

THE CITY RECORD.

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LAW DEPARTMENT.

OPINIONS OF THE COUNSEL TO THE CORPORATION.

The Superintendent of Markets, who is an officer in the Finance Department, possesses under legislation extending through a series of years, ample and useful powers in the control and management of the markets and market places of the city.

The more recent statutes creating the important office of Superintendent of Incumbrances as a bureau in the Department of Public Works do not abridge the lawful powers of the Superintendent of Markets.

The Superintendent of Incumbrances has, however, the fullest authority to remove incumbrances from all places dedicated to public use; his duties extend to the vicinities of the markets as well as to other portions of the city; and neither the Superintendent of Markets nor other officer can legally interfere with him in his discharge of those duties.

The Superintendent of Markets and the Superintendent of Incumbrances have concurrent power to clear the avenues and approaches to the markets, but not to incumber them.

All ordinances of the city authorizing any officer to lease, let or obstruct any part of any street, sidewalk, or public place opened to the use of the people at large, are illegal and void.

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, December 16, 1873.

Mr. Thomas F. De Voe, Superintendent of Markets,

SIR:—I have considered your letter of the 8th instant in relation to your powers and duties, the relative duties and powers of the Superintendent of Incumbrances, and the right claimed by you and other officials to permit, for compensation to the city or otherwise, the incumbrance of the streets and sidewalks near the public markets.

I will, in the first place, make a brief summary of the laws and ordinances bearing upon the subject. With regard to the ordinances and the permits given in pursuance thereof, it will be seen before this opinion is concluded that I regard many of them as of no legal force whatever.

Before the passage of the Charter of 1849 the market committees of the Common Council had the entire control of the markets and the market places in this city. That committee was empowered to appoint two Superintendents of Markets charged with the duty of seeing that all the laws and ordinances relating to the public markets were complied with. (Revised Ordinances of 1845, pages 93 and 94.) Deputy Clerks were to be appointed, one to each market, and their duties among other things were to cause the removal from the markets and the streets adjacent thereto of any article, cart, vehicle, wagon, box, basket, or other thing which they might order to be removed. (Revised Ordinances of 1845, Sections 1, 9, 10, of Title 4, Chapter 12.) The same powers were vested in subsequent clerks of markets by the Revised Ordinance of 1856, 1859, and 1866. The Revised Ordinances of 1845 (Section 2, page 105) provided that no person should occupy any part of any public market or the streets contiguous thereto within the distance of 300 yards from any part of such market for the purpose of exposing for sale any article whatsoever, without having first paid the rent or market fees according to the rates specified in the first section of the title referred to, when demanded by the deputy clerk, under the penalty of \$25 for each offence. No person (Section 3, page 106) should expose for sale anything in any market or street within 300 yards thereof, except at a stall or stand to be hired from the deputy clerk, under a penalty of \$10. And like provisions were incorporated in the Revised Ordinances of 1856, 1859, and 1866.

By the charter of 1849 the Superintendent of Markets was created and made the head of a

bureau in the Departments of Streets and Lamps, charged with the duty of superintending the markets and with the enforcement of all laws and ordinances regulating the same. (Revised Ordinances of 1859, page 168; *Id.* of 1866, page 179, section 57.)

Under the Revised Ordinances of 1859, page 169, section 60, clerks were appointed, one to each market, in whom were vested all the powers and duties of the former deputy clerks. (Page 88, Revised Ordinances of 1866.) The charter of 1857 created a City Inspector's Department, and the Superintendent of Markets was placed at the head of a bureau therein, charged with the inspection, regulation and management of the public markets, with power to advise and direct the various clerks concerning the regulation of the same. (Revised Ordinances of 1859, pages 166 and 167, sections 45 and 47; and Revised Ordinances of 1866, page 177, sections 47 and 49.)

