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THE CITY RECORD.

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PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,

No. 154 NASSAU STREET, NEW YORK CITY.

CALENDAR OF HEARINGS.

The following hearings will be held during the remainder of the week beginning Monday, Dec. 14, 1908:

Tuesday, December 15—2:30 p. m.—Commissioner Maltbie's Room.—Order No. 205.—ELECTRIC LIGHT & POWER COMPANIES.—"General Investigation."—Commissioner Maltbie.

2:30 p. m.—Room 310.—Case 1007 under Order No. 615.—INTERBOROUGH RAPID TRANSIT CO.—"Inadequate facilities at stations on elevated lines in the Bronx."—Commissioner Eustis.

2:30 p. m.—Room 305.—Case 846.—BROOKLYN UNION ELEVATED RAILROAD CO.—Brooklyn Institute of Arts and Sciences, by Franklin Hooper, Director, Complainant.—"Re-opening of station at Lafayette Avenue and Fort Greene Place."—Commissioner Bassett.

Wednesday, December 16—2 p. m.—Room 305.—Order No. 820.—STATEN ISLAND MIDLAND RAILWAY COMPANY.—H. W. Pape, Complainant.—"Congested conditions of service on Concord—New Dorp and Concord—Port Richmond Lines."—Commissioner McCarroll.

2:30 p. m.—Room 305.—Order No. 739.—RICHMOND LIGHT & RAILROAD COMPANY AND STATEN ISLAND MIDLAND RAILWAY CO.—"Refusal to give transfers."—Commissioner McCarroll.

Thursday, December 17—2:30 p. m.—Room 310.—Case No. 1000.—LONG ISLAND RAILROAD COMPANY.—"Proposed deflection of a part of Atlantic Avenue and re-location of the westbound platform at East New York."—Commissioner McCarroll.

3:30 p. m.—Room 305.—Order No. 786.—CENTRAL PARK, NORTH AND EAST RIVER R. R. CO., AND FREDERICK W. WHITRIDGE, RECEIVER OF THE THIRD AVENUE R. R. CO.—"Why Companies should not make a joint rate for through transportation of passengers."—Final Argument.—Whole Commission.

3:30 p. m.—Room 305.—Order No. 796.—CENTRAL PARK, NORTH AND EAST RIVER R. R. CO., AND FREDERICK W. WHITRIDGE, RECEIVER, FORTY-SECOND STREET, MANHATTANVILLE AND ST. NICHOLAS AVE. RY. CO.—"Why Companies should not make a joint rate for through transportation of passengers."—Final Argument.—Whole Commission.

Friday, December 18—11 a. m.—Mr. Harkness' Room.—CITY OF NEW YORK & DEGNON CONTRACTING CO.—"Arbitration of determination of Henry B. Seaman, Chief Engineer."

2:30 p. m.—Room 305.—Order No. 790.—NEW YORK, NEW HAVEN & HARTFORD R. R. CO.—South Bronx Property Owners' Association.—"Unsanitary methods in loading cars in Harlem River Yards."—Commissioner Eustis.

Regular meetings of the Commission are held every Tuesday and Friday at 11:30 a. m., in Room 310.

PROCEEDINGS OF THE PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT.

FRIDAY, DECEMBER 4, 1908,

TRIBUNE BUILDING, 154 NASSAU STREET,
BOROUGH OF MANHATTAN, CITY OF NEW YORK.

Present—Chairman William R. Willcox, Commissioners Edward M. Bassett, Milo R. Maltbie, John E. Eustis.

(1)

On motion, the record of the proceedings of the Commission for November 20, 1908, as printed in the CITY RECORD for December 1, 1908, was corrected by changing the wording of the resolution in Item No. 21, page 12789, column one, of the CITY RECORD, to read "four hundred feet west of Ascan Avenue," instead of "four hundred feet north of Ascan Avenue," and as so corrected, the record was approved.

On motion, the record of the proceedings of the Commission for November 19 and 24, 1908, as printed in the CITY RECORD for December 1, 1908, and for November 27, 1908, as printed in the CITY RECORD for December 3, 1908, was approved.

(2)

C-2840
LONG ISLAND RAILROAD CO.—HIGH TENSION LINE THROUGH SUNNYSIDE YARDS, LONG ISLAND CITY.

The Secretary presented a communication, dated November 30, 1908, from John H. O'Brien, Commissioner, Department of Water Supply, Gas and Electricity, calling attention to the construction by the Long Island Railroad Company of a high tension line through the Sunnyside Yards in Long Island City without a permit from his Department, and protesting against the continued extension of such lines along railroad rights of way, crossing streets in various parts of the city. The communication was referred to Commissioner Eustis.

(3)

2532
NOTICES OF DEPOSIT.
The Secretary presented the following notices of deposit, dated November 24, 1908, from H. L. Smith, Assistant Deputy Comptroller, Department of Finance, which were ordered filed:

Authorized	Deposited	Amount	Title of Account.
June 5, 1908	November 13, 1908	\$50,000.00	Revenue Bond Fund—For Public Service Commission for the First District, New York, Expenses of.
June 5, 1908	November 12, 1908	\$10,000.00	Revenue Bond Fund—For Public Service Commission for the First District, New York, Expenses of.

(4)

O-811
NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY—CHANGE OF ROUTE.
The Secretary presented a communication, dated December 3, 1908, from Joseph Haag, Secretary of the Board of Estimate and Apportionment, transmitting a certified copy of a resolution adopted by it on November 20, 1908, granting to the New York, Westchester and Boston Railway Company a change in the line of its route in the Borough of The Bronx and certain modifications and alterations in an ordinance adopted by the Board of Aldermen on July 26, 1904. The papers were ordered filed.

(5)

1171
FOURTH AVENUE SUBWAY, BROOKLYN—BUILDINGS AND VAULTS DAMAGED.
The Secretary presented a communication, dated December 2, 1908, from the Chief Engineer, transmitting a report from Division Engineer Noble regarding the compilation of data on damages caused in connection with the construction of the Brooklyn subway, as requested by the Corporation Counsel, and the Secretary was directed to write to the Corporation Counsel accordingly.

(6)

2605
FEES—NOVEMBER, 1908.
The Secretary stated that the following moneys, collected as fees during the month of November, 1908, had been transmitted to the Comptroller of the City, to be accredited to the City Treasury, in accordance with the provisions of the Public Service Commissions Law:
Amount collected in payment for testing gas meters upon complaint..... \$386.75
Amount collected in payment for testing electric meters upon complaint..... 137.00
Amount received for the sale of maps, prints, reports, official documents and records, etc. 50.70
Amount collected in payment of subpoena and witness fees in various litigations..... 7.50
Total..... \$581.95

(7)

Case 1008
SEA BEACH RAILWAY COMPANY—COMPLAINT ORDER.
On motion made and duly seconded, a Complaint Order in Case 1008 was adopted for satisfaction or answer by the Sea Beach Railway Company within ten days, on the complaint of J. J. Kelly, et al., in the matter of the failure of local trains to stop at Avenue "S."

(8)

Case 585
NASSAU ELECTRIC RAILROAD COMPANY—EXTENSION ORDER.
On motion made and duly seconded, an Extension Order was adopted, extending to and including January 1, 1909, the time of the Nassau Electric Railroad Company to comply with the terms of Final Order in Case 585, requiring the installation of gates at the crossing of 86th street, Borough of Brooklyn.

(9)

Case 780
THIRD AVENUE RAILROAD CO. AND KINGSBIDGE RAILWAY CO.—AGREEMENT.
Commissioner Eustis presented the following report in the matter of the application of the Third Avenue Railroad Company and Frederick W. Whitridge, its Receiver, for the approval of the Commission of the agreement entered into between said Receiver and the Kingsbridge Railway Company under Section 54 of the Public Service Commissions Law:

IN THE MATTER OF THE APPLICATION OF THE THIRD AVENUE RAILROAD COMPANY AND FREDERICK W. WHITRIDGE, RECEIVER OF THE SAID THIRD AVENUE RAILROAD COMPANY FOR THE APPROVAL OF THE AGREEMENT ENTERED INTO BETWEEN SAID RECEIVER AND THE KINGSBIDGE RAILWAY COMPANY, UNDER SECTION 54 OF THE PUBLIC SERVICE COMMISSIONS LAW.

REPORT.

This is an application made by the Receiver in behalf of the Third Avenue Railroad Company for the approval of a certain agreement entered into between the Receiver and the Kingsbridge Railway Company, dated the 29th of February, 1908.

The agreement provides for the use of the tracks of the Kingsbridge Railway Company by the Receiver of the Third Avenue Railroad Company on condition that said Receiver pays all taxes against the Kingsbridge Railway Company, maintains the tracks in good condition, and pays the Kingsbridge Company five thousand dollars per annum, and reserves to the Kingsbridge Company the right to run a limited number of cars, not to exceed four daily, and that transfers shall be given and received between the contracting companies.

The facts that were brought out upon the hearings held on this application on October 16th and November 6th show that the Kingsbridge Railway was incorporated January 25th, 1898, with an authorized capital of one million dollars. Of this amount eighty-six shares were subscribed, and eighty-six hundred dollars paid into the treasury of the Company. The exclusive right to subscribe for the remaining ninety-nine hundred and fourteen shares was given to the Third Avenue Railroad Company, showing that the Kingsbridge Railway Company was organized by the interests of the old Third Avenue Railroad Company. The right to subscribe or take the balance of the stock has never been exercised.

The franchise of this company was granted by the Municipal Assembly, approved by the Mayor in January, 1900. This franchise covered that part of the Kingsbridge road from 163rd Street and Amsterdam Avenue to Broadway, and that part of Broadway from Manhattan Street north to 230th Street in the Bronx, across the Harlem Ship Canal Bridge. The franchise also covered a route in the Bronx from West 230th Street and Riverdale Avenue northerly to the Yonkers City Line. The only part of the railroad that has been built is from Amsterdam Avenue at 163rd Street, along Kingsbridge Road to Broadway and 169th Street, and up Broadway to and across the bridge over the Harlem Ship Canal to 225th Street. The Kingsbridge Railway Company never owned anything except its franchise and its tracks. The only parties interested in it are the Receiver and the Third Avenue Railroad Company's interests. And it appears that when this road was built, it was built by the Third Avenue Railroad Company in order to reach its large car barn and power house at 218th Street. The reason for building it under the name of a different corporation was given that this stretch of road had to be built under a limited franchise of twenty-five years, and its own franchise was perpetual, and they said, "we did not want to mix up corporations with permanent rights with those which only had temporary rights, and that the Kingsbridge Railway Company owned nothing except the franchise and track and \$1.15, I think."

