparation of the necessary rolls and appliances for making and fitting the special forms of steel required for the suspended superstructure has occupied the present contractors for several months. If the present contract be cancelled through the failure of the appropriation, the trustees will be forced either to accede to whatever terms the present contractors may dictate or to advertise for new proposals and allow time for the construction of the necessary appliances. Under new contracts the work for the season of 1880 could not be begun before autumn, and the completion of the bridge would necessarily be delayed until at least the close of the year 1881.

It appears to me that such a delay of the appropriation, as is called for by your resolution, would probably involve an additional outlay of not less than \$1,500,000, of which \$1,000,000 would fall upon Brooklyn and \$500,000 upon New York. Like every other public work, the management of the New York and Brooklyn Bridge should be at all times open to investigation, but I see no adequate reason for making such an inquiry the occasion of the waste of so large a sum of public money. If the Legislature deems it proper to institute an inquiry into the present management of the bridge, it can be conducted while the work proceeds.

The representatives of New York in the Board of Trustees are the Mayor, the Comptroller, and Messrs. John T. Agnew, Herman Uhl, Robert B. Roosevelt, Isaac Newton, John G. Davis, Erastus Smith, and J. Adriance Bush, who were appointed by the votes of the Mayor and the President of the late Board of Aldermen, and Mr. J. H. Mooney, who was recently appointed by the vote of the Comptroller and the President of the present Board of Aldermen.

Mr. John T. Agnew is Chairman of the Executive Committee, which is charged with the examination of all details of administration, and Mr. Herman Uhl is Chairman of the Finance Committee, by which all payments are audited. The character of the trustees is a guarantee of honest management.

In view of the considerations which I have stated, and of the fact that a considerable portion of the very large sum already expended upon the bridge is justly chargeable to the delays, litigations, and irregularity in the payment of appropriations which have impeded its progress, I believe that the public interests require the speedy completion of the work without wasteful delay under pretense of investigation.

EDWARD COOPER, Mayor.

Whereas, The Trustees of the Brooklyn Bridge have applied to the Legislature for an additional appropriation of two millions two hundred and fifty thousand dollars, and this city will be called upon to furnish one-third of this amount as its share of this large sum, as appears by reference to the following paragraph, taken from one of the daily papers of last week, published in this city :

"The East River Bridge Trustees presented their case before the Senate Committee on Cities yesterday, and put in their demand for the trifling sum of \$2,250,000, which they say is necessary to complete the work. But several appropriations have already been made under the stipulation that the millions called for were to be the last. The new call may or may not be the final one—most likely not. Before it is responded to, why not investigate the bridge, to find out if Haigh's rotten wires are really in the cables?"

Therefore be it

Resolved, That this Board of Aldermen, representing the citizens of this city, do respectfully request the Senators of this State to appoint the Senate Committee on Cities, with power to fully investigate this whole matter before recommending the appropriation of a single dollar additional for any purpose connected with this bridge; and be it further

Resolved, That the Clerk of the Board be and he is hereby directed to transmit a copy of this preamble and resolution to the President, and the Chairman of the Committee on the Affairs of Cities of the Senate.

While the message was being read, Alderman Sauer moved to suspend the further reading thereof.

Alderman Marshall moved to lay on the table.

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

Which was decided in the affirmative.

Subsequently Alderman Marshall moved a reconsideration of the above vote.

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

Which was decided in the negative.

COMMUNICATIONS.

The President laid before the Board the Twenty-eighth Annual Report of the New York Juvenile Asylum.

Which was ordered on file.

MOTIONS AND RESOLUTIONS AGAIN RESUMED.

By Alderman Foster—

Resolved, That permission be and the same is hereby given to John H. Dillon to place and keep a stand for the sale of newspapers, on the sidewalk at the curb-stone, under the stairway of the Elevated Railroad Station, at the northwest corner of Third avenue and Fourteenth street, he having obtained the consent of the occupants of the premises on said corner; said stand to be three feet wide by seven feet long, and not to be an obstruction to the free uses of the sidewalk; the work done at his own expense; such permission to continue only during the pleasure of the Common Council.

Alderman Marshall moved to refer to the Committee on Streets and Street Pavements.

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

Which was decided in the negative.

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

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

Affirmative—Aldermen Coggey, Foster, Goodwin, Haffen, Hall, Helbig, Jacobus, Keenan, Kenney, Kirk, Murphy, Sauer, and Wade—13.

Negative—The President, Aldermen Finck, Marshall, and Strack—4.

By Alderman Hall—

Resolved, That William H. Salter be and he hereby is appointed a Commissioner of Deeds in and for the City and County of New York, in the place and stead of William H. Salter, whose term of office expired on the 19th day of February, 1880.

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

Which was decided in the affirmative by the following vote, viz. :

Affirmative—The President, Aldermen Coggey, Foster, Goodwin, Haffen, Hall, Helbig, Jacobus, Keenan, Kenney, Kirk, Marshall, Murphy, Sheils, Strack, and Wade—16.

COMMUNICATIONS RESUMED.

NEW YORK, February 24, 1880.

To the Honorable the Common Council of the City of New York:

GENTLEMEN—The accompanying message from his Honor the Mayor, vetoing a resolution passed and adopted by your Honorable Body, on the 28th day of January, 1880, adopting the Revision of the Ordinances as prepared by Elliott F. Shepard and Ebenzer B. Shafer, Commissioners appointed for that purpose, demands from them a prompt and careful consideration; as well by reason of its bearing upon the nature of our municipal organization, as by its reflections upon the integrity and validity of the Revision of the Ordinances.

The course of legislation from the adoption of the Charter of 1830 to the reorganization of the City Government under the Charter of 1873, has been to diminish the powers, distribute the privileges, and limit the functions of government conferred upon the Common Council, by the Dongan and Montgomerie Charter; and it is, in consequence, important that your Honorable Body should fully comprehend the effect of this veto of his Honor the Mayor, which apparently completes the encroachments upon the powers, privileges and functions of the Common Council.

The Common Council, by the Charter of 1830, was divested of the executive powers it had anterior to that date, and was created a legislative body simply; while the enforcement and execution of its laws and ordinances were entrusted to "district departments," which it became the duty of the Common Council to organize and appoint. Previous to that date, the powers of the Common Council (subject, of course, to the paramount authority of the Colonial Governors and the State Legislature) were almost absolute in extent; the making of laws and ordinances for local government, the establishment of ferries, the construction of new streets and bridges, the alteration of the old, the erection of public buildings, the appointment and removal of public officers, as well as the due enforcement and execution of its laws, were all within the scope of its power and authority.

By the Charter of 1857, and that of 1873, many of the powers, etc., then possessed by the Common Council, disappeared, passing over into various departments created by the State, and reducing our local government to a practical bureaucracy. While the legislative functions of the Common Council were not destroyed, the sphere of their control was limited.

These departments whose authority was determined by the provisions of the act that gave them birth, were yet in regard to many details placed under the supervision of the Common Council, while forbidden to usurp the powers of which they had been deprived, were authorized to facilitate and perfect the organization and proper working of each of the twelve departments in which the executive power of the government vest.

The veto message of his Honor the Mayor, however, seems to deny that the Common Council possesses even these powers, or even the privileges of an advisory council; and with a few striking generalizations virtually reduces your Honorable Body to a chimera, revolving in a vacuum.

If the Common Council is not clothed with authority, under the Charter of 1873, to pass ordinances relative to the perfecting and carrying into effect the powers and duties which once belonged to it, but now vested in the various departments, then it is possessed of no prerogatives whatsoever.

We submit, however, that the authority conferred upon the Common Council by the Charter of 1873, to legislate respecting the execution of all powers vested in the Corporation, the organization, perfecting and carrying out the powers and duties prescribed to any department, is clear, ample, and without peradventure.

The Charter of 1873, § 2, says: "The legislative power of the said Corporation shall continue to be vested in a Board of Aldermen, and a Board of Assistant Aldermen, who together shall form the Common Council of the City of New York. The Board of Assistant Aldermen is hereby abolished after the first day of January, 1875; and from and after that date the Board of Aldermen is hereby declared to be the Common Council, and shall possess the powers and perform all the duties by law conferred or imposed upon the Board of Aldermen and Board of Assistant Aldermen, the Common Council, or any one or more of them."

Section 17, in defining the powers of the Common Council, says: "The Common Council shall have power to make, continue, modify and repeal such ordinances, regulations and resolutions as may be necessary to carry into effect any all the powers now vested in and by this act conferred upon the Corporation, and shall have the power to enforce obedience to such ordinances and observance thereof, by ordaining penalties for each and every violation thereof, * * * * *; and shall have power to make such ordinance, not inconsistent with law and the constitution of the State, etc., etc."

Section 9, continuing, says: "Whatever provisions and regulations, other than those herein specially authorized, may become requisite for the fuller organization, perfecting and carrying out of the powers and duties prescribed by this act, shall be provided for by ordinances of the Common Council, who are hereby authorized to enact such necessary ordinances. And it shall be the duty of the Common Council to provide for the accountability of all officers and other persons * * * to whom the receipt and expenditure of the funds of the City shall be entrusted."

It is incumbent, perhaps, upon the Common Council to examine minutely the observations and objections of his Honor the Mayor to the new revision of the ordinances.

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

The truth of the first sentence of this statement is palpable, though why "ordinances passed under former laws, and not in accordance with existing laws," need to be repealed by the Common Council is not so apparent.

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

In respect to the wisdom of the first sentence, there can be but one accord:

1st. The new Revision of the Ordinances is not "a mere compilation without reference to laws now in force."

2d. It does not contain "provisions inconsistent with law."

3d. It does not contain "provisions contrary to law."

There undoubtedly exists in the mind of his Honor the Mayor a misapprehension of the scope of the authority which was bestowed on the Commissioners.

They possessed no delegated legislative power to add to, change, alter, or repeal ordinances, though such ordinances may have passed into disuse, or apparently have become superseded by the paramount law.

The power conferred and duly imposed upon the Commissioners was to revise such ordinances as were not annulled or repealed by the Common Council, or annulled by act of the State Legislature. In pursuance of such power and duty, the Commissioners expunged from their revision the vast majority of the ordinances embraced in the revision of 1859, and the compilation of 1866, as well as the majority of the ordinances adopted since the latter period.

Wherever there was a difference of opinion between the Commissioners, or among those in authority who were especially competent to pass a judgment, as to whether or not a certain ordinance had been superseded by the State law, such ordinance was retained and its validity left to be determined by the proper tribunals. For, if superseded by law, its retention could effect no injury; if not superseded, its exclusion might cause inexplicable confusion and serious loss.

In certain instances (i. e., the Sinking Fund ordinances), after due examination and consultation with eminent advisers, the integrity of an ordinance has been preserved, though a clause or provision thereof has become superfluous by act of law, lest in excluding one of its parts we endangered the whole.

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

The Commissioners were not empowered to make ordinances or resolutions.

As a mere matter of opinion, the Commissioners would deem it unwise to include in a mere revision of city ordinances, being in no sense like a civil or criminal code, a general repealing clause. There is none to be found in the revisions of 1834, 1838, 1845 and 1859.

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

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

The adoption of a mere revision or compilation of ordinances is not a re-enactment of them.

A resolution, adopting a revision of ordinances, once enacted in accordance with law, and unchanged, and still in full force and operation, does not involve over again an "expenditure of

money," "the alienation, appropriation or leasing of real estate, franchises or property of the city."

2. There are no ordinances embraced in the revision that involve the "expenditure of money, etc.," within the meaning of the charter.

3. Grant that some of those ordinances do involve an "expenditure of money, etc." They have once been enacted in conformity with the provisions of law, and still remain intact. If they should now be re-enacted in violation of law, that would not impair their original legal adoption, and present validity.

The Mayor now enters into particulars and cites the following sections as illustrations of illegal ordinances embraced in the Revision. He says:

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

We may reiterate what we have already remarked: that if no power to legislate in regard to completing and carrying into effect the prerogatives formerly belonging to the Common Council, but now vested in the various departments, is left in the Common Council by the charter of 1873, it is a mere figurehead, without the powers even of an advisory council.

That your Honorable Body does possess these powers is hardly now a subject for dispute. The charter of 1873, § 17 and § 19, provides that the Common Council may make, continue, modify, and repeal such provisions, ordinances, regulations and resolutions as may be necessary for the fuller organization, perfecting, and carrying into effect all the powers and duties prescribed to any department.