By paragraph 8, section 1, page 227, of the laws of 1863, the bureau for the inspection, regulation, and management of markets was transferred to the Finance Department, and all laws and ordinances in force relative to the bureau or Superintendent of Markets or other officers connected therewith, were made applicable to the newly-created bureau. Chapter 74 of the laws of 1866 abolished the City Inspector's Department and every branch thereof. The Superintendent of Markets became the head of a bureau in the Finance Department, subject to the directions of the Comptroller. (Revised Ordinances of 1866, page 179, section 58.) The charter of 1870 recognises the Superintendent of Markets as the head of a bureau in the Finance Department (paragraph 6, section 37); and this provision is perpetuated in the charter of 1873. (See paragraph 5 of section 33, article 5, chapter 335, of the laws of 1873.)

Prior to the Revised Ordinances of 1866, the Street Commissioner had exclusive control of the removal of all incumbrances from the streets, avenues, and places in the city. (See Revised Ordinances of 1839, 1845, 1856, and 1859, under the head of Removal of Incumbrances.) But by the Revised Ordinances of 1866, page 98, Section 22, the Street Commissioner was authorized to appoint two competent persons charged with the duty of reporting to him any articles or things whatever, which might incumber or obstruct a street, avenue, or place, and to order the same to be moved; and if not removed within 24 hours thereafter, to cause a removal of the same to the yard under the care of the Deputy Superintendent of Repairs and Supplies, or other suitable place.

By the Charter of 1870, a Bureau of Incumbrances was created in the Department of Public Works, the chief officer of which was to be called the Superintendent of Incumbrances, to whom all complaints relating to the removal of incumbrances were to be made, and by whom such incumbrances were to be removed. (Paragraph 9, Section 79, amended Charter of 1870.) This bureau, with the same powers and duties, was continued by the Charter of 1873. (Section 72, Paragraph 8, Chapter 335, Laws of 1873.)

It is evident in this case (and the history of recent legislation contains many like examples) that those who drafted the statutes relating to the Superintendent of Markets, and those who prepared the provisions regarding the Superintendent of Incumbrances, were not mutually aware of the character of prior legislation, and therefore failed to define the relative powers of the two officers. It will, however, relieve the whole subject of much perplexity if we go back to the primitive notion that the public streets and sidewalks in every part of the city, whether adjacent to or at a distance from the markets, are not subject to barter, bargain, sale, or lease between the Common Council or any other department of the municipal government on the one hand and the dealers in market commodities on the other. The walks, streets, and public places of New York are set aside and devoted by law to the exclusive use of the people to pass and repass without hindrance or obstruction. Your letter is largely occupied with a discussion as to which of the two officers, the Superintendent of Markets or the Superintendent of Incumbrances is entitled to exercise powers over streets and sidewalks which neither of you possesses any

right whatever to incumber or permit to be incumbered for any purpose whatever. Much of the perplexity arising out of the supposed conflict of powers between the two officers will disappear when we fall back, as we are bound to, upon the inalienable right of our citizens to use the streets and sidewalks for the purposes of their dedication; and those who have wares to sell of any kind whatever shall learn to obtain their stands, stalls, and places of business from those who own and have a right to let them. It is within the power, and it is the duty, of the Superintendent of Incumbrances to remove every stand, stall, structure, basket and commodity occupying the streets and sidewalks about the markets; and it is not within your power nor the power of any municipal officer or department to grant permits for the occupation for market purposes of any part of any street or sidewalk in the city of New York. Both yourself and the Superintendent of Incumbrances may clear the streets and sidewalks about the markets; but neither of you can incumber them nor permit their incumbrance by any person whatever.

The conclusions which I have above stated are amply sustained, not only by the reason of the thing, but also by unquestionable judicial decisions. No branch of the Corporation has power to divert the streets and sidewalks from their public uses. No permit this side of the Legislature can legalize a permanent private occupation of the streets. The sidewalks and streets are vested in the corporation in trust to keep the same open forever for public use. (Valentine's Laws, page 1, 198.) In *McAllerton v. the Mayor*, (New York Transcript, January 10, 1861), Hoffman, J., says in respect to a butcher's stall, located in the street: "It is out of the power of the corporation by the most solemn act to confer a legal right to the use of it for a day." See also *St. John v. The Mayor*, 6 Duer, page 315. Even the Common Council of a city has no power to permit a person or corporation to permanently obstruct the street. Such an obstruction is a nuisance which only the Legislature could by any possibility legalize. (New York Central and Hudson River Railroad Company v. Utica. Opinion by Mullen, J., *Law Journal*, February 25, 1871; *Wetmore v. Tracy*, 14 Wendell, 250; *Hart v. The Mayor*, 9 Wendell, 571.) The learned opinion of Mr. Justice Monell in the recent case of *Trenor v. Jackson*, although not yet formally reported, has been widely cited. It fearlessly sustains the rights of the public in this regard. In that case Judge Monell granted an injunction to restrain an incumbrance upon a sidewalk notwithstanding that the defendant had obtained a permit therefor. I had occasion last summer to advise the removal of all the sheds and structures about the markets of this city; and while that removal was sustained under the powers vested in the Board of Health, I had no doubt then, and have none now, that they were also removable as incumbrances without reference to the question of the sanitary necessities of the case.