The Third Avenue Railroad Company leased its property, including the Kingsbridge road, to the Metropolitan Street Railway Company, which, in turn, leased it to the New York City Railway Company. After this property had gone into the hands of the Receivers the Third Avenue system, including the Kingsbridge road, was separated from the other New York City Railway property and came into the hands of Mr. Whitridge, as its Receiver.

All of the property of the Third Avenue Railroad system, including the Kingsbridge road, was mortgaged to the Morton Trust Company, which was succeeded by the Central Trust Company, which holds 86 shares of stock of the Kingsbridge company, together with the right to subscribe for the remaining 9914 shares, and the Kingsbridge Railway Company's note given to the Third Avenue Railroad Company for the money expended in its construction.

The Kingsbridge Railway Company rendered annual reports to the Board of Railroad Commissioners from and including 1902 down to and including 1907. In the report of 1902 it appears that the cost of the construction of the Kingsbridge road, 3.129 miles of double track, was \$877,474.99, making the cost per mile of double track \$280,792.00.

In the report of 1903 there appears this additional item: "Amount expended for construction of road by Third Avenue Railroad Company not heretofore put on the books of this company \$1,285,737.07," making the total cost of constructing the road \$2,226,362.23.

In reference to this last item of additional cost for the construction of the road, the auditor of the Interurban Street Railway Company stated on December 9, 1903, in a letter to the Board of Railroad Commissioners, as follows: "in reference to the amount, \$1,285,737.07, we regret to say that we cannot separate this item as to details, nor could we say that the road was built by contract, this amount being charged as one item on the old Third Avenue Railroad Company's books turned over to this company at the time of the lease."

In the reports of 1904 and 1905 this item appears under the description of "Reconstruction of the old road"; and in the report of 1906 it appears as "Construction of old road." The attention of the New York City Railway Company having been called to this discrepancy, it wrote to the Railroad Commissioners that it might be corrected to read "Reconstruction of old road."

The evidence produced by Mr. Robinson on behalf of the Receiver was that there never was any old road to reconstruct.

In the report of 1907, the road having been extended in the meantime to 225th Street, the total cost of the road is given at \$2,262,358.43, making the cost per mile of double track road \$671,721.62.

It appears also that the Receiver is unable to give any facts or details as to the item of \$1,285,737.07 charged for reconstruction of old road by the Third Avenue Railroad Company, the witness stating that the books of the Third Avenue Railroad Company prior to 1900 could not be found.

It thus appears that the Kingsbridge Railway Company is a paper company, which, for the reasons stated, was organized in the interests of the Third Avenue Railroad Company; that it has a capital issued of \$8,600.00; and an unfunded debt of nearly two and a half millions, alleged to have been incurred for its construction, but representing a sum far in excess of the fair cost of such construction.

The approval of the Commission is asked for a joint traffic agreement between this company and the company that holds all of its unfunded obligations.

It also appears from examination made that the road is being operated by the Receiver of the Third Avenue Railroad Company, as a part and parcel of the general system. Notwithstanding the agreement which has been in existence since February last requiring the Receiver to pay to the Kingsbridge Railway Company \$5,000.00 per annum, payable quarterly, no payment whatever has been made, and it is conceded by the Receiver that the reservations in the agreement for the Kingsbridge Company to operate cars of its own not to exceed four daily, the payment of the above mentioned \$5,000.00 by the Third Avenue Railroad Company, the issue of transfer tickets from one company to the other, to furnish electrical power to operate the said cars by the Receiver, to house the cars of the Kingsbridge company, clean and repair the same, and that the Kingsbridge company's employees shall not impede the progress of the cars of the Third Avenue Railroad Company, are each and all paper statements only, as it is not contemplated that the Kingsbridge Railway Company shall have any employees, shall own or operate any cars, or shall receive any payments from the Third Avenue Railroad Company.

It also appeared from the evidence that, notwithstanding the Receiver was operating the cars along the tracks of the Kingsbridge Railway Company on Broadway, transfers on that line were issued in the name of the Kingsbridge Railway Company. This procedure would tend to convey the idea to the patrons of the road that the line was being operated by the Kingsbridge Railway Company. And the provision in the agreement submitted also allowing joint operation over this line by the Kingsbridge Company and the Third Avenue Company, under the reservation in the agreement, would tend to inconvenience the public in that it would be difficult to distinguish which company was liable for any damages that might be caused by the cars operated thereon.

In view of the fact that the Receiver of the Third Avenue Company has admitted that it is not the intention that any cars will be operated by the Kingsbridge Company under the reservation contained in the agreement, I think before this Commission approves the agreement the parts thereof that are not intended to be operative should be eliminated.

I would therefore recommend that the present agreement be not approved.

ORDER.

Thereupon, on motion made and duly seconded, an Order was adopted in Case 780, denying the above mentioned application.

(10) O-657
The Secretary presented a communication, dated December 1, 1908, from William J. Hurquail, Abel R. Wood, and William C. Young, as Transit Committee of the Lefferts Park Improvement League, transmitting resolutions adopted by that association expressing its appreciation and approval of the action of the Commission in refusing to approve the construction of an elevated road on the Flatbush Avenue extension. The communication was ordered filed.

(11) O-745
NEW YORK CENTRAL AND HUDSON RIVER RAILROAD CO.—MOUNTED FLAGMEN ON ELEVENTH AVENUE.

The Secretary presented a communication, dated December 1, 1908, from S. C. Mead, Secretary of the Merchants' Association of New York, commending the action

of the Commission with regard to unlawful riding on freight trains operating on Eleventh Avenue, and suggesting still further improvements in the situation. The communication was ordered filed, and a copy sent to the New York Central and Hudson River Railroad Company.

(12)

SUB-OFFICES, FIRST DIVISION—LEASE.

1625

The Secretary presented a proposed lease, approved as to form by the Counsel to the Commission, of rooms at 88-90 Centre Street for sub-offices of the First Division. On motion, duly seconded, it was thereupon

Resolved, That the Chairman and Secretary be authorized to sign and execute the above-mentioned lease on behalf of the Commission.

Ayes—Commissioners Willcox, Bassett, Maltbie, Eustis.

Nays—None.

Carried.

TRAVIS H. WHITNEY, SECRETARY.

POLICE DEPARTMENT.

December 2, 1908.

The following proceedings were this day directed by the Police Commissioner: On reading and filing communication from the Municipal Civil Service Commission, dated November 23, 1908, regarding a method of identifying candidates for the position of Patrolman so as to prevent a possible case of impersonation,

Ordered, That the Chief Clerk be and is hereby directed, when notifying a candidate to appear for examination by the Police Surgeons, also to direct him to appear before the Municipal Civil Service Commission to receive and sign indentifying card, which will be presented to the Chief Surgeon at the time of his physical examination, and then countersigned and compared. If the signatures and descriptions are apparently identical, the card will be delivered to the Chief Clerk. If not, the Chief Surgeon will report on same before examining the candidate.

On reading and filing eligible list of the Municipal Civil Service Commission, dated November 19, 1908.

Ordered, That the following named person, whose name appears on such eligible list, be and is hereby employed as Patrolman on probation in the Police Department of The City of New York, being the tenth instalment of increase of quota of Patrolmen for the year 1908: James E. Connelly.

Ordered, That the following named persons, whose names appear on such eligible list, be and are hereby employed as Patrolmen on probation in the Police Department of The City of New York, to fill vacancies caused by death, retirement, etc.:

William L. Worth, Frederick W. Wolfschlag, Peter Hoffman, Michael J. Hurley, Martin Downey, Joseph Kahn, John J. Thorpe, George P. Lang, George H. Plate, William Cowley, George W. Conners, Timothy Daly, Charles J. Hoffmann, Michael J. Burns, Jr., John F. L. Dennin, Daniel A. Carroll, John J. O'Brien, Valentine O'Toole, George G. Ossmann, Joseph A. Ketzler.

Ordered, That the Municipal Civil Service Commission be respectfully informed as to the other names appearing on such eligible list that John G. Neun failed to appear; Thomas Fleming was rejected for defective vision, R-15/30, L-15/100; the examination of Thomas P. Farrell was postponed for thirty days; Henry C. Fried was rejected for endocarditis, mitral murmur and poor physique; John E. Sheedy, Jr., failed to appear; William S. Clark was rejected for poor physique and hemorrhoids; Joseph H. Bailey was rejected for poor physique and flat feet and Michael Durante failed to appear.

Ordered, That requisition be and is hereby made upon the Municipal Civil Service Commission for an eligible list from which to enable the Police Commissioner to appoint two (2) Doormen of Police.

Referred to the Comptroller.

Schedules of vouchers as follows: Police Station Houses, etc., 1908, \$1,537; Supplies for Police, 1908, \$2,241.43.

Masquerade Ball Permits Granted.

S. Urner, Palace Hall, Manhattan, December 4; fee, \$25.

L. Fischer, Palm Garden, Manhattan, December 5, 1908; fee, \$25.

On File, Send Copy.

Reports of Lieutenant in Command of Boiler Squad, dated November 30, 1908, and December 1, 1908, relative to engineers' licenses granted. For publication in the CITY RECORD.

Special Order No. 308, issued this day, is hereby made part of the proceedings of the Police Commissioner.

Special Order No. 308.

The following having been this day employed on probation as Patrolmen, are assigned to precincts indicated, to report at 8 p. m., December 2, 1908:

To Be Carried on Special Payroll as per Circular No. 9, 1908—Connelly, James E., One Hundred and Sixty-fourth Precinct.