The various departments admit the possession of these powers by the Common Council, and have pronounced the ordinance embraced in the revision, relating to the duties of the subordinates in their respective departments to be legal, and in force; also requisite to the fuller organization, perfecting and carrying into effect the various powers and duties prescribed to their respective departments. The powers and duties of the Register of Permits (a Bureau in the Executive Department) were prescribed by the Common Council in 1876, and the authority for such action has been and now is recognized by the Executive Department. In one or two cases the salaries of subordinates seem to be specified in the ordinances as printed, though they are expunged in the original manuscript. It is of no possible consequence, however, as those provisions are, of course, superfluous, and can be stricken out or repealed at any time, if the Common Council deem it of sufficient moment.

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

The rest of this section, which his Honor does not quote, is as follows: "But no such expenditure shall be made without the written order of the Commissioner of Public Works, and a certificate by him, of the necessity thereof, in each case; and a copy of all such orders and certificates shall be filed in the office of the Commissioner of Public Works, and of the bureau by which the expenditure is made."

This provision in no way conflicts with the charter; and is not only legal, but of paramount importance.

The Charter of 1873, § 91, provides that all contracts for work or supplies, whether over or under \$1,000, shall be made under regulations established by ordinances of the Common Council.

This provision affords such regulations, which are now in full operation, and its importance is insisted upon by the Department of Public Works.

This provision prohibits expenditure for assessment work, or supplies by the Department of Public Works, and accordingly no such expenditure is made, except under an ordinance of the Common Council.

The Mayor continues: "It has been decided by the Court of Appeals that the Department of Public Works has exclusive control of the sewerage and drainage of the city, and that the Common Council has no jurisdiction in respect to work upon sewers and drains."

The Charter of 1873 conferred, among other powers, upon the Common Council the authority "to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers, and the erecting of gas lights."

Charter of 1873, Art. 2, § 17, ¶ 5.

Also to pass ordinances:

"In relation to the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, and sewers."

Ibid, ¶ 18.

The Commissioners apprehend that the Mayor is in error as to the Court of Appeals having decided that the "Department of Public Works has exclusive control of the sewerage and drainage of the city."

In the matter of Zborowski, 68 N. Y., 88, (the case to which the Mayor evidently refers) the Court held that "the power given to the Common Council by the act of 1870, to regulate by ordinance the building and repairing of sewers, is not to make ordinances to cause sewers to be built, but to regulate the manner of doing the work."

The Court proceeded to say, that

"There are matters fit to be the subject of an ordinance merely regulating the building of a sewer, as how great a length of street shall be open for the purpose at once, what precautions shall be taken against harm to the public; and other such things will easily suggest themselves."

"The power to regulate is given as to those things which the Common Council has not the power to initiate or compel." Simply this and nothing more.

The Court, therefore, instead of holding that the Common Council have no jurisdiction, distinctly declares that it has a certain jurisdiction in respect to sewers and drains.

The revision of the ordinances contain no ordinances which cause sewers to be built, and none that affect cognizance and control over the sewerage and drainage of the city. They are simply provisions and regulations under section 17, paragraphs 5 and 18, and section 90 of the charter for the fuller organization, perfecting and carrying out the powers vested in certain departments.

The Department of Public Works have examined, with great care, all the provisions relating to sewers and drains since the veto of his Honor the Mayor, and have given as their opinion that they are in force and operation, and are requisite to the proper working of their department; and that their abrogation would be a serious loss to the city.

The Mayor states further, that "The public works of the city north of the Harlem river (except repairing pavements and the Croton water works), and certain works south of that river, are by law under the control and charge of the Department of Public Parks. The ordinances ignore these provisions and leave this work under the Department of Public Works."

The charter of 1873, § 71, conferred upon the Department of Public Works the cognizance and control of the public works of this city.

By an act of 1874, (Laws of 1874, chapter 329,) in derogation of the charter, certain public works of the city were taken from the Department of Public Works and placed under the administration of the Department of Parks. The ordinances apply specially to the Department of Public Works, as they should. If there are no ordinances appertaining particularly to the Department of Parks the Commissioners are not authorized to create new ones, or, by an amendment, to make ordinances enacted in respect to one department applicable to another department. That is for your Honorable Body to do.

The Department of Parks having acquired jurisdiction of certain subjects, heretofore within the province of the Department of Public Works, the ordinances which appertained to those subjects, of course, passed with the jurisdiction and became in their nature applicable to that department without any act of the Common Council.

The Department of Parks has so held, and has acted under those ordinances, though in their terms they pertain to the Street Commissioners, and then by act of law to the Department of Public Works.

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

The charter of 1873, § 29, only provides that the Finance Department shall prescribe the form of helping and rendering of city accounts to that department.

That is to say, it can prescribe how the various departments must render accounts; but it cannot prescribe how the departments must keep their own accounts. The ordinances alone prescribe the mode and manner of keeping accounts in the various departments, and the Common Council are expressly authorized by the charter of 1873, § 17, p. 24, to pass ordinances "in relation to the mode and manner of suing for, collecting and keeping accounts of the city and county," etc.

The Mayor says that the validity of these provisions are doubtful; how, then, could the Commissioners exclude them?

It is for the Courts, not the Commissioners, to pass on their doubtful validity.

The Mayor continues: "Certain departments, as for instance, the Police, Fire, Charities and Correction, are charged by law with the construction, charge, and maintenance of the buildings used

by their respective departments. The ordinances impose these duties upon the Superintendent of Repairs and Supplies."

1st. There is no ordinance or ordinances embraced in the revision which imposes these duties upon the Superintendent of Repairs and Supplies.

The only ordinance relating to the subject is as follows:

"ARTICLE VI., CHAPTER 5.

"Bureau of Repairs and Supplies.

"Section 80. This bureau, the chief officer of which shall be called the Superintendent of Repairs and Supplies, is charged with the duty of superintending the construction and repairing of public buildings."

2d. The Superintendent of Repairs and Supplies derives his authority from this provision, and in accordance thereto now exercises that authority to superintend the construction of all public buildings of this city (i. e., the Court-house buildings, Market buildings, etc.), the superintendence of which is not otherwise specially provided for by law.

The special acts relative to the Departments of the Police, Fire, and Charities and Corrections do not annul, but are in derogation of this provision.

3d. Even if an amendment were desirable, the Commissioners possessed no power to make it.

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

By the Laws of 1871, chapter 381, the Clerk of Arrears is charged with the duty of making certain entries in a record of titles of assessments confirmed, kept in his office, so as to secure a lien upon the property assessed.

The ordinances embraced in this revision do not impose any of these duties upon the Collector of Assessments.

The ordinances relate to other and distinct classes of intermediate entries, not prescribed by any law. The Collector of Assessments has for a long period, and does now, make the entries prescribed by these ordinances.

That the Common Council, under §§ 17, 24, and 90, Charter 1873, possess the power to impose certain duties upon the Collector of Assessments we have already shown, and it is so recognized by the Collector himself.

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

The ordinances embraced in the revision are the ordinances of 1844, unchanged—and there are no others.

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

The ordinances alluded to are known as the Sinking Fund ordinances, adopted in 1844, and incorporated in the ordinances of 1859 without alterations. It was determined, after thorough examination with those eminent in municipal laws, to preserve these vital ordinances in their entirety, though two or three provisions thereof were apparently rendered needless by acts of law, lest their expurgation might affect seriously the body of ordinances of which they formed a part. These ordinances involve interests of so great a magnitude and extent that it was deemed unwise to alter or change them in any respect without special authority so to do. Take, for example, the provisions of the Sinking Fund, that requires all excise moneys to be paid into the Sinking Fund. The Mayor says: "By law they are appropriated each year to other purposes by the Board of Estimate and Apportionment."

By the act of 1875 (laws of 1875, chapter 221), the Board of Apportionment, in "their discretion," "may appropriate any or all excise moneys to charitable purposes;" but in case they do not exercise "their discretion" to appropriate any or only a part of such excise moneys, there is no provision in law or ordinance, if this provision is stricken out, for the disposition of such fund or surplus. Under this provision, however, it passes into the Sinking Fund, as it was of course intended.

The importance of this provision, apparently superseded by law, becomes, therefore, undoubted. It may be of interest to your Honorable Body to know that the Finance Department have examined the ordinances embraced in this new revision of ordinances appertaining to its department, and finds them correct; and in respect to the provision of the Sinking Fund, the Comptroller, in a letter to the Chairman of the Law Committee of a preceding board, says "that they correctly express the existing ordinances pertaining thereto."

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

The provisions contained in the revision appertaining to nuisances neither conflict with nor are they covered by the statutes of this State or the Sanitary Code; and the authority to enact them is expressly granted the Common Council by section 17 of the charter of 1873.

The present ordinances relating to some of the departments are so interwoven with each other that a large number of them, of unquestioned legality, would be imperilled should the Commissioners disregard, change, or declare a few questionable ones as obsolete, or in conflict with the statutes.

It may be thought advisable that a few ordinances at a future time should be amended to meet the requirements of the charter of 1873, and subsequent statutes, to make them conform to the practical workings of the several departments.

With these views the Commissioners have in no case deprived the Common Council of any authority that they might now have or claim by any act of theirs.

The Commissioners are therefore of the opinion that they have successfully answered all the objections set forth in the veto of his Honor the Mayor to the resolution adopting the revision of the ordinances as proposed by the Commissioners, and they respectfully submit that their report heretofore adopted should be confirmed by your Honorable Body.

All of which is respectfully submitted.

N. Y., February 24, 1880.

EBENEZER B. SHAFER, Commissioner.
EDWIN E. VAN AUKEN, for
ELLIOTT F. SHEPARD, Commissioner.

Which was laid over in connection with veto message No. 17.

UNFINISHED BUSINESS.

Alderman Wade, as provided in section 13, chapter 335, Laws of 1873, called up veto message of his Honor the Mayor of resolution adopting the revision of the Ordinances of the Mayor, Aldermen and Commonalty of the City of New York, as prepared by the Commissioners appointed to make such revision—Messrs. Shafer and Shepard.

The Board then, as provided by law, proceeded to reconsider the same, the message from his Honor the Mayor and the communication from the Commissioners having been read,

And, upon a vote being taken thereon, was finally lost, as follows:

Affirmative—The President, Aldermen Finck, Goodwin, Helbig, Jacobus, Keenan, Kirk, Sauer, Sheils, and Wade—10.

Negative—Aldermen Coggey, Foster, Hafen, Hall, Kenney, Marshall, Murphy, and Strack—8.

MESSAGES FROM HIS HONOR THE MAYOR RESUMED.

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

MAYOR'S OFFICE, NEW YORK, February 24, 1880.

To the Honorable the Board of Aldermen:

I return, without my approval, the preamble and resolution of the Board of Aldermen, adopted February 10, 1880, requesting the representatives in the Senate and Assembly from the City of New York to oppose the passage of the bill introduced in the Senate by the Hon. W. W. Astor, for the removal of the Murray Hill Reservoir and the establishment of a public park, bounded by Fifth and Sixth avenues, and Fortieth and Forty-second streets.

I think the bill as introduced ought not to become a law. By its provisions the owners of the adjoining property are to be assessed for only one-half the cost for removing the reservoir. In my opinion, a much larger assessment should be imposed, in view of the great increase of value which would be given to that property by the establishment of the Park.

I cannot, however, approve the preamble and resolution of your Board opposing the removal of the reservoir. The question is fully discussed by the Commissioner of Public Works in his report for the quarter ending December 31, 1879, from which I quote the following passages:

"At the time of the construction of the Croton Aqueduct, about forty years ago, the Water Commissioners and the Chief Engineer located two reservoirs within the city limits, a receiving-reservoir near Seventh avenue and Eighty-fifth street, and a distributing reservoir at Fifth avenue and Forty-second street. The site of even the latter was at that time on unimproved property, and far beyond the bounds of the city proper. In reference to the subject of storage of water and the capacity of the reservoirs, the Water Commissioners, in their report of December 31, 1838, said:

"It is estimated also that the Croton reservoir (now called Croton lake, at the head of the aqueduct in Westchester county) will contain about one hundred millions of gallons to each foot in depth from the surface. The dam may be drawn down five or six feet, say five hundred million gallons, and in addition to this we have 158,000,000 gallons in the receiving reservoir (Eighty-fifth street), and 19,000,000 gallons in the distributing reservoir (Forty-second street), making a total of 177,000,000 gallons, exclusive of the running water and what may be drawn from the Croton reservoir (Croton lake), providing a surplus in cases of drought sufficient for any emergency either probable or possible."