The large and useful powers granted to you in the course of legislation, of which I made a summary above, are in no way abridged by the creation of the office of Superintendent of Incumbrances. His powers are ample to preserve the streets and sidewalks to their legitimate uses, and your powers are ample also in keeping the avenues, places, and approaches around the markets clear as they ought to be. The additional and most useful authority possessed by you with regard to the other matters relating to the markets are not in question, and require no comments. So far as any ordinance of the city is so framed as in terms or effect, to undertake to clothe you with powers to render the streets and sidewalks about the markets a source of income to the city, or a convenience to individuals in derogation of the rights of the people at large to the unobstructed use of the public highways, such ordinance is utterly null and void.

I am, sir,

Very respectfully yours,

E. DELAFIELD SMITH,
Counsel to the Corporation.

A proposal for a contract to furnish granite to the Department of Docks provided, among other things, that the customary verification of the bids must be before a "Judge of Record," when the laws and ordinances re-

quire that the oath must be taken before a "Judge of a Court of Record." Held, that the lowest bidder, having acted in good faith, might receive the award, although the verification was before a notary public, and not before a judge.

As a general rule, directory regulations intended to protect the city in the making of contracts, may to a reasonable extent be waived by the Department, and such waiver cannot be taken advantage of by a contractor to evade the obligations assumed by him.

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, December 12, 1873.

Hon. Andrew H. Green, Comptroller,

SIR:—A communication from your Department requests my opinion upon facts stated in substance as follows: Under the Charter of 1873 it is provided that all contracts for work done or supplies furnished shall be given to the lowest bidder, who shall give security for the faithful performance of the contract in the manner prescribed and required by the ordinances of the city. By Section 21 of Article 2, Chapter 7 of the Revised Ordinances of 1866, it is required that the oath or affirmation of each of the sureties offered by a contractor be taken before a "Judge of a Court of Record," and be to the effect that he is a householder or freeholder in the City of New York, and worth the amount of the security; and by Section 22, that the head of the Department proposing for a contract shall reject all estimates not furnished in conformity with chapter 7 of the ordinances above cited.

The Department of Docks issued printed proposals for furnishing granite for works under their control. The direction in those proposals as to the officer before whom the oath or affirmation of the sureties should be taken uses the words a "Judge of Record," instead of the words a "Judge of a Court of Record." You remark that no such officer as a Judge of Record exists, and that therefore no oath or affirmation could be taken before an officer so described. The sureties of the Onico Quarry Company, who were the lowest bidders for furnishing the granite, seem in good faith, especially in view of the ambiguity of the direction, to have taken the oath before a notary public, when, if the proper directions had been given in the printed proposals, their officers (as they allege) would have known that it should have been taken before a Judge of a Court of Record.

You inquire, first, whether this informality so invalidates the bid that it must be rejected notwithstanding the good faith and responsibility of the company and of their sureties. And, secondly, if the bid be rejected because of the error in the proposals and the informality of the affidavit of the sureties, must the city accept the next lowest bidder who shall be found regular and responsible, or would the whole matter be open for new proposals freed from the irregularity in question.

Section 22 of the ordinance above mentioned provides that the heads of Departments shall open and read all estimates received for the contract specified in the proposals, and shall reject all estimates not furnished in conformity with the ordinances, and thereupon shall award the contract.