To Be Carried on Regular Payroll—Carroll, Daniel A., Fifth Precinct; Cowley, William, First Precinct; Dennin, John F. L., Twenty-fifth Precinct; Downey, Martin, First Precinct; Hurley, Michael J., Eightieth Precinct; Hoffman, Peter, Thirteenth Precinct; Hoffmann, Charles J., One Hundred and Forty-sixth Precinct; Daly, Timothy, One Hundred and Forty-fourth Precinct; Lang, George P., Forty-third Precinct; Kahn, Joseph, One Hundred and Sixty-fifth Precinct; O'Brien, John J., Twenty-second Precinct; Metzler, Joseph A., Twenty-first Precinct; Ossmann, George G., One Hundred and Sixty-fifth Precinct; O'Toole, Valentine, Second Precinct; Thorpe, John J., Twenty-second Precinct; Plate, Charles H., One Hundred and Forty-sixth Precinct; Worth, William L., One Hundred and Forty-fourth Precinct; Wolfschlag, Frederick W., Forty-third Precinct.

The following transfers and assignments are hereby ordered:

To take effect 8 p. m., December 3, 1908:

Lieutenants—Max Neumaier, from Two Hundred and Seventy-seventh Precinct to One Hundred and Sixty-fifth Precinct; William J. Eggers, from One Hundred and Sixty-fifth Precinct to Two Hundred and Seventy-seventh Precinct.

Patrolmen—Martin Short, One Hundred and Sixtieth Precinct, transferred to Tenth Inspection District, and assigned to duty in plain clothes; Walter T. Williams, One Hundred and Forty-fifth Precinct, transferred to Tenth Inspection District, and assigned to duty in plain clothes.

To take effect 8 a. m., December 1, 1908:

Patrolman—Henry P. Oswald, from Sixty-third Precinct to Detective Bureau, Manhattan.

To take effect 8 p. m., December 2, 1908:

Patrolmen—James H. Coleman, from One Hundred and Fifty-fourth Precinct to Traffic Precinct A; Edward M. Willi, from Twenty-sixth Precinct to Fifth Precinct.

To take effect 8 a. m., December 3, 1908:

Patrolmen—John G. Stein, from Thirty-fifth Precinct to Detective Bureau, Manhattan; Joseph J. Ryan, from Forty-third Precinct to Detective Bureau, Manhattan; Louis Hyman, from Forty-third Precinct to Detective Bureau, Manhattan.

The following temporary assignments are hereby ordered:

Inspector John H. Russell, First Inspection District, assigned to command Second Inspection district, in addition to his own District, during absence of Inspector Patrick Corcoran, for eighteen hours, from 8 a. m., December 3, 1908.

Lieutenants—Frank Rathgeber, Bureau of Electrical Service, assigned to duty in Brooklyn Bureau, for ten days, from 8 a. m., December 1, 1908; Dennis Grady, Twelfth Precinct, assigned to command precinct, during absence of Captain Joseph Burns, for one day, from 12 noon, December 15, 1908.

Sergeant Michael J. O'Loughlin, One Hundred and Forty-seventh Precinct, assigned to One Hundred and Fiftieth Precinct, from 2 p. m., December 1, 1908.

Patrolmen—Eugene Gallagher, Twenty-second Precinct, assigned to Sixth Inspection District, duty in plain clothes, during absence of Patrolman Edgar L. Bremen on sick leave, from 8 p. m., December 3, 1908; Allan C. Landoe, Twenty-third Precinct, assigned to Central Office Squad, duty in Bureau of Repairs and Supplies, from 8 a. m., December 2, 1908; John J. Weldon, One Hundred and Fifty-fifth Precinct, and Joseph Cunneen, First Precinct, assigned to Detective Bureau, Manhattan,

duty in Record Room, from 8 a. m., December 4, 1908, until 8 a. m., December 17, 1908; William A. Dennin, Traffic Precinct C, assigned to Detective Bureau, Manhattan, for thirty days, from 8 a. m., December 2, 1908; Charles W. Carroll, Twenty-fifth Precinct, assigned to District Attorney's office, New York County, for ten days, from 5 p. m., December 1, 1908; Edward T. Cody and Alfred T. Wing, Twenty-sixth Precinct, assigned to Brooklyn Borough Headquarters Squad, duty in Borough Inspector's office, plain clothes, for twenty days, from 4 p. m., December 2, 1908; William F. J. Pierce, Eighty-ninth Precinct, assigned as Acting Hostler in precinct, during absence of Hostler John McDonald on sick leave, from 12:01 a. m., December 1, 1908.

The following extensions of temporary assignments are hereby ordered:

Lieutenant William P. Judge, Seventeenth Precinct, to Detective Bureau, Manhattan, duty in Sixth branch, for thirty days, from 8 a. m., December 3, 1908.

Patrolmen—Patrick Gunn and John Dunn, Sixteenth Precinct, assigned to Second Inspection District, duty in plain clothes, for five days, from 8 p. m., December 1, 1908; John E. Slattery and George J. Brust, Sixth Precinct, to Second Inspection District, duty in plain clothes, for five days, from 8 p. m., December 1, 1908; William P. McDonald, One Hundred and Fifty-fifth Precinct, to Detective Bureau, Brooklyn, for thirty days, from 8 a. m., December 3, 1908; John A. Hurton, Thirty-sixth Precinct, to Detective Bureau, Manhattan, for thirty days, from 8 a. m., December 2, 1908; Samuel H. Waitzfelder, Twenty-eighth Precinct, to Detective Bureau, Manhattan, for thirty days, from 8 a. m., December 1, 1908; Max Isaacson, Thirty-sixth Precinct, to Detective Bureau, Manhattan, duty in Sixth branch, for thirty days, from 8 a. m., December 3, 1908.

The following temporary assignment is hereby discontinued:

Patrolman William P. S. Kelly, Thirty-first Precinct, to Detective Bureau, Manhattan, from 8 p. m., December 2, 1908.

The following members of the Department are excused for eighteen hours, as indicated:

Inspector Patrick Corcoran, Second Inspection District, from 8 a. m., December 3, 1908, with permission to leave city.

Captains—Michael Devaney, One Hundred and Seventieth Precinct, from 8 a. m., December 4, 1908; Alexander Pinkerton, One Hundred and Fiftieth Precinct, from 8 a. m., December 7, 1908, with permission to leave city; James J. Shevlin, One Hundred and Fifty-fourth Precinct, from 8 a. m., December 4, 1908; John McCauley, Nineteenth Precinct, from 1:30 p. m., December 2, 1908, with permission to leave city; Edward Gallagher, Second Precinct, from 3 p. m., December 3, 1908; James Kane, Eighteenth Precinct, from 12 noon, December 3, 1908; John D. Herlihy, Fifteenth Precinct, from 4 p. m., December 4, 1908; Patrick Murphy, One Hundred and Forty-seventh Precinct, from 2 p. m., December 4, 1908; Joseph Burns, Twelfth Precinct, from 12 noon, December 16, 1908, with permission to leave city; James H. Post, Sixty-first Precinct, from 2 p. m., December 10, 1908; John J. Lantry, Twenty-ninth Precinct, from 7 p. m., December 2, 1908.

Acting Captains—George E. Harrington, Two Hundred and Seventy-eighth Precinct, from 2 p. m., December 4, 1908, with permission to leave city; Joseph L. Ivory, Two Hundred and Seventy-sixth Precinct, from 2 p. m., December 6, 1908.

The following leave of absence is hereby granted with full pay:

Patrolman George J. Nick, One Hundred and Sixty-fourth Precinct, for three days, from 12:01 a. m., November 30, 1908.

The following leaves of absence are hereby granted without pay:

Patrolmen—John J. Mara, Eighteenth Precinct, for one day, from 12 noon, December 1, 1908; Timothy F. Grady, One Hundred and Fifty-seventh Precinct, for one day, from 12 noon, December 6, 1908, with permission to leave city.

The following advancements to grade are hereby ordered:

Patrolmen.

To \$900 Grade, November 20, 1908—James J. Kieran, Fifth Precinct; Simon Galvin, Sixth Precinct; Edward M. Taylor, Eighth Precinct; Bernard J. Judge, Sixth Precinct; Matthew F. Connolly, Eighth Precinct; George D. Cunningham, Tenth Precinct; Joseph Guarneri, Twelfth Precinct; Michael J. Ryan, Fourteenth Precinct; Harry Jacobson, Fifteenth Precinct; John M. Carey, Twenty-first Precinct; Charles A. Lynch, Twenty-second Precinct; Daniel W. Clare, Twenty-fifth Precinct; Amader O. Hayes, Twenty-eighth Precinct; William Ryan, Twenty-ninth Precinct; John E. Fitzpatrick, Thirty-first Precinct; Thomas McGrath, Thirty-fifth Precinct; John R. Truman, Thirty-sixth Precinct; Michael J. Cotter, Eightieth Precinct; Berardino Grottano, One Hundred and Forty-third Precinct; Joseph M. Brown, One Hundred and Forty-seventh Precinct; William C. Mullen, One Hundred and Fifty-third Precinct; Frank J. Quinn, One Hundred and Fifty-sixth Precinct; Rudolph M. Cook, One Hundred and Fifty-ninth Precinct; James P. Rourke, One Hundred and Sixty-sixth Precinct; William S. Donnelly, One Hundred and Sixty-ninth Precinct; Henry A. Doring, One Hundred and Seventieth Precinct; Gustav E. Reich, Two Hundred and Seventy-seventh Precinct; John J. Carey, Two Hundred and Eighty-fifth Precinct; William M. Potter, Fourteenth Precinct; John J. Quinn, Fifteenth Precinct; Peter J. Finnegan, Eighteenth Precinct; James R. O'Brien, Twenty-second Precinct; Frederick Kohler, Twenty-second Precinct; Nicholas A. Huth, Twenty-fifth Precinct; John J. Cullen, Twenty-eighth Precinct; John A. Hughes, Thirty-first Precinct; Patrick J. Crowley, Thirty-second Precinct; Frederick Schaefer, Thirty-fifth Precinct; Harry Horn, Forty-third Precinct; William A. Mulligan, One Hundred and Forty-third Precinct; Henry A. Hasselmann, One Hundred and Forty-seventh Precinct; Harvey P. Burger, One Hundred and Fiftieth Precinct; Frank P. O'Donnell, One Hundred and Fifty-fifth Precinct; Jesse W. Lewis, One Hundred and Fifty-seventh Precinct; Patrick O'Malley, One Hundred and Sixty-third Precinct; Henry Kludt, One Hundred and Sixty-seventh Precinct; Theodore V. O'Neill, One Hundred and Sixty-ninth Precinct; William F. Sudbrink, Two Hundred and Seventy-fourth Precinct; Adolph C. Schnebbe, Two Hundred and Seventy-ninth Precinct.