"From motives of economy, or because it was not deemed necessary at the time, the upper or receiving reservoir was not excavated to its full depth throughout its entire area, and its capacity was reduced to about 130,000,000 gallons, and it remains in that condition at the present day. Thus it will be seen that the whole storage on Manhattan Island was at that time 149,000,000 gallons (imperial measure), of which the small reservoir at Forty-second street would contain 19,000,000 gallons, or about one-eighth (a considerable factor) of the total amount. It was the original design to construct the Forty-second Street Reservoir of larger dimensions, so that it should cover the whole plot of ground bounded by Fifth and Sixth avenues and Fortieth and Forty-second streets, embracing an area of nearly ten acres, all of which had been acquired for water purposes, but the engineer abandoned the plan of occupying the whole area, and confined the structure to its present dimensions."

"The rapid increase of population, and the vast consumption of water beyond the original estimates, demanded, in a very few years, that additional storage capacity should be provided, and accordingly the great reservoir in the Central Park was commenced in 1858, and completed in 1862. Its capacity is one thousand million gallons (standard measure), so that the combined capacity of the old and new reservoirs in the Central Park is in round numbers 1,150,000,000 gallons (standard measure). The small reservoir at Forty-second street (capacity 23,000,000 gallons, standard measure), which originally constituted one-eighth of the whole storage in the city, is now less than one-fiftieth part of the total storage capacity in all the reservoirs, without taking into account the large quantity of water in the great mains throughout the city. It has, in fact, for purposes of storage, become an insignificant fraction, and at the present rate of consumption, would only afford a supply to the city for six or eight hours."

"With the lapse of time, the growth of the city, and the necessary rearrangement of the water supply, the small reservoir at Forty-second street has entirely lost its original character, both with respect to storage and distributing purposes. The Central Park Reservoirs are now both receiving and distributing reservoirs, and as to storage, the small quantity which the Forty-second Street Reservoir can hold could be retained in the Central Park reservoirs, as it would amount to less than six inches in depth over the area of these immense basins."

"An additional amount of storage capacity may be provided, greater than that of the Forty-second street reservoir, by excavating the old reservoir in the Central Park to the depth as originally planned, at a cost of \$100,000, while the ground on which the Forty-second street reservoir stands is worth from one and a half to two millions of dollars."

"With respect to the question of pressure there is practically no advantage from the existence of the Forty-second street reservoir, the large mains leading directly from the Central Park reservoirs towards Forty-second street (with the 48-inch main across that street) affording all the pressure attainable. This is established by the fact that the Forty-second street reservoir has recently been disconnected for the period of twenty-four days, performing no duty whatever in the water supply, and this without any appreciable effect as to pressure at Forty-second street and points below."

EDWARD COOPER, Mayor.

Whereas, A bill for the removal of the Murray Hill Reservoir, and converting the land into a Park, has been introduced in the Senate, by Hon. W. W. Astor of that body, without the consent of the city, which owns the fee, and of the Sinking Fund Commissioners, to whom the proceeds of all real estate are pledged for the payment of the city debt; and

Whereas, The bill in question, by appropriating the land to a use other than that to which it has long been applied, is in derogation of the rights of the city which acquired the title as part of the common lands under the ancient Dongan and Montgomerie charters, a title recognized and prescribed by the successive State Constitutions; and

Whereas, The passage of such an act would create a precedent which exposes all the real estate held and owned by the city to hostile and injurious legislation in disregard of the wants and interests of the city; and

Whereas, The Sinking Fund Commissioners have protested against the passage of such a bill, and numerous associations and bodies have joined in such protest; and

Whereas, Such Reservoir holds, when full, 24,000,000 gallons, a quantity which gives 600 gallons to each of 40,000 houses below, which quantity it formerly supplied, and under proper management can still supply and it gains an accumulation in the night, two miles nearer to those houses, than are the Park Reservoirs, which accumulation it supplies in the morning, and in our judgment the Reservoir is a necessary part of the water system; therefore

Resolved, That the representatives in the Senate and Assembly, from the City of New York, be respectfully requested to oppose the passage of the bill in question; and be it further

Resolved, That the Clerk of the Board be and he is hereby directed to transmit a copy of this preamble and resolution to the President of the Senate, the Speaker of the Assembly, and to each representative from this city to the Legislature.

Which was referred to the Committee on Public Works and ordered to be printed in full in the CITY RECORD.

In connection therewith the President offered the following:

NEW YORK, February 16, 1880.

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

The Commissioners of the Sinking Fund of the City of New York for the redemption of the City Debt, consist of the Mayor, the Comptroller, the City Chamberlain, the Recorder of the City, and the Chairman of the Finance Committee of the Board of Aldermen.

The Sinking Fund has been in existence since 1813. By the act of the Legislature of this State, passed June 3, 1878, chapter 383, § 4, it was declared that, as between the City and the holders of its bonds and stocks, there should be deemed to be a contract that the funds and revenues pledged to it shall be applied to no other purpose. Among the funds and revenues thus pledged are the proceeds of all real estate not used for public purposes. Immediately upon the passage of this act, the contract in question became complete, and the Commissioners of the Fund became in the nature of trustees to see to its due enforcement.

Among the real estate held by the City from ancient times, the blocks bounded by Fifth and Sixth avenues, Fortieth and Forty-second streets, were part. They were portions of the common lands granted to the City under the Dongan and Montgomerie Charters in 1686 and 1730—a perfectly well recognized source of title.

At the time of the adoption of the first Constitution of the State, citizens of New York and Albany, interested in the maintenance of ancient charters, urged that clauses for the protection of them should be inserted in the Constitution, and the provisions were inserted that nothing contained in that Constitution should be deemed to annul any charters to bodies politic and corporate granted prior to 1775, or affect any rights of property acquired before that time.

Like provisions have been incorporated in succeeding Constitutions and are now in force. The venerable Chancellor Kent, in his work on the charter, stated that they accomplished the purpose intended, and gave to the City of New York a protection as ample as that acquired by private individuals over their private lands, and such has been the uniform opinion of citizens of New York as to the rights of the city acquired under these charters.

In the case of Darlington against the Mayor, in 31st New York Reports, a decision was made against the city in which Darlington sought to levy upon the real estate of the city under a statute which permitted it, but as the right to make such levy was reasonable and just, and the objection to it made by the city was in the nature of an attempt to evade the payment of a just debt, and place the city on a footing different from that of other debtors whose real estate was subject to be levied upon, it would seem that a decision on that naked point was all that was required, and that what is stated in the opinion of Judge Denio, as to the inability of the City to hold any private property, and further that the State might dispose of the real estate of the city as the State thought fit, as being public property, did not arise necessarily for decision, and hence is to be deemed in the nature of obiter dictum.

But, however this may be, the statute in question, passed in 1878, creating a contract as between the City and its creditors with respect to the inviolability of the funds and revenues appropriated to the Sinking Fund, declaring that they shall never be diverted from it, takes away the power from the State which Judge Denio in the opinion referred to indicated. It is essential to the maintenance of the fund that all the property of the city shall remain free from State intrusion.

The position of the real estate in question is as follows:

In the year 1844, the city being possessed of the two blocks in question and lands fronting them, the Commissioners of the Sinking Fund, with a view to a sale of the lots thus in front, laid out the whole upon a map made by Daniel Ewen, City Surveyor, dated December, 1844, describing the portion of the two blocks west of the Reservoir as "reserved for a park or other public purpose," and the residue of the two blocks as being covered by the Reservoir.

So far, therefore, as concerns the western half of the two blocks, it appears that there has been no appropriation of it for the purposes of a park merely, but on the contrary that it was permitted to be used as a park only temporarily, and until wanted by the city for that or some other public purpose, and the Commissioners of the Sinking Fund contend that the city shall be allowed to apply the property, including the reservoir, to such public use as will in its judgment be beneficial to the city and its creditors, and further, that any attempt to deprive the city of this power is a violation of the contract referred to.

These facts appear in a report made by the Committee on Lands and Places in the Board of Aldermen in October, 1845, in conformity with which the western half of the lands were enclosed. The following is an extract from it:

"The ground between Fortieth and Forty-second streets, and the Fifth and Sixth avenues, was, by a resolution of the Common Council, approved by the Mayor September 20, 1837, appropriated for reservoir purposes. About one-half of the ground has been used for a distributing reservoir, leaving the remaining portion, fronting on the Sixth avenue, unoccupied. It is possible, however, that in the course of twenty years the increase of the city in growth and population may render this ground necessary for the construction of an additional reservoir. It is proper therefore that it should be retained for such anticipated public use, and in the mean time be used as a public square or park."

The Commissioners further state that the revenues derived from the water system are an important aid to the city in meeting the interest upon its bonds, and that in their opinion the Murray Hill Reservoir, as an intermediate reservoir between the reservoirs in the Central Park and the consumers of water below, is a necessary part of the water system.

During the night, above the faucets are but little used, the water which would flow through them if they were then used is supplied to this intermediate reservoir two miles and upwards nearer to those consumers than are the Central Park reservoirs.

No engineering knowledge is necessary to understand this benefit. Every convenience connected with the water system is a great advantage to the public. It helps to supply the means to citizens to pay their taxes and consequently to increase the funds and revenues of the city.

The Murray Hill reservoir holds, when full, 24,006,000 gallons of water, and is seated on the only elevation which commands the city below. This quantity of water is 600 gallons to each of 40,000 houses, which number is more than the reservoir supplies.

By connecting the reservoir directly with the aqueduct, through short additions to its present mains (the top water line of which aqueduct is 119 feet above mean tide), the aqueduct can fill the Murray Hill reservoir more than three times each day, the top water line of this reservoir being only 114 feet ten inches above mean tide, and the aqueduct brings in daily 90,000,000 gallons or more.

This quantity could not be spared to this Reservoir except in an emergency such as would arise from fire. In an emergency such as would result from the breaking of the aqueduct (a structure 40 miles long, in bad repair, and liable to break) this storage capacity in the very heart of the city might save it from serious disasters. The argument that as the Reservoirs in the Central Park, distant from the thickly populated parts of the city, hold 1,250,000,000 gallons makes the smaller one valueless, would be scouted in such an emergency.

The Commissioner says, in his report for the quarter, in 187, that perhaps no break may occur, but this possibility renders the removal of any of the scanty storage capacity in the city unwise and dangerous until the aqueduct is made safe.

Fourteen thousand feet of it are to be repaired this year, and 22,000 feet in 1881 and subsequently. It is the part of prudence to wait until the repairs are thoroughly accomplished before thinking of the removal of the Murray Hill Reservoir.

Should a break of magnitude occur all the funds and revenues of the city would be greatly diminished, and the fund impaired.

It does not detract from the force of these facts, showing the need for continuing the Murray Hill Reservoir, that the Commissioner of Public Works in his recent report states, that by reason of new pipes from the reservoir in Central Park to the lower part of the city, the water may be carried past the Murray Hill Reservoir, which is thus rendered comparatively useless. For it is well known to the residents below Murray Hill that prior to such official attempts to depreciate the value of that reservoir water flowed from it in abundance to reach the highest stories of dwellings below Murray Hill, and under fair and proper management of the entire water system a like result would ensue.

In view of our duties in regard to keeping the Sinking Fund ample to pay the city debt, we beg leave to call the attention of the Legislature to the irregular mode in which the burdens of the city have been recently increased.

In 1871, during the height of Mr. Tweed's power, a bill was passed authorizing the construction by the Commissioner of Public Works, of aqueducts, reservoirs, sluices, canals, etc. (chap. 56), which act, on a suggestion of bondholders of its great imprudence, as there was no limit upon the expenditure, was lettered by chapter 328 of the Laws of 1871, with the condition that not exceeding one million of dollars should be expended in any one year.

In 1875, chapter 477, it was provided that these extraordinary powers should not be exercised except with the concurrence of the Board of Aldermen and the Mayor.

In 1877, chapter 445, the power to raise moneys under the Tweed act was limited to such aqueducts, reservoirs, sluices, canals, etc., as were then in process of construction.