It is important, and, indeed, necessary to the validity of contracts in order that they shall bind the city, that in all the steps pursued there should be a substantial compliance with the regulations of law and of ordinance. At the same time, we must keep in view the mandatory rule that a contract must be awarded to the lowest responsible bidder, who in all substantial respects has taken the course to obtain the award which the ordinances and laws prescribe. It is not advisable for us to become so lost in technical mazes as to lose sight of the spirit and object of the enactments bearing upon the subject. The rule of law, that when a clause in a contract is capable of two significations, it should be understood in that which will have some operation, rather than in that which will have none, is well settled; as also the rule that the intention of the parties must be gathered from the whole instrument, and that the literal interpretation of the words, when inconsistent with the intention, may be disregarded. (*Kelly v. Upton*, 5 Duer, 336; *Deker v. Furniss*, 14 N.Y. 611.) All regulations for rendering the sureties liable are inserted for the protection of the Department, and could not ordinarily be taken advantage of by the contractors. If the contractors and their sureties take the oath in good faith before a Notary Public,

and the Financial Department is satisfied with the responsibility of the sureties, there is no reason why the lowest bidder should not receive the award, nor why there should be a resort to the delay and expense of the steps required to issue new proposals.

This view of the matter leaves us no alternative but to recognize and act in this case upon the award to the Onico Quarry Company, without going into the other questions suggested in our letter.

I am, sir, Very respectfully yours, E. DELAFIELD SMITH, Counsel to the Corporation.

The appointment of attendants upon the Courts in New York is vested in the Judges; and the Act of 1870 transferring the power to the Comptroller is unconstitutional and void.

The Supreme, Superior, and Common Pleas Courts of the City of New York having decided that the statute referred to contravenes the Constitution, the Counsel to the Corporation, being of the opinion that further litigation upon the question could result only in imposing useless expenses upon the city, advises that the matter be treated as settled without appeal to the Court of Appeals.

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, December 12, 1873.

Hon. Andrew H. Green, Comptroller,

SIR:—I am in receipt of your letter of the 11th instant, enclosing papers in the case of John Fitzgerald. You request that a stay of proceedings be obtained, and measures taken to have this writ set aside, or an appeal taken therefrom to the Court of last resort.

This case has already received my careful attention and consideration, and I have no doubt whatever, that the order of Judge Brady is correct. The Auditor of Accounts states in his affidavit, that he is informed and believes that Fitzgerald was duly removed by the Court of Common Pleas. Further investigation, however, showed that the Auditor was mistaken in regard to Fitzgerald's having been removed by the Court. The facts in regard to the matter are as follows:—Fitzgerald was originally appointed by the Court, on March 1, 1869; he was removed by Comptroller Connolly November 30, 1870; he was re-appointed by Comptroller Connolly January 10, 1871; his removal was again ordered by yourself on October 16, 1871; notwithstanding such last removal, he continued to discharge his duties as an attendant, until December 31, 1871, when (having been appointed an attendant in the Supreme Court), he resigned his place in the Common Pleas.

Section 9 of Chapter 382, of the Laws of 1870, provides that the Comptroller shall appoint and remove attendants on the several Courts in the City of New York, except Police and District Courts. I am not aware of any other statute, under which Comptroller Connolly, or yourself, can be supposed to have removed Fitzgerald, and this statute has repeatedly been held by the Courts to be unconstitutional. It has been so decided in the Superior Court by Chief Justice Barbour and Mr. Justice Curtis, and the Chief Justice stated that all the judges of the Superior Court concurred in his opinion. It was also held to be unconstitutional in the Court of Common Pleas by Judge Larremore, and Judge Larremore and Judge Van Brunt have both stated that all the judges of the Court of Common Pleas were of the same opinion. This statute was also passed upon by the General Term of the Supreme Court, and was held by that Court to be unconstitutional. The cases were those of Coogan, Dolan and Brennan against The Mayor, etc. These parties sued the city for services as attendants in the Court of Common Pleas, Coogan and Dolan from October 16th, 1871, to June, 1872, and Brennan from January, 1872, to June, 1872, claiming to have been appointed by the Comptroller under the statute above referred to. The opinion of the Court was given by Chief Justice Ingraham, who held distinctly that these persons could not recover, (though it was not disputed that they had rendered services,) because the statute was unconstitutional, and the Comptroller had no power to appoint them.