To \$900 Grade—Maurice W. Buckwalter, Eightieth Precinct, November 21, 1908; John V. Dawson, One Hundred and Fifty-fifth Precinct, November 21, 1908; Joseph Karl, One Hundred and Sixty-sixth Precinct, November 21, 1908; James J. Kilbride, First Precinct, October 21, 1908; Jacob Koehler, One Hundred and Fifty-eighth Precinct, October 21, 1908; John J. Murray, One Hundred and Forty-ninth Precinct, October 30, 1908.

The following Special Patrolmen are hereby appointed:

Arthur Ludwig, for Oscar Hammerstein, Manhattan Opera House, No. 315 West Thirty-fourth street, Manhattan; Richard Keating, James F. Delaney, Israel Wine and James F. Quinn, for Holmes Electric Protective Company, No. 34 East Fourteenth street, Manhattan; Thomas F. Cullen, for New York Hippodrome, Forty-third street and Sixth avenue, Manhattan.

The resignations of the following Special Patrolmen are hereby accepted, and they are reappointed to take effect as of date indicated:

December 1, 1908—Milton S. Place, for Valentine & Co., No. 364 Manhattan avenue, Brooklyn; Joseph S. Holden, for J. L. Mott Iron Works, No. 118 Fifth avenue, Manhattan.

The resignations of the following Special Patrolmen are hereby accepted:

John Murphy, employed by Hudson and Manhattan Railroad Company, No. 111 Broadway, Manhattan; John J. Gleason, employed by Knauth, Nachod & Kuhne, No. 15 William street, Manhattan; Fred Asher, employed by Charles Guhring, New Eckford Hall, No. 269 Eckford street, Brooklyn.

THEO. A. BINGHAM, Police Commissioner.

◆◆◆
POLICE DEPARTMENT

December 3, 1908.

The following proceedings were this day directed by the Police Commissioner:

Granted.

Permission to Walter Walsh, James A. Donlon and William A. Asip, Detectives, first grade, Detective Bureau, Brooklyn, to receive reward of \$75 from Farmer's Union Protective Association of Queens for recovery of three horses stolen from a member. With usual deduction.

Permission to James O'Neill, Detective, Detective Bureau, Manhattan, to receive reward of \$400 for arrest of Post Office safe burglar from United States Post Office. With usual deduction.

Disapproved.

Applications of the following for appointment of Special Patrolmen: Max Vogel, No. 80 East One Hundred and Tenth street, Manhattan, for a Special Patrolman, and Daniel J. Carroll, No. 218 Jackson street, Brooklyn, for Joseph Breitfeld.

Masquerade Ball Permits Granted.

A. Hollander, Arlington Hall, Manhattan, December 12; fee, \$25.
F. Darcy, Astoria Scheutzen Park, Queens, December 12; fee, \$10.

On File, Send Copy.

Communication from Corporation Counsel transmitting suggested form requesting appearance of Corporation Counsel pursuant to the provisions of section 256 of the Greater New York Charter in actions brought against members of the Force for acts done or omitted while in the performance of duty. Copy to Third Deputy Commissioner.

Special Order No. 309, issued this day, is hereby made part of the proceedings of the Police Commissioner.

Special Order No. 309.

The following having been this day employed on probation as Patrolman, is as signed to precinct indicated, to report at 8 p. m., December 3, 1908:

Michael J. Burns, Jr., One Hundred and Forty-seventh Precinct

The following transfers and assignments are hereby ordered:

To take effect 8 p. m., December 2, 1908:

Lieutenant John J. McDonald, from Sixty-sixth Precinct to Seventh Inspection District.

To take effect 8 p. m., December 4, 1908:

Mounted Sergeant James Frawley, from Sixty-sixth Precinct to Sixty-ninth Precinct, with horse and equipments.

Sergeants John Breen, from Sixty-third Precinct to Sixty-eighth Precinct; James Collins, from Sixty-third Precinct to Seventy-fourth Precinct.

Patrolmen—Francis J. Putz, Two Hundred and Seventy-fifth Precinct, transferred to Traffic Precinct D and assigned to clerical duty; Edward Schmidt, Traffic Precinct D, remanded from clerical duty and transferred to One Hundred and Sixty-seventh Precinct; Morris H. Bollas, Sixty-ninth Precinct, transferred to Seventh Inspection District and assigned to clerical duty; Martin J. F. Scurry, Sixty-third Precinct, transferred to Seventh Inspection District and assigned to duty in plain clothes; John A. Summers, Third Inspection District, remanded from duty in plain clothes and transferred to Twenty-fifth Precinct; Daniel W. Clare, Twenty-fifth Precinct, transferred to Third Inspection District and assigned to duty in plain clothes; Benjamin T. Graham, Twenty-eighth Precinct, transferred to Sixth Inspection District and assigned to duty in plain clothes; Eugene Gallagher, Twenty-second Precinct, transferred to Sixth Inspection District and assigned to duty in plain clothes; Henry W. Bavendam, from Traffic Precinct D to Ninety-ninth Precinct.

To take effect 8 p. m., December 3, 1908:

Patrolmen—Joseph A. Walsh, Fifth Precinct, transferred to First Inspection District and assigned to duty in plain clothes; Thomas Gilbert, First Inspection District, remanded from duty in plain clothes and transferred to Fifth Precinct.

The following temporary assignments are hereby ordered:

Lieutenants—John M. Hefferon, Thirty-third Precinct, assigned to command precinct during absence of Captain John J. Farrell with leave and on vacation, from 8 a. m., December 11, 1908; James P. Tucker, Fourteenth Precinct, assigned to command precinct during absence of Captain Sylvester D. Baldwin, for one day, from 12:01 a. m., December 11, 1908; Charles Manning, Thirty-first Precinct, assigned to Detective Bureau, Manhattan, from 8 a. m., December 3, 1908, until 8 a. m., December 25, 1908.

Sergeant Charles Greber, Forty-third Precinct, assigned to Central Office Squad, duty at School of Instruction, during absence of Captain Jacob Brown at Corporation Counsel's office, for one day, from 8 a. m., December 3, 1908.

Patrolmen—Felix J. McCarthy, One Hundred and Forty-seventh Precinct, assigned to Eighth Inspection District, duty in plain clothes, during absence of Patrolman Francis J. O'Neill on vacation, from 8 p. m., December 2, 1908; Thomas Kerrigan, Second Precinct, assigned to Detective Bureau, Manhattan, for thirty days, from 8 p. m., December 2, 1908; Charles Kessler, Fourth Inspection District, assigned to clerical duty in Twenty-sixth Precinct, during absence of Patrolman John W. McCoy on vacation, from 12:01 a. m., December 7, 1908; Arthur J. Farley, Two Hundred and Eighty-second Precinct, assigned to District Attorney's office, New York County, for one day, from 1 p. m., December 2, 1908; Abraham Newman, Traffic Precinct A, assigned to Detective Bureau, Manhattan, duty in First Branch, for thirty days, from 8 a. m., December 3, 1908.

The following extensions of temporary assignments are hereby ordered:

Patrolmen Herman C. Staph, One Hundred and Forty-third Precinct, and Samuel Christian, One Hundred and Forty-ninth Precinct, to Eighth Inspection District, duty in plain clothes, for ten days, from 8 p. m., December 4, 1908.

The following temporary assignment is hereby discontinued:

Lieutenant Alonzo Powell, Seventy-fourth Precinct, to Detective Bureau, Manhattan, from 8 p. m., December 2, 1908.

The following members of the Department are excused for eighteen hours, as indicated:

Captains—James McGlynn, Seventy-seventh Precinct, from 7 a. m., December 8, 1908; Louis Kreuscher, Fortieth Precinct, from 12 noon, December 4, 1908; Martin Handy, Thirteenth Precinct, from 1:30 p. m., December 4, 1908.

The following leaves of absence are hereby granted with full pay:

Captains—John W. Cottrell, Eighth Precinct, for sixteen days, from 12 noon, December 10, 1908, balance of vacation; Albert Ruthenberg, Two Hundred and Eighty-second Precinct, for twelve days, from 12 noon, December 18, 1908, balance of vacation; John J. Farrell, Thirty-third Precinct, for eighteen days (vacation), from 8 a. m., December 12, 1908; James H. Kelly, One Hundred and Seventy-second Precinct, for eleven days, from 12 noon, December 17, 1908, balance of vacation, with permission to leave city.

Lieutenant William J. McCloskey, Sixth Precinct, for three days, from 8 a. m., December 2, 1908.

The following leaves of absence are hereby granted with half pay:

Patrolmen—Lawrence Heslin, One Hundred and Sixty-seventh Precinct, for one-half day, from 12 noon, December 3, 1908, with permission to leave city; John Larkin, Sixty-third Precinct, for one-half day, from 12 noon, December 6, 1908.

The following leave of absence is hereby granted without pay:

Patrolman James H. Liddy, One Hundred and Sixty-eighth Precinct, for one day, from 12 noon, December 2, 1908.

The following applications for full pay are hereby granted:

Patrolmen—Patrick Cooney, One Hundred and Forty-eighth Precinct, for three and one-half days, from 11:10 a. m., October 21, 1908; Robert J. Marshall, Traffic Precinct D, for two days, from 7:15 a. m., November 10, 1908; Joseph D. O'Brien, Traffic Precinct A, for eleven and one-half days, from 11 a. m., October 15, 1908; John Bridegroom, Traffic Precinct A, for eighty-nine and one-half days, from 1 p. m., August 3, 1908; Augustine F. Sexton, Thirty-third Precinct, for seventy and one-half days, from 3:30 p. m., September 8, 1908.

Permission granted to leave city:

Patrolman Frank Finnegan, Ninth Precinct, for fifteen days, while on sick leave.

The following advancements to grades are hereby ordered:

Patrolmen.