The laws of 1875 and 1877 respectively deprived the Tweed act of its dangers. But by a peculiar device, just previous to the termination of the last session, the acts of 1871, chapters 56 and 327, were revived, and the acts of 1875 and 1877, in the two important restraints referred to, were repealed.

This was accomplished by amending the title of the act of 1877, and by amending its repealing clause, a proceeding which has no precedent in former legislation.

By means of it an expenditure by the Commissioner of Public Works is authorized for aqueducts, reservoirs, sluices, canals, etc., for an indefinite time, amounting in each year to..... \$1,000,000 00

By chapter 381 of the Laws of 1879 that officer may expend, with the concurrence of the Board of Aldermen, per year..... 250,000 00

By chapter 480 of the Laws of 1879, for each year, not exceeding two..... 12,500 00

And the Board of Estimate and Apportionment of the city, which consented to the appropriation of the \$250,000 and \$12,500 for 1880, appropriated for repairs of the aqueduct in 1880..... 294,000 00

Together..... \$1,556,500 00

These appropriations of the Board of Estimate and Apportionment of \$250,000, of \$12,500, and of \$294,000, were made in entire ignorance of the power given to the Commissioner of Public Works by the imprudent revival of Tweed's acts of 1871. Information of the bills for the smaller of the appropriations was communicated in the report of the Commissioner of Public Works, but none whatever was furnished of the bill by which the right to expend \$1,000,000 per annum, without limit as to time, was procured.

The Commissioners of the Sinking Fund, in view of the great trust reposed in them with respect to the debt of the city, and of this state of affairs, respectfully recommend that the bill for the appointment of Commissioners, introduced into the Assembly by Mr. Mitchell, be passed in such manner that the whole question of water supply and distribution may undergo thorough examination, including the question of the renewal or retention of the Murray Hill Reservoir, and so that the just rights of the city with respect to its private property may be reported upon at the next session of the Legislature, and so that the power to construct aqueducts, etc., may be limited to such as the Commissioners may find expedient.

(Signed)

JOHN KELLY, Comptroller.

PATRICK KEENAN,

Chairman Finance Committee Board of Aldermen.

FREDERICK SMYTH, Recorder, etc.

J. NELSON TAPPAN.

At a quarterly meeting of the Hotel Association of the City of New York, held at the St. Nicholas Hotel, January 7, 1880, the following preamble and resolutions were unanimously adopted:

Whereas, A bill has been presented to the Senate of this State, by the Hon. Wm. W. Astor, for the removal of the Murray Hill Reservoir; and whereas, an act was passed at the last session of the Legislature by the House of Assembly, which was lost in the Senate, providing for the appointment by the Governor of a commission consisting of five persons to consider, first, whether or not a new aqueduct should be constructed, as urged by Commissioner Campbell; second, whether the reservoir in question should be removed or retained, and thirdly, what measures should be taken to prevent the great and unnecessary waste of water in the city; therefore

Resolved, That the act for the removal of the reservoir ought not in our judgment to pass, and that we respectfully urge upon the Legislature to pass the act for the appointment of said Commission.

Resolved, That the proceedings be published and forwarded to the Legislature.

HENRY WALTER, Secretary.

Hon. JOHN J. MORRIS, President Board of Aldermen:

The undersigned transmits to your Honorable Body the remonstrance of four of the Sinking Fund Commissioners against the passage of the bill for removing the Murray Hill Reservoir, and in favor of the bill, now in the Assembly, for the appointment of Commissioners to consider the whole subject of water supply and distribution, including the question of removing or retaining such reservoir.

Dated New York, February 23, 1880.

JOHN KELLY, Comptroller.

Meeting of the Board of Underwriters.

At a meeting of the Board of Underwriters the following remonstrance against the bill for the removal of the Murray Hill Reservoir was passed:

Whereas, A bill has been introduced into the Senate of the State of New York for the removal of the Murray Hill Reservoir, without making other provision for any extension or enlargement of the water supply of the city; and

Whereas, Experience has demonstrated that it would be both unwise and unsafe at this time to dispense with any of the means which have been provided for the safety of the city from sweeping conflagrations, in view of the fact that the annual consumption of water by the inhabitants of New

York is nearly equal to the capacity of the aqueducts to supply the same, and which at any time is liable to be lessened by the manner in which most of the original aqueducts were constructed; therefore, be it

Resolved, That the vast extent of the interests represented by the New York Board of Fire Underwriters render it of the utmost importance that no undue haste be exhibited in the stoppage or curtailment of any of the means of prevention against fire which have hitherto been enjoyed, and upon which, with proper economy in their use, we can safely rely.

Resolved, That the New York Board of Fire Underwriters earnestly protest against the passage of the bill for the removal of the Murray Hill Reservoir, and respectfully urge that the bill now before the Assembly of the State providing for an intelligent, disinterested commission "to examine and consider whether or not a new aqueduct should be built, whether Murray Hill Reservoir should be removed or retained, and what measures are necessary to guard against the great waste of water which is now allowed in the city," as a measure which follows the admirable precedent set for us by the authorities in 1835, and which would secure the city against hasty and injudicious legislation.

Resolved, That a copy of this preamble and resolutions be properly engrossed, signed by the officers of this body, and presented to the Senate and Assembly of the State at Albany.

To the Legislature of the State of New York:

A bill for the compulsory removal of Murray Hill Reservoir in the City of New York, and for converting the land—comprising over seventy city lots, valued at about two millions of dollars—into a park, has been introduced into the Senate by Mr. Astor of that body. This has been done without any petitions for the purpose and without authority from the city which owns the fee. In this he doubtless acts on the suggestion and for the interest of the few owners of property fronting on and adjacent to the reservoir, upon whom and others interested no assessment for the benefit is to be laid, except merely for one-half of the slight cost to the city, if any, above what the valuable materials will sell for, of removing the masonry, etc., and leveling the ground for a park, thus voluntarily conferring upon each owner a great pecuniary benefit at the expense of the city, and securing a large pecuniary support for the bill.

Formerly the whole population below Murray Hill were supplied with water exclusively from the two mains leading from this reservoir, and when first built around, the present residents of Murray Hill used it also. But as soon as their supply was obtained from the new city reservoir, two hundred feet above tide at the High Bridge, holding 10,000,000 gallons (into which the water is pumped at the cost of the tax-payers at large, giving those residents a supply very much greater than any other citizens enjoy), they immediately sought the removal of the reservoir in question, although such removal would be greatly to the detriment of most of the residents below Murray Hill, comprising over four hundred thousand of the population who can be supplied from this reservoir: Mr. Jervis stated that he constructed it to supply 700,000 people.

The contest, therefore, is between those on the one hand on Murray Hill who, having got an expensive high-service system, now want a park gratuitously conferred upon them, and those on the other hand who desire to preserve their necessary supply of water.

The Murray Hill Reservoir, which is a distributing reservoir, erected at great expense for the city below it, and not for Murray Hill, constitutes an essential part of the water system of the city, and is now capable of performing the precise service which it did when first constructed. Two thirty-six-inch mains coming down the Fifth avenue from the Central Park receiving reservoir enter it at Forty-second street, on its north side. Two other mains of thirty-six inches each leave it on its south side at Fortieth street, and go down Fifth avenue and thence through Broadway to Fourteenth street, etc. It is constructed to receive an additional main of thirty-six inches, but this has not yet been added.

The Central Park Reservoir is north of Eighty-fifth street. All the mains leading southwardly from it, excepting the one newly laid in First avenue, are connected with the Murray Hill Reservoir by a cross-main at Forty-second street, so that their pressure may be given to this reservoir or its equalizing pressure be given to them, and thus form one entire system for the city below, except so far as the main in the First avenue is concerned.

Another cross-main at Thirty-eighth street, south of the Murray Hill Reservoir, connects the same mains, so that their combined pressure added to that of the Murray Hill Reservoir may provide for any serious draft upon any one of them during fires, as well as control the entire distribution and reach the buildings below it through the various pipes for such distribution. This reservoir, when allowed to have its full effect after receiving the important night's accumulation, gives it in the morning to those mains. It is not now allowed to have its full effect, for the inflow is unwisely cut half off.

The Murray Hill Reservoir when full holds 24,006,000 gallons, and contains 36 feet of water. The top of its water is 114 feet 10 inches above mean tide, and its bottom is 78 feet 10 inches above such tide. The elevation of Broadway above mean tide is as follows: At Bowling Green, 16 feet; Chambers street, 37 feet; Fourteenth street, 40 feet; Twenty-third street, 38 feet; Thirty-fourth street, 44 feet; and as Broadway occupies the highest portion of the city from the Battery to Madison Square, it will readily be seen that the elevation of the Murray Hill Reservoir, 114 feet 10 inches, if kept full, is sufficient to supply to the fourth floor most of the 40,000 houses in the district below Murray Hill and west of First avenue.

It can be filled by simply connecting it directly with the aqueduct instead of as now only with the Central Park Reservoir (the surface of the top water in both of which is 119 feet above mean tide)—a connection which would give to a large portion of the houses below Murray Hill a like advantage to that which the residents of Murray Hill enjoy from their high-service system; and the reservoir without pumping could be kept full equally as well as the reservoir at High Bridge, which supplies them, similar appliances for limiting the flow and the area to be supplied being employed. The water of the high-service system is not allowed to flow below the district which it supplies.

But without making any such connection with the aqueduct, if a new supply of water is introduced, or if all the reservoirs were full and kept full, as they ought to be and would be if the enormous waste were controlled, which can be done and should be done, the water from the Murray Hill Reservoir would now rise, as it formerly did, to the upper stories of the houses below it which it supplies. But under the management pursued it fails to do this, and the reservoir, instead of containing twenty-four millions and six thousand gallons, has much less, due in part to the policy of Commissioner Campbell in crippling this reservoir by partially closing at the Central Park Receiving Reservoir the gates of the mains which proceed from it and are united with the Murray Hill Reservoir. The size or area of a cross section of the aqueduct is 53 74-100 square feet, while that of mains proceeding from the Central Park Reservoir is seventy-three square feet and a fraction, but they are throttled so that only forty-four square feet of them is permitted to be used. That of the taps is over 160 square feet, and under the control of the most thriftless part of the community, who, being insensible to the necessity of saving the water, waste it with impunity, exhausting what may be brought in by the conduit of only 53 34-100 square feet area. A remedy for this should be provided by the Legislature, as all experience shows that consumers whose water faucets exceed so greatly the size of the supply conduit will exhaust the entire pressure.

The assertion, therefore, of Commissioner Campbell that the average quantity of water in the Murray Hill Reservoir is less than half of its actual capacity ought to have no weight, as he causes this small quantity himself by cutting off the in-flow, by carrying the water by it, and by failing to stop a waste exceeding the consumption. But notwithstanding all these, when the mains are not closed, it distributes from fifteen to twenty millions of gallons per day, and, according to the admission of Commissioner Campbell, there is in addition to the quantity which it then holds in the day an "accumulation of two millions of gallons in the night, which is drawn off again in the morning." This two millions is fifty gallons for each of say 40,000 houses in that portion of the city which it largely supplies—a quantity of water which it furnishes in the morning when especially needed in upper stories which cannot be reached later in the day, a service of inestimable value. Early in the month (January, 1880), there were 23 feet and 10 inches in the Murray Hill Distributing Reservoir—a quantity quite ample—at the same time there were but 32 feet and a fraction in the Central Park Receiving Reservoir. But now, on the 23d of January, with a head in the Central Park Receiving Reservoir of 33 feet 6½ inches (within 2 feet 5½ inches of the top water line when full), there are but 14 feet 3 inches in the Murray Hill Distributing Reservoir. The management that causes this is well calculated to create the impression, as the time for considering the question of removal in the Legislature approaches, that the Murray Hill Distributing Reservoir is of no value. The latter should have and would have, if the water in the former were allowed to run into it, a corresponding head to that in the Central Park Receiving Reservoir, the two being so constructed with respect to each other, that when the Central Park Receiving Reservoir contains 36 feet, which it does when full, the other should have 36 feet also. Such was formerly their relative working condition.