This statute is therefore pronounced unconstitutional by the six Judges of the Superior Court, the six Judges of the Common Pleas, and by the General Term of the Supreme Court, and in this opinion I fully concur.

It follows, therefore, that Fitzgerald having been originally appointed by the Court, his re-

moval by Comptroller Connolly and by yourself was of no effect, and that he is entitled to be paid to the time when he resigned.

I accordingly advise you that an appeal in the case would have no result, except to impose expense upon the city, and I recommend that the writ of mandamus be obeyed.

The papers transmitted to me with your letter are herewith returned.

I am, sir, Yours very respectfully, E. DELAFIELD SMITH, Counsel to the Corporation.

The law for the erection of a public market in the Eighteenth Ward of the City of New York requires the Commissioners to file with the Clerk of the Common Council the original minutes of their proceedings, together with all contracts and vouchers for payment; and a compliance with this direction may be enforced by legal proceedings through the Law Department.

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, December 12, 1873.

The Commissioners for the Erection of a Public Market in the Eighteenth Ward of the City of New York,

GENTLEMEN:—I am informed by the Comptroller that notwithstanding a request by the Clerk of the Common Council, you have failed to file with him "the original minutes of all your proceedings, verified by your oaths or affirmations, together with all contracts and vouchers for payments made by you," as section 4 of chapter 120 of the laws of 1865 requires.

Unless you comply with the requirements of the above-mentioned section, forthwith, it will be my duty to commence legal proceedings against you to enforce such compliance.

I am, gentlemen, Very respectfully yours, E. DELAFIELD SMITH, Counsel to the Corporation.

The powers of the Dock Department in the City of New York extend to the filling in of the shallow waters on and about Randall's Island, and the sinking of crib work to facilitate the discharge of cargoes from boats engaged in the Bureau of Street Cleaning in the Department of Police.

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, Dec. 11, 1873.

The Honorable the Commissioners of the Department of Docks,

GENTLEMEN: In a letter addressed by me to the Police Department, dated June 19, 1873, I advised that no action by the Common Council was necessary to authorize the Board of Police to fill up the shallow waters on and around Randall's Island, and that the proper course was for that Board to apply to the Department of Docks for permission. Authority to grant such permission is vested exclusively in the Department of Docks by subdivision 2 of section 6 of chapter 574 of the laws of 1871. (Laws of 1871, volume 2, page 1,235.) The statute to which I refer provides that the Department of Docks shall have the exclusive charge and control (subject, in certain particulars, to the Commissioners of the Sinking Fund) of all the wharf property belonging to the corporation, including all the wharves, piers, bulkheads and structures thereon and waters adjacent thereto, and all the slips, basins, docks, water fronts, land under water, and structures thereon, and the appurtenances, easements, uses, reversions, and rights belonging thereto, and exclusive charge and control of the repairing, building, re-building, maintaining, altering, straightening, leasing, and protecting said property, and all cleaning, dredging, and deepening necessary in and about the same.

By the charter of 1873, now in force, it is provided that the Department of Docks shall possess such powers and perform such duties as at the adoption of this charter were vested in the then existing Department of Docks, excepting only that the Board shall not have power to change the exterior line of piers and bulkheads as then established by law. (Laws of 1873, chap. 335, sec. 38.)

In that letter I stated that at the request of the Board of Aldermen the matter had already received the consideration of the Dock Department, and that, as I was informed, the Chief Engineer was of the opinion that such shallow waters might be used as a dumping ground without injury to the public interests. I presumed that upon an application by the Board of Police directly to the Department of Docks, the desired permission would be obtained without difficulty, subject to such restrictions as would be necessary to protect the health of Randall's Island, and to prevent encroachments upon the navigable waters of the harbor. After inquiry

at the offices of the Comptroller and Secretary of State, I could not learn that any grant of land under water on or around Randall's Island had ever been made to the city. But as the city is the owner of the upland part of the island, it is not likely that any question would arise. If the city owns the land under water, it has, of course, the right to fill it up, provided no injury to the harbor be the consequence; and if the title is still in the State, there would be no difficulty, if the question should ever arise, in obtaining a grant from the Commissioners of the Land Office.