To \$1,400 Grade, November 12, 1908—Alfred Rawson, First Precinct; John F. Pooler, Sixth Precinct; Matthew Fogarty, Sixth Precinct; Thomas F. Haynes, Seventh Precinct; John E. McHugh, Thirteenth Precinct; John F. McDonald, Fourteenth Precinct; Patrick Tully, Twenty-sixth Precinct; Patrick McGuinness, Twenty-eighth Precinct; Wilfred J. McGowan, Forty-third Precinct; Lee P. Craig, Sixty-first Precinct; Albert L. Weiss, Sixty-sixth Precinct; Arnold W. Koster, Sixty-ninth Precinct; Lewis Kessler, Sixty-ninth Precinct; Patrick H. Nanny, One Hundred and Fifty-fifth Precinct; James F. Gaffney, One Hundred and Sixty-first Precinct; James H. Murray, One Hundred and Sixty-first Precinct; Hugh J. Ruane, One Hundred and Seventy-first Precinct; Charles F. Jensen, One Hundred and Seventy-second Precinct; Martin A. Noonan, Two Hundred and Seventy-eighth Precinct; Frank Bonanno, Detective Bu-

reau, Manhattan; Joseph T. Bull, Traffic Precinct A; William Herlihy, Traffic Precinct C.

To \$1,400 Grade, November 14, 1908—Francis B. Ahern, One Hundred and Fifty-first Precinct; George Skivens, One Hundred and Sixty-third Precinct; Thomas Agnew, Two Hundred and Seventy-sixth Precinct; Charles Brueggemann, Harbor Precinct.

To \$1,400 Grade—James Johnston, Sixty-ninth Precinct, October 25, 1908; Charles M. Taylor, One Hundred and Sixty-seventh Precinct, November 10, 1908; James W. Morrison, Traffic Precinct C, November 13, 1908; Isaac Kahn, Thirty-ninth Precinct, November 13, 1908; Patrick Minehan, Traffic Precinct C, November 16, 1908; James A. O'Keefe, One Hundred and Fifty-ninth Precinct, November 16, 1908.

To \$1,350 Grade—Henry Kirchhoff, Twenty-first Precinct, September 11, 1908; William W. Rogers, One Hundred and Fifty-third Precinct, October 15, 1908.

The following Special Patrolmen are hereby appointed:

To take effect December 2, 1908—James Costello, for Knauth, Nachod & Kuhne, No. 15 William street, Manhattan.

To take effect December 4, 1908—John Ballester, for J. R. Williston & Co., No. 7 Nassau street, Manhattan.

The resignations of the following Special Patrolmen are hereby accepted, and they are reappointed, to take effect as of date indicated:

December 2, 1908—Thomas A. O'Hara, for Dyker Meadow Golf Club, Ninety-second street and Seventh avenue, Brooklyn; Alexander Wood, for Holmes Electric Protective Company, No. 34 East Fourteenth street, Manhattan; Joseph Whitton, for McKeever & Co., Meeker avenue and Newtown Creek, Brooklyn; Kenneth McLennan, for National Safe Deposit Company, No. 32 Liberty street, Manhattan; Charles O. Snyder, for William H. Rudolph, No. 187 Havemeyer street, Brooklyn.

The resignation of the following Special Patrolman is hereby accepted:

Eugene M. Emanuel, employed by New York Central and Hudson River Railroad Company, No. 516 Lexington avenue, Manhattan.

Special Order 307, current series, paragraph 11, as appoints Michael Hanrahan a Special Patrolman, for Ernest E. Baldwin and others, is hereby rescinded.

THEO. A. BINGHAM, Police Commissioner.

POLICE DEPARTMENT.

December 4, 1908.

The following proceedings were this day directed by the Police Commissioner:

Ordered, That consent be and is hereby given to the substitution of the Metropolitan Surety Company, in the place of Charles C. Langham and Henry Skefka, in the proposal of John C. Stewart for repairs to heating systems in the One Hundred and Fifty-seventh and One Hundred and Sixty-ninth Precinct station-houses.

Ordered, That full pay for time under suspension, from February 10, 1908, to May 7, 1908, be and is hereby granted to Harry F. Dwyer and Thomas J. Mulligan, formerly Patrolmen attached to the Eighth Precinct.

Ordered, That the Chief Clerk cause proper payrolls to be prepared, chargeable against the Police Pension Fund, for the amount of the salaries withheld from the said Harry F. Dwyer and Thomas J. Mulligan while under suspension as aforesaid.

Referred to the Comptroller.

Schedules of vouchers as follows: Police Station-houses, etc., 1908, \$137.65; Supplies for Police, 1908, \$1,575.57.

Ordered to Be Paid.

Contingent Expenses of Police Headquarters, etc., 1908, \$411.67.

Disapproved.

Application of Charles Weisbecker, No. 266 West One Hundred and Twenty-fifth street, Manhattan, for appointment of William H. Dillon as Special Patrolman.

Concert License Granted.

Williamsburgh Vaudeville Company, Broadway Music Hall, No. 658 Broadway, Brooklyn, from December 3, 1908, to March 2, 1909; fee, \$150; no liquors.

Runner License Granted.

George Barteldes, No. 346 West Thirty-ninth street, Manhattan, from December 4, 1908, to December 3, 1909; fee, \$20; bond, \$300.

Masquerade Ball Permits Granted.

W. Flatz, Ebling's Casino, The Bronx, December 7; fee, \$25. M. Lipman, New Plaza Hall, Brooklyn, December 5; fee, \$10.

On File, Send Copy.

Reports of Lieutenant in command of Boiler Squad, dated December 2 and 3, 1908, relative to engineers' licenses granted. For publication in the CITY RECORD. Special Order No. 310, issued this day, is hereby made part of the proceedings of the Police Commissioner.

Special Order No. 310.

The following transfers and assignments are hereby ordered:

To take effect 8 p. m., December 4, 1908:

Captains—Cornelius G. Hayes, from Sixty-ninth Precinct to Nineteenth Precinct; John McCauley, from Nineteenth Precinct to Sixty-ninth Precinct.

To take effect 8 p. m., December 5, 1908:

Lieutenants—Alexander Chandler, from Eightieth Precinct to Twenty-eighth Precinct; William A. Coleman, Bureau of Electrical Service, designated as Acting Captain and transferred to One Hundred and Eighty-fourth Precinct.

Patrolmen—John J. Donegan, from Sixteenth Precinct to Twenty-second Precinct; Thomas Connell, from Sixteenth Precinct to Twenty-eighth Precinct.

The following temporary assignments are hereby ordered:

Lieutenants—Patrick J. Walsh, Sixteenth Precinct, assigned to command precinct during absence of Acting Captain Dominick Henry on vacation, from 8 a. m., December 5, 1908; Robert Quinn, Twenty-eighth Precinct, assigned to command precinct during absence of Captain Michael J. Reidy, for one day, from 12:01 a. m., December 5, 1908.

Sergeants—Abel B. Van Tassell, One Hundred and Seventy-second Precinct, assigned as Acting Lieutenant in precinct during absence of Lieutenant Francis J. Kelly, for one day, from 8 a. m., December 3, 1908; William Ryan, Twelfth Precinct, assigned to Central Office Squad, duty in Bureau of Information, during absence of Lieutenant James H. Greene on sick leave, from 4 p. m., December 3, 1908; John Carey, Thirty-third Precinct, assigned as Acting Lieutenant in precinct during absence of Lieutenant on special leave, from 8 a. m., December 3, 1908.

Patrolmen—William H. Rooney, Twelfth Precinct, assigned to Second Inspection District, duty in plain clothes, for five days, from 8 p. m., December 3, 1908; Francis J. Flynn, One Hundred and Fifty-third Precinct, assigned to clerical duty in precinct during absence of Patrolman Francis A. Doherty on vacation, from 12:01 a. m., December 6, 1908; Cornelius J. O'Neill, Twelfth Precinct, assigned to Second Inspection District, duty in plain clothes, during absence of Patrolman Charles Kammer on vacation, from 12 noon, December 6, 1908; John J. White, Twenty-eighth Precinct, assigned to clerical duty in precinct during absence of Patrolman Joseph N. Gassman on vacation, from 12 noon, December 7, 1908; William C. Schwarz, Eighteenth Precinct, assigned to clerical duty in precinct during absence of Patrolman Daniel J. O'Sullivan on vacation, from 12:01 a. m., December 8, 1908; Harry Morton, One Hundred and Fifty-fourth Precinct, assigned to Central Office Squad, duty in Chief Inspector's office, from 8 a. m., December 4, 1908; John O'Neill, Forty-third Precinct, and Burtice E. Winkelman, Thirty-sixth Precinct, assigned to Third Inspection District, duty in plain clothes, for ten days, from 8 p. m., December 5, 1908; Charles Fried, Twenty-third Precinct, assigned to District Attorney's office, New York County, for five days, from 2 p. m., December 3, 1908; John J. O'Sullivan, Thirty-first Precinct, assigned to clerical duty in precinct during absence of Patrolman James A. Brown on vacation, from 12 noon, December 8, 1908.

The following extensions of temporary assignments are hereby ordered:

Patrolmen—John Ritter, Thirty-ninth Precinct, to clerical duty in precinct, for ten days, from 8 a. m., December 2, 1908; Edward S. Mooney, One Hundred and Sixty-first Precinct, to Bureau of Electrical Service, duty in Brooklyn, for thirty days, from 8 a. m., December 4, 1908; John S. Seery, One Hundred and Seventy-first

Precinct, and Thomas S. Duffy, One Hundred and Sixtieth Precinct, to Bureau of Electrical Service, duty in Brooklyn, for ten days, from 8 a. m., December 4, 1908.

The following members of the Department are excused for eighteen hours, as indicated:

Captains—John Buchanan, One Hundred and Fifty-eighth Precinct, from 3 p. m., December 7, 1908, with permission to leave city; David Evans, One Hundred and Seventy-first Precinct, from 8 a. m., December 4, 1908; Francis A. Creamer, One Hundred and Sixty-sixth Precinct, from 8 a. m., December 5, 1908, with permission to leave city; Michael J. Reidy, Twenty-eighth Precinct, from 6 a. m., December 4, 1908, with permission to leave city; John F. Gardiner, Two Hundred and Seventy-seventh Precinct, from 9 a. m., December 10, 1908; John W. Parrett, One Hundred and Fifty-second Precinct, from 1 p. m., December 7, 1908.

Acting Captain Dominick Henry, Sixteenth Precinct, from 2 p. m., December 4, 1908, with permission to leave city.