Commissioner Campbell states in his last quarterly report that he submitted to Julius W. Adams, late Chief Engineer of the Brooklyn Water Works, the question as to New York, "whether any improvement could be made in the present system of distributing water in the city," a submission indicating that owing to the miscellaneous employments of the Department of Public Works, or for some other reason, it was essential to go to this source for the necessary investigation; and in August last Mr. Adams made a report to the Department, in which, referring to the distribution of water below Houston street, he thus shows the advantage of distributing reservoirs like the one it is now proposed to remove:

"It is true (Mr. Adams reports) that the draft upon your supply in the lower wards, as shown above, is so much diminished at night that the pressure is increased during those hours; and by taking advantage of that fact, reservoirs established in this quarter of the city could be filled by this increase at night, thus tending to equalize the day flow with an increase of pressure over the present service."

The remedy thus presented by Mr. Adams would be only a partial one, except the waste of water which he speaks of as enormous and unnecessary were controlled, or in default of control a new supply were introduced. Each house supplied would, however, get the water perhaps a story higher for a short time—a great benefit—but it would soon be drawn down in the absence of control,

but to be renewed again at night. Hence the nearer the distributing reservoirs the more certain the service. The sole remedy of the Commissioner of Public Works would be to dispense with distributing reservoirs, and have pipes extending from the park reservoirs to houses of consumers; a plan expensive, and which few, if any, hydraulic engineers support.

We most respectfully submit to the Legislature that it does not need an engineer to understand the benefit of having a large quantity of water in a distributing reservoir two miles nearer to these 40,000 houses than are the Central Park receiving reservoirs, communicating its pressure to the pipes immediately under it, and serving a large body of citizens in a way that would otherwise be impossible. A single illustration shows this benefit, viz.: the water at the City Hall rises no higher than the basement, while at houses two miles nearer the Murray Hill and other reservoirs it rises 42 feet higher. The elevation of the land at both places is nearly the same, but at the City Hall the water is drawn from a pipe of nearly three miles in length, and hence has numerous drafts upon it, and a pressure constantly diminishing as its length increases. Mr. Birdsall, the present Chief Engineer, under Mr. Campbell, of the Department of Public Works, in his report of August last, stated that the water on the high points below Canal street (the City Hall Park being the highest), "has not during the day been above the street bed in twelve years." It is no answer to say that the pipes may be so constructed and used as to prevent this difficulty; the fact now is they are not, and there is too little room in the streets, filled as they are with sewers, gas-pipes, water-pipes, and other pipes, to permit an improved system, to say nothing of the cost.

The Commissioner of the Department of Public Works presents, as a reason for the removal of the Murray Hill reservoir, that while the reservoirs in Central Park hold when full 1,250,000,000 gallons, the one in question can store but 20,000,000* gallons, and is thus unimportant. This ground of objection would be fatal to the one at High Bridge, which holds but 10,000,000 gallons, and it is not justified by the objects of the creation of the one on Murray Hill. Mr. Jervis, who was Chief Engineer of the Croton Water Works during their construction, on reducing its contemplated size from 450 feet square to 420 feet square, gives as one of the reasons for it that he had not made much calculation on it for storing water "beyond what was necessary for purposes of distribution." The plan had previously been reduced to 450 feet square from 900 feet by 450 as arranged by Major Douglass.

Mr. Tower, who was of the Engineer Department during the whole period of construction, in his valuable work on the Croton, published in 1843, in London and New York, by Wiley & Putnam, pp. 117, 118, says: "The question may naturally be asked why this reservoir was built when the receiving reservoir of such great capacity is so near at hand. The reason, he adds, for building it was to obtain an efficient head of water near to the densely populated parts of the city; and had the formation of the island been favorable, the receiving reservoir would undoubtedly have been located farther down, bringing the store of water more nearly in the centre of the city." The receiving reservoir then held but 150,000,000 gallons, and subsequently a new receiving reservoir holding 1,100,000,000 gallons was erected; but it is still farther from the Murray Hill Reservoir, and consequently bears no different relation to it from that of the former receiving reservoir.

Major Douglass, who projected the line of the Croton Works, says in his great report that the chief object of solicitude in locating it on the island "was to obtain ground in the proper range and of sufficient elevation to bear up the graded line until it should reach a point sufficiently central to serve as the locality for the distributing reservoir;" and he speaks of the reservoir in the "commanding and central position" on Murray Hill as competent to deliver the water from an elevation of 114 feet 10 inches (the top water line), "without any extraneous aid, upon the roof of every building in the city"—meaning as it was then built up; and among other buildings specified he mentions the roof of the attic of the City Hall, 100 feet, that of the University on Washington square, 108 feet. These views as to the necessity of a distributing reservoir are confirmed by those of Chief Engineer Adams.

Can it be possible that the Legislature will order a reservoir to be removed from the central portion of the city, seated on the only eminence which commands the four miles of the city below, and which is capable of holding twenty-four million and six thousand gallons of water, equal to six hundred gallons for each of 40,000 houses! This quantity, in case of a conflagration, would supply all the forty odd steam fire-engines of the city for over twenty-four consecutive hours, and by cut-offs could be all directed to any quarter when needed.

By your authority, Commissioner Campbell, under the high-service system, supplies the comparatively small population of Murray Hill with water pumped from the aqueduct at High Bridge; and by the same authority he is now engaged at Ninety-seventh street in constructing a high-service system for the few that live on the elevated portions near that point not less than sixty feet above tide. The general water system below Murray Hill for the great mass of the people is weakened by thus having ten or fifteen million gallons taken from it and distributed over only favored areas.

But if we use the reservoir at Murray Hill in the manner shown above without the expense of pumping, for an additional high-service, a large and valuable district of the city would be greatly benefited from the high head of water which would thus be created. For the purpose of putting out fires this would be of inestimable value, as by merely attaching a hose to hydrants many of the houses below Murray Hill could have the water thrown upon their roofs.

In the present cracked, leaky, and dangerous condition of the aqueduct, why dispense with any reservoir? The 24,000,000 gallons it holds, to be dealt out restrictedly, might be of inestimable value as a protection to the city in case of a serious break in the aqueduct. We have dispensed with wells and pumps, and in case of a break have literally no means of water supply except the small storage capacity which now exists, and which it would be madness to diminish. The city should add largely to its storage capacity, not diminish it, as it has only a single aqueduct, and that, one which for 36,000 feet of its length is out of repair, and for 4,000 feet needs to be immediately strengthened. No longer ago than the seventh of September last, one of those serious leaks occurred, for the repair of which the water had to be turned from the aqueduct. This leak was due to the want of inside repairs.

The month of November, named by the constructing engineer of the aqueduct, Mr. Jervis, for its inside repair in the fall, passed that year without the repairs being made. The previous spring and fall were also unfortunately allowed to pass without making them, for the want of a sufficient head in the city to justify turning off the water from the aqueduct. For most of this period there was in all the reservoirs in the city but little over a week's supply, and it takes forty-five hours to turn the water off and on. This would leave only four or five days for inside repairs, by which time the supply of water for the city would be entirely exhausted, while to do such repairs effectually will require more than that time. The Commissioner says that "perhaps no break may occur," but the suggestion of its possibility should prevent the removal of the reservoir. It is appalling, said Mr. Campbell's predecessor, to contemplate such a contingency.

The lands covered by the reservoir and that of the Park adjoining were granted to the city in 1686 and 1730, by the Dongan and Montgomerie charters. This grant is protected by the constitution, sec. 18, art. 1. Their proceeds when sold are pledged to the Commissioners of the Sinking Fund. The Commissioners are the Mayor, Recorder, Comptroller, City Chamberlain, and the Chairman of the Finance Committee of the Board of Aldermen. The property was valued at \$2,696,000, but is now worth more. By the act creating the Croton Aqueduct Board, passed in 1849 and still in force, the Board was charged with the "management, preservation, and repairs" of the reservoirs and other structures of the water system. These duties were devolved upon the Commissioner of Public Works. But yet Commissioner Campbell, who says in his report that after removing the reservoir the Commissioners of the Sinking Fund would have power to sell the lands, undertakes to recommend that the lands be taken from the power of the Commissioners without their consent, he not being one of them; that the land be converted into a park, he not being one of the Park Commissioners; that the reservoir shall be destroyed instead of preserved, and that the property of the city shall be wrested from its present use, and finally disposed of without the consent of the owners of the fee.

We therefore respectfully remonstrate against the passage of any act for the removal of the Murray Hill Reservoir, and most respectfully urge the passage of the bill introduced by Mr. Edward Mitchell, of the Assembly, providing for a Commission to examine and consider whether or not a new aqueduct should be built, whether the Murray Hill Reservoir should be removed or retained, and what measures should be taken to guard against the enormous waste which is now allowed in the city. Such examination may quiet the grave apprehensions excited in the community during each session of the Legislature by attempts to procure legislation on these subjects without the careful deliberation which they require. No harm can result from delaying the removal of the reservoir until after the report of the Commissioners, while vast injury may result from haste in its removal.

Previous to the introduction into the city of New York of the Croton water, five commissioners were appointed under an act of the Legislature to examine and consider the question of water supply. It was to their widely-celebrated report and to the confidence reposed in their fidelity and ability that this great measure in 1835 was determined upon by a vote of the inhabitants.

The questions agitated now with respect to a new aqueduct from the Croton Valley involve a much greater expenditure than was made for the one constructed pursuant to the vote of 1835. With regard to the necessity of a new one, and whether to supplement the Croton with water from the Housatonic (for which expensive surveys have been made), there is such contrariety of opinion—largely connected with the enormous burden of the city debt—that it can be settled satisfactorily only by a body of intelligent and disinterested commissioners.

No engineer, however competent, can carry the public with him on all the important questions which arise in this matter, for his desire to connect his fame with a great work will be supposed to cause him to overlook the considerations of prudence which might be paramount with disinterested commissioners. If such engineer were connected with one of the party divisions of the city, his control over a large expenditure would be thought by his opponents a sufficient reason for distrusting his opinions and fearing his power. The people therefore will require information and advice from quarters not suspected of any personal or party interests, and competent to consider the subject in other than in engineering aspects.

For several years the city water supply has been so managed that it has been insufficient to reach the upper stories of dwellings not favored by the expensive high-service system. From subjecting upper stories to the intrusion of sewer gas and to danger from fires, the water system, as now

administered, is practically a failure. The Municipal Society of the city, finding that this failure was the result of uncontrolled waste, and not of an insufficient supply, caused a bill to be introduced into the Assembly last winter, giving adequate powers to the Commissioner of Public Works to stop this waste. But the bill was not supported by the advocates of an insufficient supply and a new aqueduct, and was not passed.

This was unfortunate, as the remedies for the prevention of waste could have been applied, and their effects ascertained immediately; while to build a new aqueduct forty miles long, will take six or seven years, and in the meantime great suffering must ensue in the parts of the city poorly supplied.

The English are much in advance of all nations in the laws passed and rules adopted to prevent waste. Their long and varied experience in water supply gives special value to the results obtained by them, and demonstrates that similar rules and laws are necessary to secure judicious and safe distribution and management of water systems everywhere, however liberal the supply of water.

The question of removing the reservoir at Murray Hill can scarcely be understood at Albany without careful examination. The reservoir belongs to the city. It was built in 1840-1-2, at a cost in the first instance of over three hundred thousand dollars. It has been in successful operation ever since. Nor was it until the residents of Murray Hill obtained their water supply from an expensive high-service that they sought its removal. The Commissioner of Public Works, yielding to their suggestions, presented to the Board of Aldermen of the city his views on the subject; but the Board failed to recommend any action to the Legislature or to take action themselves, and the matter comes up at Albany without request from the city authorities, and without any report from the Commissioner of Public Works, whose sole duty over it consists in its preservation and use. Last winter the Assembly by resolution asked the opinion of the Comptroller of the city, one of the Sinking Fund Commissioners, as to its removal, and he reported that he had consulted competent engineers, and that their opinions being against removal, his were unnecessary. A large body of citizens interested solely in preserving their water supply, and who claim that no such motive governs the supporters of Mr. Astor's bill, would regard it as a monstrous outrage upon the city and upon them to remove the structure without giving them as well as the friends of the bill an opportunity to be heard before a disinterested body.

The Croton Aqueduct is out of repair for the six or seven miles of its length which stand on a rubble wall, and liable during severe storms to give way; this dangerous fact should be maturely considered, and nothing done to increase the disaster a break would produce. Should it break so as to stop the flow for over two weeks, it might depopulate the city.