In my judgment, and I am satisfied there can be no question upon the subject, the powers granted to the Dock Department by the Charter of 1870, amended in 1871, and confirmed in 1873, are ample to allow the Department to sink crib-work on the north or northeast side of Randall's Island, or around Sunken Meadow, on or inside of the exterior water line, to accommodate the boats of the Police Department connected with the Street Cleaning Bureau, and to facilitate the discharge of their cargoes.

I am, gentlemen, With great respect, Your obedient servant, E. DELAFIELD SMITH, Counsel to the Corporation.

THE CITY RECORD.

OFFICE OF THE CITY RECORD, No. 2 CITY HALL, NEW YORK, December 12, 1873.

Hon. Wm. F. Havemeyer, Chairman Board of City Record,

SIR: I have the honor to transmit herewith a detailed report of the transactions of this office for the month of November, 1873.

From schedule "A" it will be seen that the expenses of printing the CITY RECORD for the month of November amount to \$924 70, showing an average cost per issue of \$38 53.

Schedule "B" shows the number of copies received at this office from the printer, and the number delivered to the several departments daily. On the 18th of November 200 copies in addition to the regular issue of 1000 were ordered for the use of the Health Department.

Schedule "C" gives the daily receipts from sales, and shows a total for the month of \$62.56.

I have the honor to remain, Your obedient servant, ABM. DISBECKER, Supervisor City Record.

DEPARTMENT OF BUILDINGS

New York, December 15, 1873.

The following comprises the operations of the Department of Buildings for the week ending December 13, 1873.

BUREAU OF CONSTRUCTION AND ALTERATION OF BUILDINGS.

Plans, Specifications and Special Applications, filed, examined and passed upon.

NEW BUILDINGS.

No. of Plans and Specifications filed and examined... 7 No. of Buildings embraced in same... 9

CLASSIFIED AS FOLLOWS:

Tenements... 8 Manufactories and Workshops... 1 Total... 9

Plans &c., approved, including those previously filed... 5 " amended and approved... 3 " disapproved... 3 Total... 11

ALTERED BUILDINGS.

No. of Plans and Specifications filed and examined... 10 " Buildings embraced in same... 13

CLASSIFIED AS FOLLOWS:

First class Dwellings... 1 Second class Dwellings... 4 Tenements... 4 Second class Stores... 2 Public Buildings... 1 Stables... 1 Total... 13

BUILDINGS EXAMINED AND PLANS RELATING THERETO PASSED UPON INCLUDING THOSE PREVIOUSLY FILED.

Approved... 7 Amended and approved... 1 Disapproved... 1 Pending... 4 Total... 13

SPECIAL APPLICATIONS.

Number filed examined and passed upon... 10 Approved... 4 Disapproved... 2 Amended and approved... 3 Pending... 1 Total... 10

HENRY J. DUDLEY, Deputy Supt. and Chief of Bureau.

BUREAU OF UNSAFE BUILDINGS, VIOLATIONS AND COMPLAINTS.

Abstract of operations for the week ending December 13, 1873:

Complaints received from outside sources... 9 Violations of the law reported... 3

Violations of the law removed... 9 Unsafe buildings reported... 55 Unsafe buildings made safe... 40 Unsafe buildings taken down... 2 Surveys ordered on unsafe buildings... 0 Surveys held on unsafe buildings... 1 Violation cases sent to Attorney for prosecution... 1 Unsafe building cases sent to Attorney for prosecution... 1 Violation notices served... 7 Unsafe building notices served... 5 Buildings surveyed as to general condition... 776

The classification of the unsafe buildings reported are as follows:

Unsafe walls... 13 chimneys... 34 generally... 2 " piers... 1 " cornices... 1 " balustrades... 1 " coping... 1 " lintel... 1 balcony... 1 Total... 55

ANDREW OWENS, Chief of Bureau.

BUREAU OF IRON WORK.