The following leave of absence is hereby granted with full pay:

Patrolman Charles A. Campbell, Two Hundred and Seventy-fifth Precinct, for three days, from 12 noon, December 1, 1908.

The following leave of absence is hereby granted without pay:

Patrolman Charles W. Cox, One Hundred and Fifty-third Precinct, for one day, from 12 noon, December 3, 1908.

The following amendment is hereby ordered:

Paragraph 2, Special Order No. 251, current series, to read Malcolm F. Lagville, having been employed on probation as Doorman, is assigned to Twenty-eighth Precinct to take effect October 6, 1908.

The following death is reported:

Patrolman Edgar L. Bremen, Sixth Inspection District, at 12:45 a. m., December 3, 1908.

The resignation of the following Special Patrolman is hereby accepted and he is reappointed, to take effect as of date indicated:

December 3, 1908—Richard W. Kipp, for Madison Safe Deposit Company, No. 208 Fifth avenue, Manhattan.

The resignation of the following Special Patrolman is hereby accepted:

James B. Donovan, employed by Interborough Rapid Transit Company, No. 13 Park row, Manhattan.

THEO. A. BINGHAM, Police Commissioner.

POLICE DEPARTMENT.

Sanitary Company (Boiler Squad), December 3, 1908.

To the Police Commissioner:

Sir—In compliance with orders relative to engineers' certificates issued by me under section 312 of chapter 410 of the Laws of 1882, as amended, the following report will show the names of the persons to whom licenses were issued, class of license and location for the same, during the twenty-four hours ending 12 midnight, December 2, 1908.

First Class.

Harry Ely, Nos. 601 to 611 West One Hundred and Thirty-seventh street; Otto Hoenig, No. 234 East Fifty-fifth street; James Montgomery, No. 569 Broadway; Gustave Vogel, No. 282 East Broadway.

Second Class.

Clarence D. Compton, No. 529 Pearl street; Philip Detscher, No. 100 North Sixth street, Brooklyn; Frederick E. Goldsmith, Nos. 106, 108 and 110 Hudson street; Jacob Gohner, No. 386 East One Hundred and Fifty-second street; George F. McAdam, No. 978 Kent avenue, Brooklyn; Andrew Olsen, No. 606 Broadway; Charles E. Rozea, Nos. 124 to 130 Pearl street; William J. Robinson, No. 107 Horatio street; Joseph A. Schmitt, foot of West Fortieth street; Theophilus C. Waterkeyn, No. 61 Gansevoort street; Thomas S. Whitaker, No. 149 West One Hundred and Twenty-fifth street.

Third Class.

Rosco C. Sturm, No. 143 Liberty street, Walter L. Ellingwood, No. 100 Broadway; William Christman, No. 414 Flushing avenue; John Doyle, Broadway Junction and Long Island Railroad, Jamaica, Long Island; Christian W. Fulling, No. 10 West Twenty-ninth street; William Ferguson, No. 15 Dey street; Cornelius Freer, Pier 37, North River; Joseph Hurley, Amsterdam avenue, One Hundred and Twenty-eighth and One Hundred and Twenty-ninth streets; John Hernen, No. 47 East Eighteenth street; Edward Harper, Aqueduct avenue and Featherbed lane, The Bronx; Charles W. Hallock, Nos. 24 and 26 Broadway, Brooklyn; Horace W. Hasbrouck, Twenty-sixth street and Eleventh avenue; Edward Hylan, No. 3600 Third avenue; Francis Lennon, No. 499 Grand street; John Lawrie, Spuyten Duyvil; George A. Larsen, Myrtle avenue and Fresh Pond road, Evergreen, Long Island; Louis Lang, No. 109 West street; John Magennis, No. 689 Kent avenue, Brooklyn; John Meehan, No. 65 Nassau street; Thomas J. Nugent, Fourteenth street and Vernon avenue, Long Island City; Henry Philips, No. 529 Pearl street; John F. Ruf, Nos. 282 to 292 Kent avenue, Brooklyn; Matthew Taylor, No. 81 Fifteenth avenue, Long Island City; Frank Waggoner, No. 54 Wall street; William A. Woolsey, Avenue N and East Forty-ninth street, Brooklyn; Henry F. Zartman, Lott avenue, Simpson street, Queens, Long Island.

Respectfully,

HENRY BREEN, Lieutenant in Command.

POLICE DEPARTMENT.

Sanitary Company (Boiler Squad), December 4, 1908.

To the Police Commissioner:

Sir—In compliance with orders relative to engineers' certificates issued by me under section 312 of chapter 410 of the Laws of 1882, as amended, the following report will show the names of the persons to whom licenses were issued, class of license and location for the same, during the twenty-four hours ending 12 midnight, December 3, 1908.

First Class.

Charles A. Whitney, No. 28 Fulton street, Brooklyn; William Callahan, No. 20 Lafayette avenue, Brooklyn; Patrick Conway, No. 123 Attorney street; Edward Dleary, No. 13 Greenwich street.

Second Class.

George McBride, No. 107 East Eighteenth street; Charles Trott, Casino Beach, Long Island City; Patrick Healy, Pier 19, North River; George Maher, No. 917 Broadway; Thomas Walsh, Rockaway road and Locust avenue, Jamaica South, Long Island; Hugh McCullough, No. 311 West Thirty-fourth street; Thomas P. Mulligan, No. 570 Broadway; Joseph H. Bonner, No. 417 Hamilton avenue, Brooklyn; Philip London, Nos. 142 to 146 Wooster street.

Third Class.

Frank F. Sweet, foot Bond avenue, Rockaway Beach, Long Island; Frederick Wild, Nos. 55 and 57 Chrystie street; Patrick Kiernan, No. 11 Fifth avenue; William C. Hanson, No. 376 President street, Brooklyn; John Forella, Ninety-fifth street and Broadway; Samuel Mealins, No. 15 Dey street; Charles Murray, No. 110 Wall street; Chris Grozinger, No. 195 Hamburg avenue, Brooklyn; Patrick Rock, Nos. 140 to 146 Broadway; Hans P. Thanem, foot of Cortlandt street; Peter Crummy, No. 205 East Ninety-second street; Douglas A. Marshall, Manhattan avenue and Box street, Brooklyn; Joseph H. Amo, No. 71 Broadway; Daniel S. Clark, No. 29 Church street; John Kneef, No. 320 East Houston street; Theodor Pfeiffer, No. 386 Wythe avenue, Brooklyn; Joseph F. Rooney, No. 929 Eighth avenue; Leonard Fisher, No. 501 West Fifty-first street; Charles McLoughlin, No. 18 West Fortieth street; James McGowan, No. 69 Third avenue; Samuel Kendrick, No. 36 Gold street; Daniel J. Malone, No. 311 West Thirty-fourth street; Joseph F. Hanley, Westchester and Pugsley avenue; Charles Schubert, Nos. 10 to 16 West Twentieth street; William H. Titus, Avenue N and East Forty-ninth street; George Bush, Nos. 568 to 574 Broadway; Simeon Nicks, No. 1190 Madison avenue.

Special.

John Striffler, No. 11 Scholes street, Brooklyn; John J. Birmingham, No. 215 West Fifty-eighth street.

Respectfully,

HENRY BREEN, Lieutenant in Command.

BOARD OF ESTIMATE AND APPORTIONMENT.

(FINANCIAL AND FRANCHISE MATTERS.)

MINUTES OF MEETING OF BOARD OF ESTIMATE AND APPORTIONMENT, CITY OF NEW YORK.
HELD IN ROOM 16, CITY HALL, FRIDAY, NOVEMBER 20, 1908.

The Board met in pursuance of an adjournment.

Present—George B. McClellan, Mayor; Herman A. Metz, Comptroller; Patrick F. McGowan, President, Board of Aldermen; John F. Ahearn, President, Borough of Manhattan; Bird S. Coler, President, Borough of Brooklyn; Louis F. Haffen, President, Borough of The Bronx; Lawrence Gresser, President, Borough of Queens; George Cromwell, President, Borough of Richmond.

The Mayor, Hon. George B. McClellan, presided.

After disposing of the public improvements calendar the following financial and franchise matters were considered:

FRANCHISE MATTERS.

New York, Westchester and Boston Railway Company.

In the matter of the applications of the New York, Westchester and Boston Railway Company for a change in the line of its route in the Borough of The Bronx and for certain modifications in the ordinance approved by the Mayor August 2, 1904, granting a franchise to said company.

At the meeting of November 13, 1908, the final public hearing was had on the form of contract containing terms and conditions to govern such grant, and at the conclusion of such hearing the matter was referred to a Select Committee, with instructions to report back to this Board at the meeting to be held this day.

The Secretary presented the following:

BOARD OF ESTIMATE AND APPORTIONMENT,
CITY OF NEW YORK,
November 18, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—Your Committee, to which was referred on November 13 the two petitions of the New York, Westchester and Boston Railway Company, the first for a change of line and the second for various modifications in the ordinance of August 2, 1904, granting to such company the right, privilege and franchise to construct, maintain and operate a high speed electric railroad in the Borough of The Bronx, City of New York, and the several reports of the Chief Engineer and the Division of Franchises upon such application, begs to submit the following report:

That the Committee held a hearing on November 18, at 11 o'clock a. m., in the Old Council Chamber of the City Hall, Borough of Manhattan, at which time and place Mr. Mace Moulton, President, and Mr. George S. Graham, of counsel for the company, were heard in favor of the proposed change of line and modifications.

At the close of the hearing the Committee took a vote upon each of the changes proposed, and unanimously decided that the following amendments of the ordinance should be recommended to the Board of Estimate and Apportionment:

First—By permitting a change of line between One Hundred and Seventy-fourth street and the Harlem River.

Second—By permitting the use of the overhead trolley system.

Third—By amending the original ordinance so that the City will be given the right to string three cables, the company to be relieved from furnishing the City with two conduits.

Fourth—By permitting connections with two other railroads at a distance not exceeding 2,500 feet, instead of 1,000 feet.

Fifth—By permitting connections with the existing rapid transit railway at West Farms and the proposed rapid transit railway at Westchester avenue.

Sixth—By extending the time until August 2, 1911, in which to complete the four-track railway from the City line to One Hundred and Seventy-fourth street, and until August 2, 1913, for the construction of the line from One Hundred and Seventy-fourth street to the Harlem River.