We therefore most respectfully and earnestly urge the Legislature to pass the bill introduced into the Assembly by Mr. Mitchell for the appointment of such a Commission (which embraces the general provisions of the one passed last winter in the Assembly, but not reached in the Senate), so that the whole subject may be reported upon at the next session.

NEW YORK MUNICIPAL SOCIETY.

THATCHER M. ADAMS, President.

Attest:

H. P. BUTLER, Secretary.

LAW OFFICE OF HAWKINS & COTHREN,
10 WALL STREET, NEW YORK, February 24, 1880.

Hon. JOHN J. MORRIS, President Board of Aldermen, City of New York:

DEAR SIR—Your Honorable Body have passed resolutions against the removal of the Murray Hill Reservoir unless a competent commission, after full investigation, shall report that it can be done with safety to the interests of the city.

The Mayor has seen fit not to approve of the resolutions.

I, as one of the 400,000 inhabitants below Murray Hill, who believe that the removal of this Reservoir would be a serious damage, wish to ask you to pass your resolutions, notwithstanding the Mayor's disapproval.

Who are the parties who favor this removal?

They are simply the few people in the immediate vicinity of the reservoir, who, having been supplied with a high service by means of a reservoir and steam-pump at High Bridge, and a special main five miles in length, all at the cost of the taxpayers at large, now wish to deprive the 400,000 people below Murray Hill of the benefits of this reservoir, in giving them a pressure sufficient to give them water in their houses; and they wish to do this simply for the sake of getting, at public expense, a new park near the houses of this small number of people.

Who are opposed to the removal?

(1.) The 400,000 people living below Murray Hill, who think the removal of this reservoir will injuriously affect their necessary supply of water.

(2.) The Board of Underwriters have remonstrated against it, fearing it will weaken the prompt and efficient supply of water to extinguish fires.

(3.) The hotel proprietors, for like reason, have remonstrated against it.

(4.) The Municipal Society have remonstrated against it.

(5.) The Council of Political Reform have remonstrated against it.

(6.) The Union League Club have remonstrated against it.

(7.) The Commissioners of the Sinking Fund have remonstrated against it.

(8.) Every competent hydraulic engineer who has examined the question has given an opinion that this reservoir, properly managed, is of great usefulness and service in the distribution of water to all points south of Murray Hill. They even suggest, that to give prompt supply and sufficient pressure below Canal street, to reach the upper stories of buildings, and to extinguish fires, we ought to have another reservoir like it on the high ground near Grand street and the Bowery.

(9.) The Murray Hill Reservoir holds 24,000,000 of gallons, and is two and a half miles nearer the lower part of the city than the reservoirs in the park. This is of great utility for pressure and prompt supply, and, in case of emergency, it could supply for twenty-four hours the entire force of steam fire engines in the city, working at once, to their full capacity.

Last year the Worth street fire alone required 12,000,000 gallons of water to extinguish it. In case of a conflagration this reservoir, with its 24,000,000 gallons of water, might be the salvation of the city.

Very respectfully yours,

DEXTER A. HAWKINS.

REPORTS.

(G. O. 77.)

The Committee on Law Department, to whom was referred the annexed preamble, with an ordinance to compel the Elevated Railway Companies to affix lights to the pillars of their railways standing at or near all intersections of streets and avenues crossed by the tracks of the Elevated Railway Companies, and to take measures to prevent grease, water, coals, or other liquid substances from falling or being thrown or dropped from their cars, locomotives, depots, or other portions of their railways, into the streets beneath, respectfully

REPORT:

That the necessity for adopting the ordinance is so obvious; that your Committee do not consider any argument is needed on their part to convince your Honorable Body of that fact, and they only intend in their report to allude to one or two facts bearing directly upon the proposition to compel these companies to cause lights to be affixed to their posts standing in the centre of the space formed by the intersection of streets and avenues beneath their tracks.

On the 25th February, 1878, the Common Council passed a resolution instructing the Commissioner of Public Works to compel the company or companies owning such posts to cause proper and efficient lights to be displayed therefrom, during the night time. On the 23d of September, in the same year, the Common Council passed a resolution directing the Commissioner to report what measures he had taken to compel these companies to comply with the directions given in the resolution of February 25th, and on the same day a communication was received from the Commissioner, transmitting a copy of his letters addressed by him to the officers of the companies on the subject (see page 572, vol. CLI, Proceedings of the Board of Aldermen, September 23, 1878,) to which it does not appear that even an answer was returned, or the slightest notice taken of them by the companies' officers. But one inference can be drawn from this discourtesy: These corporations are seemingly determined to ignore the resolutions of the Common Council and the action of the Commissioner of Public Works as its executive officer, and to disregard paying even the ordinary courtesy of a reply to either. Bills introduced in the legislature of this State, during the session of 1878-9, to compel these companies to place lights on their pillars, failed to become laws, and it seemed as if it was a settled purpose on the part of these corporations to refuse even this small measure of safety to our citizens.

In a communication dated February 3, 1880, addressed to the Committee on Streets and Street Pavements, the Commissioner of Public Works, in adverting to the resolution of February 25, 1878, requiring these pillars to be properly lighted, says "they (the companies) have been twice notified by this department to do the work, but no action has thus far been taken by the companies, and the department has no power to compel them to do so."

From the foregoing it must be apparent to your Honorable Body that these companies have deliberately concluded to defy the corporate authorities. But one course therefore remains to be taken by the city government: they must be compelled to obey every proper order or direction given or issued by the local authorities. As a means to accomplish this end, the ordinance referred to your Committee is herewith presented for your adoption, with some slight modifications.

Section 1 provides that for every neglect to cause lights to be placed on every post, column, or pillar standing at or near the intersections of streets and avenues on the route of these railways, the President or other officers of the companies shall be responsible, and in default shall be punished by fine or imprisonment.

Section 2 prescribes a like penalty for permitting any oil, grease, water, coals, scraps of iron, tools, or other liquid or solid substance to drop or fall or be thrown from any engine, car, track, depot, or other part or portion of the elevated railroads into or upon any street, avenue, or public place in this city, and is designed to compel these companies to pay some slight regard to the persons and property of persons using the public streets beneath their tracks. So loud and general have been

* Mr. Campbell omitted to state that these were imperial gallons, equal to 24,066,000 U. S. gallons.

the complaints of the people who have been injured in their persons and property by these very reprehensible practices, heretofore indulged in with impunity, and so dangerous has the reckless indifference of the employees of these companies to the safety of our citizens become, that the proposed measure of repression is now in imperative necessity.

Your Committee therefore respectfully and earnestly recommend the adoption of the following ordinance:

Whereas, In the construction of the elevated railroads in the Second, Third, Sixth, and other avenues and streets of this city, some of the posts are so placed as to be directly in or near the centre of the space formed by the intersecting streets and avenues, rendering travel in the night time extremely dangerous, from the liability of vehicles to collide with such posts; and

Whereas, The dropping of oil, grease, water, coals, scraps of iron, tools, or other liquid or solid substances from the elevated railways into the streets and avenues beneath, is a source of much annoyance, damage and even positive danger to the persons and property of large numbers of our citizens; therefore be it

Ordained by the Mayor, Aldermen, and Commonalty of the City of New York, as follows:

Section 1. There shall be placed or suspended and lighted, on or from every elevated railroad post, column, or pillar standing in or near the intersection of every street or avenue, on the outer side of such post, column or pillar facing the street or avenue which intersects the street or avenue through which such elevated railroad is constructed, a gas-light inclosed in a glass globe, or lamp of such pattern and construction as shall be approved by the Commissioner of Public Works, the work to be done and the gas used for the purpose of lighting the said lamps to be furnished at the expense of the elevated railroad company aforesaid; said gas to be kept burning during the same hours as the ordinary street lamps. Every failure to comply with the provisions of this section of this ordinance, on the part of the president, superintendent, directors, or other officers of every such railroad company, shall be deemed a misdemeanor, and shall be punished, on conviction before any of the Police Magistrates of this city, by a fine not exceeding ten dollars (\$10) for each offense, or in default of payment of such fine, by imprisonment not exceeding ten days.

Sec. 2. It shall not be lawful to permit any oil, grease, water, coals, scraps of iron, tools, or other liquid or solid substances to fall or be dropped or be thrown from any engine, car, track, depot, or other part or portion of the elevated railroads, into or upon any street, avenue, or public place in this city; and every person offending against the above provisions of this section, and the president, superintendent, directors, or other officers of every such railroad company who shall permit or allow any of the employees, agents, or servants of any such railroad company to violate any of said provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any of the Police Justices of this city, shall pay a fine not exceeding ten dollars (\$10) for each offense, or in default of payment of said fine, shall be punished by imprisonment not exceeding ten (10) days.

Sec. 3. The Commissioners of Police are hereby specially instructed to carry into effect and rigidly enforce the provisions of this ordinance.

Sec. 4. All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance are hereby repealed.

Sec. 5. Section 1 of this ordinance shall take effect on the first day of July, 1880, and section 2, immediately.

WILLIAM WADE, } Committee
CHARLES H. MARSHALL, } on
FREDERICK HELBIG, } Law Department.

Which was laid over.

(G. O. 78.)

The Committee on Public Works, to whom was referred the annexed resolution authorizing the Department of Public Parks to make a contract with John B. Devlin, for constructing a sewer in One Hundred and Forty-second street, from Alexander to Brook avenue, etc., respectfully

REPORT:

That they have conferred with the Department of Public Parks and ascertained the facts of the subject as follows: That at a public letting, on the 20th of May, 1879, John B. Devlin with others submitted proposals for building the above named sewer, and his being the lowest bid the contract was awarded to him, and the sureties were sent to the Comptroller for approval. At the time of their return to the Department of Public Parks approved, verbal word was received by the said Department, from the Counsel to the Corporation, that a legal question had arisen which would cover the case of this sewer, the contract containing (as sewer contracts usually do) fixed prices for some of the items of work as called for, and a suggestion to defer the execution of the contract until some action was had by the Board of Aldermen regarding the same. Therefore the resolution was presented to the Board for adoption, and it has the approval of the Counsel to the Corporation as to form.

The sewer in question is one that is very much needed, and constant applications are being made to the Department of Public Parks urging forward the work. If it is re-advertised and re-let, much time and expense must necessarily follow. The President of the Department of Public Parks states, "that in the face of the advance of material and the season of the year, that it will not be let at more advantageous prices as those made by Mr. Devlin."

"The Department is desirous of having the work commenced as early as possible, and would be glad to give any aid in its power to that end."

The Committee therefore recommend the adoption of the resolution.

Resolved, That the Department of Public Parks be and hereby is authorized and ordered to make a contract with John B. Devlin for constructing a sewer in One Hundred and Forty-second street, from Alexander to Brook avenue, with branches in Willis and Alexander avenues, at the prices named, and upon the terms and conditions contained in the proposal for said work made by said Devlin on or about May 29, 1879, as the lowest bidder, in response to an advertisement published by said Department, said contract to be executed in the form of a contract for the construction of said sewers heretofore approved by the Counsel to the Corporation.

BERNARD KENNEY, } Committee
HENRY HAFEN, } on
THOMAS SHEILS, } Public Works.

Which was laid over.

(G. O. 79.)

The Committee on Railroads, to whom was referred the annexed resolution in favor of directing the Manhattan Elevated Railroad Company to cause the pillars and tracks of their road, from Franklin square to the Battery, to be painted a light color, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary, not only from the above-named place, but should include that portion from Chatham square. They therefore recommend that the said resolution be amended and adopted.

Resolved, That the Manhattan Elevated Railway Company be and they are hereby directed to cause the pillars and tracks of their road running from Chatham square to the Battery to be painted a light color.

W. P. KIRK, } Committee
ROBERT HALL, } on
FREDERICK FINCK, } Railroads.

Which was laid over.

MOTIONS AND RESOLUTIONS AGAIN RESUMED.

Alderman Jacobus moved that the Board do now adjourn.

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

Which was decided in the affirmative.

And the President announced that the Board stood adjourned until Tuesday next, the 2d day of March, at 12 o'clock, M.

FRANCIS J. TWOMEY, Clerk.

OFFICIAL DIRECTORY.

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

EXECUTIVE DEPARTMENT.

Mayor's Office.

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

Mayor's Marshal's Office.

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

Permit and License Bureau Office.

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

Sealers and Inspectors of Weights and Measures.

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

LEGISLATIVE DEPARTMENT.