Abstract of operations for the week ending December 13, 1873:

Buildings reported for fire-escapes... 17 Fire-escapes provided... 74 Arch girders tested... 0 Iron beams tested (all approved)... 4 Iron lintels tested, (not approved)... 5

Notices for Fire Escapes served... 110 Cases sent to Attorney for prosecution... 0

JOHN VANDERBECK, Chief of Bureau.

BUREAU OF THEATRES, HOTELS, SCHOOL-HOUSES, FACTORIES AND SPECIAL SURVEYS.

Abstract of operations during the week ending Saturday, December 13, 1873:

THEATRES.

Eight theatres and lecture halls have been officially examined, viz.:

Steinway Hall, Church of the Disciples, Germania Theatre, Metropolitan, Bowery, Olympic, Wallack's, and the Broadway, and but one violation of section 29 of the Building Law reported as occurring. The additional fire safe-guards ordered in the Bowery have been provided, and the trustees of the Church of the Disciples notified of their infraction of the law in filling the aisles with chairs.

HOTELS.

Sixteen hotels and lodging houses have been inspected, viz.:

Lorillard House, 202 South street; Sweet & Sons, 4 Fulton street; Eastern Hotel, No. 1 South street; Anson House, 79 Spring street; Washington Headquarters, 54 Pearl street; Emigrant House, 16 State street; Brandeth House, Broadway and Canal street; Summit House, 65 Bowery; Millard's, 619 Broadway; Westmoreland, 44 Union square; Metropolitan, Broadway and Prince street; Tremont, 665 Broadway; Hotel Brunswick, 5th avenue and 26th street; Grand Union, 4th avenue and 42d street; Stevens House, 5th avenue and 27th street; and the St. Charles, 648 Broadway.

SCHOOL HOUSES.

Five school buildings have been reinspected and reported upon, as follows:

School building on East 9th street, from 706 to 712, windows on stairway turnings guarded as recommended; school building on 5th street, from 326 to 332, windows on stairway turnings guarded as recommended; school building at 95 Allen street, stove pipes changed and placed sufficiently distant from woodwork; school building on West 20th street, from 136 to 144, heating apparatus put in safe and proper condition; school building on Monroe street, from 196 to 202, ceilings therein made safe and secure.

FACTORIES.

Six factories have been inspected and reported upon, as follows:

Cabinet manufactory, 33 First street; refrigerator manufactory, 111 to 117 East Houston street; cabinet manufactory, 191 to 195 Chrystie street; extension table factory, 22 Rivington street; cabinet manufactory, 23 Rivington street, and segar manufactory, No. 6 Rivington street. In one of which additional fire safe-guards were found to be required.

SAM'L T. WEBSTER, Chief of Bureau.

Dec. 1st.—Wm. Cornell appointed clerk.

W. W. ADAMS, Supt. of Buildings.

DEPARTMENT OF PUBLIC PARKS.

Abstract of the proceedings of the Board of Commissioners of the Department of Public Parks, for the week ending Saturday, December 13th, 1873.

SPECIAL MEETING, December 9, 1873.

Seventeen certificates of indebtedness of the City of Yonkers, amounting in all to \$4,505 83, were received from the Mayor of said city.

Bills Audited.

Maintenance... \$17 98 Construction... 12,807 45 Maintenance of Bridges... 454 16 Construction of Museum of Natural History... 4,000 00 Kingsbridge... 25 63

Pay Rolls.

Laborers, for the two weeks ending December 6, 1873... \$24,378 23 Gate keepers, for the two weeks ending December 6, 1873... 992 50

WM. IRWIN, Secretary D. P. P.

VOTE FOR JUSTICES OF THE MARINE COURT.

FIRST ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

SECOND ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

THIRD ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

FOURTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

FIFTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

SIXTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

SEVENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

EIGHTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

NINTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

TENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

ELEVENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

TWELFTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

THIRTEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

FOURTEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

FIFTEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

SIXTEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

SEVENTEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

EIGHTEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

NINETEENTH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

TWENTIETH ASSEMBLY DISTRICT.

Table with columns: ELECTION DISTRICTS, David McAdam, Henry Alker, Roswell D. Hatch, Henry F. Howland, Defective, Blank, Scattering, Whole Vote.