We are advised that the proposed resolutions and form of contract, which were entered upon the minutes of the Board on October 2, 1908, are in the form which will carry these recommendations into effect, and that a final vote may be taken upon this matter at the meeting to be held Friday, November 20, 1908, at which time we were directed to make our report.

Respectfully,

H. A. METZ, Comptroller.

P. F. McGOWAN, President, Board of Aldermen.

JOHN F. AHEARN, President, Borough of Manhattan.

LOUIS F. HAFFEN, President, Borough of The Bronx.

Chief Engineer, Board of Estimate and Apportionment.

Arthur C. Hume appeared on behalf of the Fidelity Development Company and requested that action be deferred for two weeks, as the property of that company was seriously affected by the change.

George S. Graham, of counsel, appeared on behalf of the applicant.

The following was offered:

Resolved, That the Board of Estimate and Apportionment hereby consents to certain changes, alterations and amendments in the route of the New York, Westchester and Boston Railway Company, as granted by an ordinance of the Board of Aldermen, approved by the Mayor August 2, 1904, and the right to cross certain streets, avenues, highways and public places, and to construct, maintain and operate a railroad in, upon and across the streets, avenues, highways and public places on such amended route of said railroad, and that the said Board also consents to certain modifications in the terms and conditions of the said ordinance; such changed, altered or amended route and such modified terms and conditions being fully set forth and described in the following form of proposed contract for the granting thereof, embodying such terms and conditions as modify or alter said ordinance of the Board of Aldermen, which said ordinance otherwise remains unchanged as to all the other terms and conditions expressed therein, and that the Mayor of The City of New York be and he hereby is authorized to execute and deliver such contract in the name and on behalf of The City of New York, as follows, to wit:

This contract made the day of 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the New York, Westchester and Boston Railway Company, a domestic railroad corporation (hereinafter called the Westchester Company), party of the second part, witnesseth:

Whereas, The City of New York, by ordinance approved by the Mayor on August 2, 1904, granted to the New York, Westchester and Boston Railway Company the right to cross certain streets and highways, and the privilege to construct and operate a four-track railroad upon certain routes particularly set forth in section 1 of said ordinance, and as shown on certain maps and profiles therein referred to and filed in the office of the County Clerk of the City and County of New York, on the 23d day of

June, 1904, or any lawful amendment thereof consented to by the Board of Estimate and Apportionment; and

Whereas, The Board did, on July 14, 1905, adopt a resolution which was approved by the Mayor on July 21, 1905, consenting to a change in the route of the Westchester Company; and

Whereas, In and by said ordinance and resolution, as amended, the consent of the City was granted to the Westchester Company for the construction, maintenance and operation of the said railroad across certain enumerated streets, avenues or highways, either above or below the grade thereof, within said City, upon certain conditions therein fully set forth; and

Whereas, On the seventeenth day of June, 1908, the Board of Directors of said Westchester Company, at a meeting of said Board duly held on said date, and by a vote of two-thirds of all the directors of said company, passed a resolution altering and amending the route of the said company, as amended by said consent of 1905, and changing the southern terminal thereof, from a point on the Harlem River, between Third avenue and Lincoln avenue, to a point on the Harlem River near the point where Lincoln avenue intersects the north bank of the Harlem River, and which alterations and amendments and change of terminal are shown upon a certain map, dated June 17, 1908, entitled:

"Survey Map and Profile of the New York, Westchester and Boston Railway Company for New York County, New York, Section one, Section two and Section three."

—and signed by the chief engineer, president, secretary and ten directors; which map was filed in the office of the County Clerk of New York County on June 17, 1908; and

Whereas, The said Westchester Company has applied to the Board, as the local authority of The City of New York, by a verified petition, dated June 18, 1908, for the consent of such local authority for such change, alterations and amendments to the route of said railroad, and for the right to construct, maintain and operate a railroad in, upon and across the streets, avenues, highways and public places on said amended route, and for the modification of the said ordinance and resolution in accordance therewith; and

Whereas, The said Westchester Company has applied to the Board, as the local authority of The City of New York, by a second verified petition, dated June 18, 1908, for the consent of such local authority to certain other modifications in the ordinance approved by the Mayor August 2, 1904, as amended by the ordinance approved by the Mayor July 21, 1905, to wit:

1. By striking out in section 1 the following words: "except the overhead trolley system."

2. By striking out in section 2, paragraph 15, the following words: "except the overhead trolley system."

3. By striking out the whole of section 2, paragraph 16, and substituting therefor the following: "In any conduits laid by the Company, or on any poles erected by the Company for the transmission of power for its own use, provision shall be made to carry three cables for the use of the police, fire and ambulance service of the City without charges therefor."

4. By striking out, in section 1, paragraph 3, the words "one thousand (1,000) feet," and substituting therefor the words "two thousand five hundred (2,500) feet."

5. By the addition of a clause permitting the construction and maintenance of connections with:

(a) The present subway-elevated system at or near the present station thereof, at West Farms road.

(b) The projected Southern boulevard and Westchester avenue subway route at Westchester avenue, at or near Home street.

6. By striking out in section 5, paragraph 1, the words "the intersection of the Southern boulevard and Westchester avenue," and substituting therefor the words, "One Hundred and Seventy-fourth street."

7. That the time named in said section 5, paragraph 1, for the completion of a four-track railroad upon the main line from the northerly line of the City as far south as One Hundred and Seventy-fourth street be extended to August 2, 1911.

8. By striking out the whole of section 5, paragraph 4, and substituting therefor the following:

"Any portion of the route covered by this grant which shall not be completed and in full operation prior to the second day of August, 1913, shall be deemed to have been abandoned and all rights hereby granted in and to such portions of said railway shall cease and determine, except that south of One Hundred and Seventy-fourth street, if the railway company shall have constructed less than four tracks within said period, it shall only be deemed to have abandoned its right to construct any additional tracks south of One Hundred and Seventy-fourth street. And in the event that the said railway company shall not, prior to the 2d day of August, 1913, construct its main line south of One Hundred and Seventy-fourth street and to the Harlem River, the Board of Estimate and Apportionment, or its successors in office, may fix and finally determine such additional compensation as shall be imposed upon said railway company because of such failure"; and

Whereas, On the eighteenth day of September, 1908, the Board held a public hearing upon the proposed modifications, at which citizens were entitled to appear and be heard, such hearing being held after due publication; and

Whereas, Said public hearing was continued to the twenty-fifth day of September, 1908, and was concluded on said day; and

Whereas, The said Board has made inquiry as to the proposed modifications and amendments of said ordinance and has adopted a resolution that the said modifications and amendments are desirable and in the public interest and that the causes stated by said Westchester Company why the conditions contained in said ordinance in regard to the completion of said road cannot be performed prior to the time therein stipulated are, in its opinion, for causes over which the grantee had no control and is in no wise responsible; and

Whereas, On the day of 1908, the Board, as the local authority of The City of New York, adopted a resolution granting to the Westchester Company the right to make such changes, alterations and amendments to the route of said railroad, and the right to cross certain streets, avenues, highways and public places, and to construct, maintain and operate a railroad in, upon and across the streets, avenues, highways and public places on such amended route of said railroad, and gave its consent to the other modifications in the ordinance approved by the Mayor August 2, 1904, as amended by ordinance approved by the Mayor July 21, 1905, and authorized the Mayor to execute and deliver a contract granting such rights in the name and on behalf of the City, which resolution was approved by the Mayor on the day of 1908;

Now, therefore, in consideration of the premises and of the mutual covenants herein contained, the parties do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Westchester Company, subject to the conditions and provisions hereinafter set forth, the right to make such changes, alterations and amendments to the route of said railroad, and the right to cross certain streets, avenues, highways and public places, and to construct, maintain and operate a railroad in, upon and across the streets, avenues, highways and public places on such amended route of said railroad, which amended route is shown upon the map heretofore referred to, and is more particularly described as follows:

Main Line.

Beginning at a point on the Harlem River near the point where Lincoln avenue intersects the south bank of the Harlem River in the Borough of The Bronx, and crossing Lincoln avenue between the Harlem River and One Hundred and Thirty-second street; thence running easterly substantially parallel to One Hundred and Thirty-second street between One Hundred and Thirty-second street and the Harlem River; thence crossing One Hundred and Thirty-second street at or near its intersection with Willow avenue; thence crossing One Hundred and Thirty-third street, One Hundred and Thirty-fourth street, One Hundred and Thirty-fifth street, One Hundred and Thirty-sixth street, One Hundred and Thirty-seventh street and One Hundred and Thirty-eighth street, between Willow avenue and the Harlem River and Port Chester Railroad; thence northerly parallel to the Harlem River and Port Chester Railroad and crossing One Hundred and Thirty-ninth street, One Hundred and Fortieth street and One Hundred and Forty-first street, between Southern boulevard and the Harlem River and Port Chester Railroad; thence northerly parallel to the Harlem River and Port Chester Railroad to Westchester avenue, and crossing One Hundred and Forty-ninth street, Leggett street, One Hundred and Fifty-sixth

street, Longwood avenue, Lafayette avenue, Tiffany street, Barretto street, Hunts Point road, Faile street, Bryant street, Longfellow street, proposed Ludlow avenue and Whittier street, between Whitlock avenue and the Harlem River and Port Chester Railroad; thence crossing Westchester avenue at or near its intersection with Edgewater road; then running northerly substantially parallel to the Harlem River and Port Chester Railroad to One Hundred and Seventy-fourth street, and crossing One Hundred and Seventy-second street, between the Bronx River and the Harlem River and Port Chester Railroad; thence crossing One Hundred and Seventy-fourth street and Van Ness avenue, between Devoe avenue and the Harlem River and Port Chester Railroad; thence running northerly substantially parallel to Devoe avenue and crossing One Hundred and Seventy-seventh street, Wyatt street and Walker avenue (West Farms road), between Devoe avenue and Berrian street; thence crossing One Hundred and Seventy-ninth street and Lebanon street, between Devoe avenue and Berrian street; thence crossing One Hundred and Eightieth street and Berrian street, at or near their intersection; thence crossing Adams street, between Morris Park avenue and the easterly line of Bronx Park; thence crossing Berrian street, between Morris Park avenue and Bronx Park; thence to and crossing Unionport road, between Miama street and Birchall avenue; thence crossing Oakley street, between Miama street and Sagamore street; thence crossing White Plains road, at or near the intersection of Sagamore street; thence crossing Brown avenue and Sagamore street, at or near their intersection; thence crossing Hunt avenue and Bear Swamp road at or near their intersection; thence crossing Bronx and Pelham parkway and Williamsbridge road at or near their intersection; thence crossing Saw Mill lane, between Williamsbridge road and Eastchester road; thence crossing Eastchester road near its intersection with Syracuse avenue; thence crossing Birch street at or near its intersection with Syracuse avenue; thence crossing Cedar street, Oak street and Walnut street, between Kingston avenue and Syracuse avenue; thence crossing Chestnut street and Kingston avenue at or near their intersection; thence crossing Ash street, between Kingston avenue and Cornell avenue; thence crossing Boston road at or near its intersection with Schieffelins lane; thence crossing Fifth avenue or Dyre avenue, between Boston road and Kingsbridge road; thence continuing to a point in the northerly line of The City of New York, between Fifth avenue and the road to White Plains (Columbus avenue).