Office of Clerk of Common Council.

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

DEPARTMENT OF PUBLIC WORKS

Commissioner's Office.

No. 19 City Hall, 9 A. M. to 4 P. M.
ALLAN CAMPBELL, Commissioner; FREDERICK H. HAMLIN, Deputy Commissioner.

Bureau of Water Register.

No. 10 City Hall, 9 A. M. to 4 P. M.
JOHN H. CHAMBERS, Register.

Bureau of Incumbrances.

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

Bureau of Sewers.

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

Bureau of Chief Engineer.

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

FINANCE DEPARTMENT.

Comptroller's Office.

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

Bureau for the Collection of Assessments.

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

Bureau of City Revenue.

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

LAW DEPARTMENT

Office of the Counsel to the Corporation

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

POLICE DEPARTMENT.

Central Office.

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

DEPARTMENT OF CHARITIES AND CORRECTION.

Central Office.

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

FIRE DEPARTMENT.

Headquarters.

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

HEALTH DEPARTMENT.

No. 301 Mott street, 9 A. M. to 4 P. M.

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

DEPARTMENT OF PUBLIC PARKS

No. 36 Union square, 9 A. M. to 4 P. M.

JAMES F. WEXMAN, President; EDWARD P. BARKER, Secretary.

Civil and Topographical Office.

Arsenal, 64th street and 5th avenue, 9 A. M. to 5 P. M.

Office of Superintendent of 23d and 24th Wards.
Fordham 9 A. M. to 5 P. M.

DEPARTMENT OF DOCKS.

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

DEPARTMENT OF TAXES AND ASSESSMENTS

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

BOARD OF ASSESSORS.

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

DEPARTMENT OF BUILDINGS.

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

DEPARTMENT OF DOCKS.

DEPARTMENT OF DOCKS,
Nos. 117 and 119 DUANE STREET,
NEW YORK, January 17, 1880.

NOTICE.

PURSUANT TO THE PROVISIONS OF SUB-DIVISION 7 of section 6 of chapter 574, Laws of 1871, the following regulation was unanimously adopted by the Board of the Department of Docks, at a meeting held on the 14th instant, to wit:

REGULATION 16.

The owners, lessees, and occupants of every pier, wharf, and bulkhead in the City of New York shall keep the same in good repair, and the ships adjacent thereto properly dredged, and whenever, in the judgment of the Board of the Department of Docks, it shall be necessary so to do, written notices, signed by the President or Secretary of said Board, shall be served upon the owners, lessees, or occupants, or collector of wharriage of any such pier, wharf, or bulkhead, or the slip adjoining the same, on which repairs or dredging are required by said Board, specifying the nature and extent of the repairs or dredging so required, and the time within which such repairs must be made or such dredging done; and in case of failure of the owners, lessees, or occupants so notified to comply with the terms and requirements of such notice, they shall be liable to a penalty of \$50 per day for every day they shall neglect to comply with such notice.

By order of the Board,

EUGENE T. LYNCH,
Secretary.

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

TO CONTRACTORS.

PROPOSALS FOR FURNISHING GRANITE STONES FOR BULKHEAD OR RIVER WALL.

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

WEDNESDAY, MARCH 3, 1880,

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

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

To be furnished, cut in accordance with specifications: 772 pieces of Granite, consisting of—

"A." { 384 Headers and } containing about 15,167 cubic
 { 353 Stretchers, } feet; and
"B." { 35 Coping Stones, containing about 2,800 cubic ft.

For further particulars, see the drawings referred to in the specifications forming part of the contract.

The contract is to be fully completed on the thirty-first day of July, 1880.

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

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

Bidders will write out the amount of their estimate for doing this work, in addition to inserting the same in figures.

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

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

Each proposal shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person or persons making the bid, they will, on its being so awarded, become bound as his or their sureties for its faithful performance; and that if said person or persons shall omit or refuse to execute the contract, they will pay to the Corporation any difference between the sum to which said person or persons would be entitled on its completion and that which the Corporation may be obliged to pay to the person to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the city of New York, and is worth the amount of the security required for the completion of the contract, and stated in these proposals, over and above all his debts of every nature, and over and above his liabilities as bail, surety and otherwise; and that he has offered himself as surety in good faith, and with the intention to execute the bond required by section 6 of chapter 574, Laws of 1871, and by section 27 of chapter VIII. of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered is to be approved by the Comptroller of the City of New York, after the award is made and prior to the signing of the contract.

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

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

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

The form of the agreement, including specifications, and showing the manner of payment for the material, is annexed.

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

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

CORPORATION NOTICE.

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

1. Fencing Fifth and Madison avenues and Seventy-second and Twenty-third streets.....	\$243 58
2. Basin at the junction of Beaver and Pearl streets.....	180 73
3. Regulating, grading, resetting curb and gutter, One Hundred and Twenty-ninth street, from Seventh to Eighth avenue.....	999 99
4. Sewer in New avenue, west of Morningside Park, and in One Hundred and Twenty-second street, between One Hundred and Sixteenth street and Tenth avenue.....	17,428 16
5. Crosswalk at the northerly and southerly intersections of Lexington avenue and One Hundred and Twenty-fifth street.....	141 20
6. Sewer in One Hundred and Thirtieth street, between Fourth and Madison avenues.....	1,057 77
7. Sewer in Fifty-eighth street, between First and Second avenues, from end of present sewer.....	1,562 70
	\$21,614 13

WM. H. JASPER,
Secretary.

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

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

New York January 28, 1880.
EDWARD COOPER,
Mayor
JOHN KELLY,
Comptroller
ALLAN CAMPBELL,
Commissioner of Public Works
JAMES F. WENMAN,
President of the Department of Public Parks
JOHN J. MORRIS,
President of the Board of Aldermen.
RICHARD J. MORRISON,
Secretary.

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

No. 1. Regulating, grading, setting curb and gutter stones, and flagging in One Hundred and Fifty-second street, from the Boulevard to the Hudson river.
No. 2. Paving intersections of Fourth avenue with Eighty-third, Eighty-fourth, Eighty-fifth, and Eighty-sixth streets, with Belgian pavement.
No. 3. Paving One Hundred and Fourth street, between Second and Third avenues, with Belgian pavement.

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

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

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

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

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

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

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

No. 11. Sewer in Light street, between Washington and West streets.

No. 12. Fencing vacant lots on block bounded by Eightieth and Eighty-first streets, Madison and Fifth avenues.

No. 13. Sewer in Second avenue, between Seventy-fifth and Seventy-sixth streets.

No. 14. Basin on the northeast corner of Sixtieth street and Fifth avenue.

No. 15. Sewer in One Hundred and Thirtieth street, between Sixth avenue and summit west of Sixth avenue.

No. 16. Regulating, grading, curb, gutter, and flagging on Ninety-third street, from Second avenue to East river.

No. 17. Basin on the southwest corner of Eleventh and Dry Dock streets.

No. 18. Fencing vacant lots on the south side of Seventy-ninth street, between Fourth and Lexington avenues.

No. 19. Sewer in Eleventh avenue, west side, between Fifty-ninth and Sixtieth streets.

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

No. 21. Sewer in One Hundred and Thirtieth street, between Madison and Fifth avenues, and in Madison avenue, between One Hundred and Thirtieth and One Hundred and Thirty-first streets.

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

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

No. 24. Basin on the northwest corner of One Hundred and Fifteenth street and Avenue A.

The limits embraced by such assessment include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on—

No. 1. Both sides of One Hundred and Fifty-second street, between the Boulevard and Hudson river.

No. 2. Both sides of Fourth avenue, between Eighty-second and Eighty-seventh streets, and to the extent of half the block in Eighty-third, Eighty-fourth, Eighty-fifth, and Eighty-sixth streets.

No. 3. Both sides of One Hundred and Fourth street, between Second and Third avenues, and to the extent of half the block at the intersection of Second and Third avenues.

No. 4. Both sides of One Hundred and Fourth street, between Ninth and Tenth avenues.

No. 5. Both sides of Madison avenue, between One Hundred and Twenty-sixth and One Hundred and Twenty-seventh streets, also south side of One Hundred and Twenty-seventh street, extending one hundred and ten feet east of and eighty-five feet west of Madison avenue.

No. 6. Both sides of One Hundred and Twenty-ninth street, between Seventh and Eighth avenues.

No. 7. Both sides of One Hundred and Fourth street, from six hundred and fifty feet east of Tenth avenue to Ninth avenue.

No. 8. Both sides of Sixty-eighth street, extending one hundred feet west of Fourth avenue.

No. 9. Both sides of Seventy-second street, extending one hundred feet east of Second avenue.

No. 10. Both sides of Lexington avenue, between One Hundred and Third and One Hundred and Fourth streets.

No. 11. Both sides of Light street, between West and Washington streets.

No. 12. Block bounded by Eightieth and Eighty-first streets, Madison and Fifth avenues.

No. 13. Both sides of Second avenue, between Seventy-fifth and Seventy-sixth streets.

No. 14. East side of Fifth avenue, between Sixtieth and Sixty-first streets.

No. 15. Both sides of One Hundred and Thirtieth street, between Sixth and Seventh avenues.

No. 16. Both sides of Ninety-third street, between Avenue A and Second avenue.

No. 17. West side of Dry Dock street, between Tenth and Eleventh streets.

No. 18. South side of Seventy-ninth street, between Fourth and Lexington avenues.

No. 19. West side of Eleventh avenue, between Fifty-ninth and Sixtieth streets.

No. 20. Both sides of One Hundred and Twenty-seventh street, between Seventh and Eighth avenues.

No. 21. Both sides of One Hundred and Thirtieth street, between Madison and Fifth avenues; and both sides of Madison avenue, between One Hundred and Thirtieth and One Hundred and Thirty-first streets.

No. 22. Central Park.

No. 23. Both sides of One Hundred and Thirtieth street, between Ninth and Tenth avenues.

No. 24. West side of Avenue A, between One Hundred and Fifteenth and One Hundred and Sixteenth streets, and south side of One Hundred and Sixteenth street, extending 187 feet 6 inches west of Avenue A, and north side of One Hundred and Fifteenth street, extending 166 feet 6 inches west of Avenue A.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to the Board of Assessors, at their office, No. 114 White street, within thirty days from the date of this notice.

The above described list will be transmitted as provided by law to the Board of Revision and Correction of Assessments for confirmation on the 17th day of February ensuing.

THOMAS B. ASTEN,
JOHN MULLALLY,
EDWARD NORTH,
DANIEL STANBURY,
Board of Assessors.

OFFICE BOARD OF ASSESSORS,
No. 114 WHITE STREET (CORNER CENTRE),
NEW YORK, January 16, 1880.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,
No. 66 THIRD AVENUE.

PROPOSALS FOR GROCERIES, PAINTS AND OILS, HARDWARE, LUMBER, ETC.

TO CONTRACTORS.

SEALED BIDS OR ESTIMATES FOR FURNISHING

GROCERIES.

1 cask Prunes (new crop).
20 dozen Canned Peaches.
200 bags Bran.
50 barrels Oatmeal.
5,000 pounds prime Roasted Maracaibo Coffee.
100 bales prime quality Timothy Hay.
30,000 Fresh Eggs (all to be candled).
10 barrels new, fat, Shore No. 2 Mackerel.

PAINTS AND OILS.

5 barrels pure W. S. Sperm Oil.
1 " Signal Oil.
3 " Engine Oil.
3 " best Raw Linseed Oil.
5 " best Boiled "
5 " best quality Spirits Turpentine.

100 pounds Burnt Umber, in oil, in 2, 3, 5, & 10 lb. cans.
100 " Burnt Sienna, "
250 " Chrome Green, "
100 " Chrome Yellow, "
100 " Indian Red, "

HARDWARE, ETC.

1,000 Tin Plates.
20 dozen Ames' Shovels.
20 kegs 10d Cut Nails.
20 coils 9 Thread Manila Rope.
20 " 15 " " soft laid.
1 " 3 " " "

100 pounds Hemp Twine.
250 " Flax Sail Twine.
1 bale Fine Sponge.
25 dozen Hair Brushes.

LUMBER.

600 square feet 4 inch Spruce Flooring.
300 " 3 inch by 1 1/2 inch Worked Pine.
100 pieces 1 inch Clear Pine, T. and G.
50 " 3 inch by 8 inch by 10 feet Spruce.
250 feet Pine Shelving, planed both sides.

—or any part thereof, will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9 o'clock A. M., of Thursday, the 4th day of March, 1880. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Groceries, Hardware, Lumber, etc.," and with his or their name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the head of said Department and read.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates if deemed to be for the public interest, and to accept any bid or estimate as a whole, or for any one or more articles included therein. No bid or estimate will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

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

Delivery will be required to be made from time to time, at such times and in such quantities as may be directed by the said Department; but the entire quantity will be required to be delivered on or before thirty (30) days after the date of the contract.

Any bidder for this contract must be known to be engaged in and well prepared for the business, and must have satisfactory testimonials to that effect; and the person or persons to whom the contract may be awarded will be required to give security for the performance of the contract by his or their bond, with two sufficient sureties, in the penal amount of fifty (50) per cent. of the estimated amount of the contract.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested with him or them therein; and if no other person be so interested, it shall distinctly state that fact; that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud; and that no member of the Common Council, head of a Department, Chief of a Bureau, Deputy thereof or Clerk therein, or other officer of the Corporation, is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect, that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they shall pay to the Corporation any difference between the sum to which he would be entitled on its completion, and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract, over and above all his debts of every nature, and over and above his liabilities, as bail, surety, or otherwise; and that he has offered himself as a surety in good faith and with the intention to execute the bond required by section 27 of chapter 8 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

Should the person or persons to whom the contract may be awarded neglect or refuse to accept to contract within forty-eight (48) hours after written notice that the same has been awarded to his or their bid or proposal, or if he or they accept but do not execute the contract and give the proper security, he or they shall be considered as having abandoned it and as in default to the Corporation, and the contract will be readvertised and relet as provided by law.

The quality of the articles, supplies, goods, wares, and merchandise must conform in every respect to the samples of the same respectively at the office of the said Department. Bidders are cautioned to examine the specifications for particulars of the articles, etc., required, before making their estimates.

Bidders will state the price for each article, by which the bids will be tested.

Bidders will write out the amount of their estimate in addition to inserting the same in figures.

Payment will be made by a requisition on the Comptroller, issued on the completion of the contract, or from time to time as the Commissioners may determine.

Bidders are informed that no deviation from the specifications will be allowed, unless under the written instruction of the Commissioners of Public Charities and Correction.

The Department of Public Charities and Correction reserves the right to decline any and all bids or estimates if deemed to be for the public interest, and to accept any bid or estimate as a whole, or for any one or more articles included therein. No bid or estimate will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The form of the agreement, including specifications, and showing the manner of payment, can be obtained at the office of the Department.

Dated New York, February 20, 1880.

TOWNSEND COX,
THOMAS S. BRENNAN,
JACOB HESS,
Commissioners of the Department of Public Charities and Correction.

POLICE DEPARTMENT.

POLICE DEPARTMENT OF THE CITY OF NEW YORK,
300 MULBERRY STREET,
NEW YORK, February 21, 1880.

PUBLIC NOTICE IS HEREBY GIVEN THAT

"City Scow No. 23," and a quantity of scrap iron and old rope, the property of this Department, will be sold at public auction at the stables of the Bureau of Street Cleaning, at the foot of Seventeenth street, East river, on Friday, March 5, 1880, by Van Tassel and Kearney, auctioneers.

By order of the Board,
S. C. HAWLEY,
Chief Clerk.

DEPARTMENT OF BUILDINGS.

DEPARTMENT OF BUILDINGS,
OFFICE OF SUPERINTENDENT, No. 2 FOURTH AVENUE,
NEW YORK, December, 1879.

NOTICE TO PROPERTY OWNERS AND BUILDERS.

FOR THE PROTECTION OF THEIR INTERESTS,

property owners and builders are requested to refuse admission on into their buildings to any officer of this Department who does not show his proper badge of office on demand.

All badges issued from this office are shield shaped, with the title of the officer, the name of this Department, and the number engraved thereon, and are numbered from 1 to 50. The following badges are lost or stolen: Inspectors, badges Nos. 4, 8, 9, 11, 12, 21, 22, 23, 36, 38, 39, 42, 43, 45, 46, 48, 49, and 50. Fire Escape Examiners, badges Nos. 3 and 8, and Messenger's badge No. 7. All parties professing to be officers of this Department not provided with badges of the above description, or who attempt to use badges of the above named missing numbers, or an oval shaped badge, formerly used in the Department, are impostors, and the public are cautioned against recognizing such persons, and are requested to report the same to this office in any case that may come to their notice.

HENRY J. DUDLEY,
Superintendent of Buildings.

DEPARTMENT OF PUBLIC PARKS.

CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
35 UNION SQUARE,
February 19, 1880.

NOTICE IS HEREBY GIVEN THAT A MAP OR

plan for laying out the streets, roads, and avenues, public parks or places in the Twenty-fourth Ward of the City of New York, known as the "Woodlawn District," will be on exhibition at the office of the Topographical Engineer of the Department of Public Parks, at the Arsenal building in the Central Park, for two weeks, from and after this date, for the purpose of allowing persons interested to examine the same and file their objections before it is finally acted upon and adopted by the Department of Public Parks.

By order of the Department of Public Parks.

E. P. BARKER,
Secretary.

RAPID TRANSIT COMMISSION.

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

THE COMMISSIONERS APPOINTED BY THE

Mayor, on the 23d day of August, 1879, hereby give public notice that the further submission of plans for the construction and operation of railways, on the routes by them determined, will be received until the 19th inst., and that they will meet at this office on the 24th inst., and decide upon the plans and requisite appliances.

RICHARD M. HOE,
President.

LEGISLATIVE DEPARTMENT.

THE COMMITTEE ON PUBLIC WORKS OF

the Board of Aldermen will meet every Monday at two o'clock P. M., at Room No. 8 City Hall.

HENRY C. PERLEY,
THOMAS SHELLS,
JOHN MCCLAVE,
HENRY HAFKEN,
BERNARD KENNEY,
Committee on Public Works.

FINANCE DEPARTMENT.

DEPARTMENT OF FINANCE,
BUREAU FOR COLLECTION OF ASSESSMENTS,
FIRST FLOOR, ROOM NO. 1, NEW COURT-HOUSE,
CITY HALL PARK,
NEW YORK, February 18, 1880.

NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTI-

fied that the following assessment list was received this day in this Bureau for collection:

CONFIRMED FEBRUARY 14, ENTERED FEBRUARY 18, 1880.

82d street opening, from 1st avenue to Avenue B.

All payments made on the above assessment on or before April 18, 1880, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of entry.

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

EDWARD GILON,
Collector of Assessments.

DEPARTMENT OF FINANCE,
BUREAU FOR COLLECTION OF ASSESSMENTS,
FIRST FLOOR, ROOM NO. 1, NEW COURT-HOUSE,
CITY HALL PARK,
NEW YORK, February 4, 1880.

NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTI-

fied that the following assessment list was received this day in this Bureau for collection:

CONFIRMED JANUARY 30 AND ENTERED FEBRUARY 4, 1880.

105th street opening, from 3d avenue to 5th avenue.

All payments made on the above assessment on or before April 5, 1880, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of entry.

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

EDWARD GILON,
Collector of Assessments.

FINANCE DEPARTMENT—COMPTROLLER'S OFFICE,
NEW YORK, January 22, 1880.

NOTICE TO OWNERS OF REAL ESTATE IN THE

TWENTY-THIRD AND TWENTY-FOURTH WARDS OF THE CITY OF NEW YORK.

THE COMPTROLLER OF THE CITY OF NEW

York hereby gives notice to owners of real estate in the Twenty-third and Twenty-fourth Wards, that pursuant to an act of the Legislature of the State of New York, entitled "An act to provide for the adjustment and payment of unpaid taxes due the county of Westchester by the towns of West Farms, Morrisania, and Kingsbridge, lately annexed to the city and county of New York," passed May 22, 1878, the unpaid taxes of said town have been adjusted and the amount determined as provided in said act, and that the accounts, including sales for taxes levied prior to the year 1874, by the Treasurer of the County of Westchester, and bid in on account of said towns, and also the unpaid taxes of the year 1873, known as Rejected Taxes, have been filed for collection in the Bureau of Arrears in the Finance Department of the City of New York.

Payments for the redemption of lands so sold for taxes by the Treasurer of the County of Westchester, and bid in on account of said towns, and payments also of said Rejected Taxes of the year 1873, must be made hereafter to the Clerk of Arrears of the City of New York.

N. B.—Interest at the rate of two per cent. per annum is due and payable on the amount of said sales for taxes and said rejected taxes.

JOHN KELLY,
Comptroller.

REAL ESTATE RECORDS.

THE ATTENTION OF LAWYERS, REAL

Estate Owners, Monetary Institutions engaged in making loans upon real estate, and all who are interested in providing themselves with facilities for reducing the cost of examinations and searches, is invited to these

Official Indices of Records, containing all recorded transfers of real estate in the City of New York from 1653 to 1857, prepared under the direction of the Commissioners of Records.

Grantees, grantees, suits in equity, insolvents' and Sheriff's sales, in 61 volumes, full bound, price, \$500 00

The same, in 25 volumes, half bound, price, 50 00

Complete sets, folded, ready for binding, price, 15 00

Records of Judgments, 25 volumes, bound, price, 10 00

Orders should be addressed to "Mr. Stephen Angell, Comptroller's Office, New County Court-house."

JOHN KELLY,
Comptroller.

SUPREME COURT.

In the matter of the application of the Department of Public Parks, for and in behalf of the Mayor, Aldermen and Commonalty of the City of New York, relative to the opening of One Hundred and Thirty-eighth street, from Harlem river to Long Island Sound; and to the opening of One Hundred and Forty-ninth street, from Harlem river to the Southern Boulevard; and to the opening of Westchester avenue, from Third avenue to the City line at the Bronx river; and to the opening of Cliff street, from Third avenue to Union avenue; and to the opening of One Hundred and Sixty-first street, from Jerome avenue (late Central avenue) to Third avenue; and to the opening of One Hundred and Sixty-fifth street, from Boston avenue to Union avenue; and to the opening of Tinton avenue, from Westchester avenue to One Hundred and Sixty-ninth street; and to the opening of Prospect avenue, from One Hundred and Fifty-sixth street to the Southern Boulevard; and to the opening of Willis avenue, from One Hundred and Forty-seventh street to Third avenue; and to the opening of One Hundred and Forty-eighth street, from Third avenue to St. Ann's avenue; and to the opening of One Hundred and Fifty-sixth street, from Third avenue to Elton avenue; and to the opening and widening of Morris avenue, from Third avenue to Railroad avenue, at One Hundred and Fifty-sixth street, in the Twenty-third Ward of 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, in the County Court-house at the City Hall, in the City of New York, on the 6th day of March, 1880, at 10 o'clock in the forenoon.

MEYER BUTZEL,
HENRY LEWIS,
JOSEPH BLUMENTHAL,
Commissioners.

Dated New York, February 19, 1880.

HEALTH DEPARTMENT.

HEALTH DEPARTMENT,
No. 301 MOTT STREET,
NEW YORK, February 10, 1880.

BOVINE VACCINE VIRUS.

AT A MEETING OF THE BOARD OF HEALTH,

held this day, the following resolution was adopted: Resolved, That pursuant to the provisions of chapter 635, Laws of 1874, entitled "An act to secure effective vaccination in the City of New York and the collection of pure vaccine lymph or virus," the Board of Health authorizes the sale of such surplus lymph or virus whenever the quantity on hand exceeds the amount required in the proper performance of its duties, at the following rates, and that orders for the same be addressed to Dr. J. B. Taylor, Inspector of Vaccination:

One quill slip \$0 25

Eight quill slips 1 00

Crust one remove from the call 1 50

Dispensaries and distributors of large amounts may be supplied at wholesale rates.

(A true copy.)

EMMONS CLARK, Secretary.

THE CITY RECORD

COPIES OF THE CITY RECORD CAN BE

obtained at No. 2 City Hall (northwest corner basement). Price three cents each.

DEPARTMENT OF TAXES AND ASSESSMENTS.

DEPARTMENT OF TAXES AND ASSESSMENTS,
No. 32 CHAMBERS STREET,
NEW YORK, January 12, 1880.

NOTICE IS HEREBY GIVEN THAT THE BOOKS