Branch Line.

Beginning at a point on the main line near the junction of Walker avenue (West Farms road) and Devoe avenue; thence running southerly, crossing Wyatt street and Tremont avenue, between Devoe avenue and Berrian street; thence crossing Van Nest avenue and the New York, New Haven and Hartford Railroad, between One Hundred and Seventy-fourth street and Tremont avenue; thence running between Craighill and Chanute avenues and crossing Bronx River avenue, Beacon avenue, Randolph avenue, Westchester avenue, Watson avenue, Ludlow avenue, Story avenue and Lafayette avenue; thence crossing Craighill avenue and Morrison avenue, between Lafayette avenue and Seward avenue; thence crossing Seward avenue, between Morrison avenue and Harrod avenue; thence crossing Harrod avenue, Metcalf avenue and Fteley avenue, between Seward avenue and Randall avenue; thence crossing Randall avenue at or near its intersection with Croes avenue; thence crossing Noble avenue, Rosedale avenue and Commonwealth avenue, between Randall avenue and Lacombe avenue; thence crossing Lacombe avenue, between Commonwealth avenue and St. Lawrence avenue; thence crossing St. Lawrence avenue, Beach avenue and Taylor avenue, between Lacombe avenue and Patterson avenue; thence crossing Patterson avenue at or near its intersection with Thieriot avenue; thence crossing Leland avenue, between Patterson avenue and O'Brien avenue; thence crossing O'Brien avenue and Gildersleeve avenue, between Leland avenue and Underhill avenue; thence crossing Underhill avenue and Cornell avenue at or near their intersection; thence crossing Bolton avenue, White Plains road, Newman avenue and Stephens avenue, between Cornell avenue and Bronx River avenue; thence crossing Clasons Point road, between Stephens avenue and Pugsley avenue; thence crossing Cornell avenue and Pugsley avenue at or near their intersection; thence crossing Husson avenue, between Gildersleeve avenue and Cornell avenue; thence northerly, between Husson avenue and Betts avenue and crossing Gildersleeve avenue and O'Brien avenue; thence crossing Compton avenue and Pugsley Creek; thence crossing Barrett avenue, between Trask avenue and Screvin avenue; thence crossing Screvin avenue, between Lacombe avenue and Barrett avenue; thence crossing Lacombe avenue and Olmstead avenue at or near their intersection; thence crossing Torry avenue, Howe avenue, Castle Hill avenue, Turner avenue, Effingham avenue and Havemeyer avenue, between Lacombe avenue and Randall avenue; thence crossing Allaire avenue and Farrington avenue, between Randall avenue and Zerega avenue; thence crossing Zerega avenue near its intersection with Randall avenue; thence easterly, crossing Westchester Creek, Ferris avenue and Baxter Creek; thence crossing Morris lane near its intersection with Fort Schuyler road; thence crossing Fort Schuyler road and Old Ferry road at or near their intersection; thence between Fort Schuyler road and East River to a point near the United States Government Reservation. All of the above mentioned streets crossed by said branch line, except Wyatt avenue, Tremont avenue (East One Hundred and Seventy-seventh street), Westchester avenue, Clasons Point road, Ferris avenue, Morris lane, Old Ferry road and Fort Schuyler road, are proposed streets, as shown on the City layout of streets.

Sec. 2. The grant of this privilege is subject to the following conditions:

First—All the terms, provisions and conditions contained in the said ordinance approved by the Mayor August 2, 1904, and the said resolution of the Board approved by the Mayor July 21, 1905, shall remain unchanged and shall apply to the routes herein authorized with the same force and effect as when they applied to the routes described in said contract, and as though the routes herein authorized had been specifically described in said contract, except as follows:

1. Section 1 of the said ordinance is hereby amended by striking out therefrom the words, "except the overhead trolley system."

2. The description of the route as hereby amended and described above shall be substituted for the description of the route as contained in the ordinance approved by the Mayor August 2, 1904, and as contained in the resolution of the Board approved by the Mayor July 21, 1905.

3. Section 1, paragraph Third-General, of the said ordinance is hereby amended by striking out therefrom the words, "one thousand (1,000) feet" and substituting therefor the words "two thousand five hundred (2,500) feet." The said Westchester Company is hereby permitted to make the following two connections under this section:

Connection with the Present Subway-Elevated Route at West Farms Road.

Beginning at a point on the main line of the New York, Westchester and Boston Railway Company at or near Lebanon street; thence running southerly crossing Devoe avenue and One Hundred and Seventy-ninth street at or near their intersections; thence crossing Bronx street at or near its intersection with Walker avenue; thence crossing Walker avenue, between Bronx street and Boston road; thence crossing West Farms road, between Boston road and Rodman place; thence to a connection with the Interborough Rapid Transit Railroad on Boston road, between Bryant and Tremont avenues.

Connection with the Projected Southern Boulevard and Westchester Avenue Subway Route.

Beginning at a point on the main line of the New York, Westchester and Boston Railway Company, between Westchester avenue and One Hundred and Seventy-fourth street, and running southerly and crossing One Hundred and Seventy-second street and Edgewater road; thence to a connection with the proposed Broadway-Lexington avenue subway at or near the intersection of Westchester avenue and Home street, all as shown on a map entitled:

"Survey Map and Profile of the New York, Westchester and Boston Railway Company, for New York County, New York, Section one, Section two and Section three."

—adopted by the Board of Directors of said company on the 17th day of June, 1908, and signed by Allen Wardwell, president; Mace Moulton, chief engineer, and Ralph Polk Buell, secretary, under the seal of the corporation, which map and profile were filed in the office of the County Clerk of the County of New York on the said 17th day of June, 1908, or any lawful amendment thereof which may be consented to by the Board of Estimate and Apportionment, or its successors in authority.

4. Section 2, clause fifteenth of the said ordinance is hereby amended by striking out therefrom the words "except the overhead trolley system."

5. Section 2, clause sixteenth of the said ordinance shall be stricken out and the following substituted therefor:

"In any conduits laid by the company, or on any poles erected by the company for the transmission of power for its own use, provision shall be made to carry three cables for the use of the police, fire and ambulance service of the City without charge therefor."

6. Section 5, paragraph 1, of the said ordinance is hereby amended to read as follows:

"Said railroad company shall commence actual construction within one year from the date of the signing of this ordinance by the Mayor, and shall complete a four-track railroad upon the main line, from the northerly line of the City as far south as East One Hundred and Seventy-fourth street by the 2d day of August, 1911, otherwise this grant shall cease and determine."

7. Section 5, paragraph 4, of the said ordinance shall be stricken out and the following substituted therefor:

"Any portion of the route covered by this grant which shall not be completed and in full operation prior to the 2d day of August, 1913, shall be deemed to have been abandoned and all rights hereby granted in and to such portions of said railway shall cease and determine, except that south of One Hundred and Seventy-fourth street, if the railway company shall have constructed less than four tracks within said period, it shall only be deemed to have abandoned its right to construct any additional tracks south of One Hundred and Seventy-fourth street. And in the event that the said railway company shall not, prior to the 2d day of August, 1913, construct its main line south of One Hundred and Seventy-fourth street and to the Harlem River, the Board of Estimate and Apportionment, or its successors in office, may fix and finally determine such additional compensation as shall be imposed upon said railway company because of such failure."

Second—The Westchester Company hereby agrees to assume all liability to any person or company by reason of the execution of this contract by the City, and it is a condition of this contract that the City shall assume no liability whatsoever either to persons or companies on account of the same, and the Westchester Company hereby agrees to repay to the City any damage which the City may be compelled to pay by reason of this contract.

Sec. 3. The Westchester Company covenants and agrees to abandon and relinquish and does hereby abandon and relinquish to the City all of its rights and franchises to construct, maintain and operate a railroad in, upon or across the streets on the portions of the route described in the said ordinance approved by the Mayor August 2, 1904, as amended by the ordinance approved by the Mayor July 21, 1905, and which are not covered by the description of the new and amended route as herein described and which are not shown on the map of the amended route dated June 17, 1908, entitled "Survey map and profile of the New York, Westchester and Boston Railway Company for New York County, New York, Section 1, Section 2 and Section 3," which map was filed in the office of the County Clerk of New York County on June 17, 1908.

Sec. 4. The Westchester Company promises, covenants and agrees on its part and behalf to conform to and abide by all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate seal of said City to be hereunto affixed, and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed the day and year first above written.

THE CITY OF NEW YORK,
By....., Mayor.

[CORPORATE SEAL.]

Attest:

....., City Clerk.

NEW YORK, WESTCHESTER AND BOSTON
RAILWAY COMPANY,

By....., President.

[SEAL.]

Attest:

....., Secretary.

(Here add acknowledgments.)

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

American Express Company.

An application was received from the American Express Company, requesting the Board to rescind the resolution adopted December 21, 1906, and approved by the Mayor, December 26, 1906, granting permission to said company to construct, maintain and operate a single track railway spur, connecting the premises of the petitioner on the east side of Webster avenue, approximately 400 feet south of the Southern boulevard, with the existing tracks of the Union Railway Company in front of said premises in the Borough of The Bronx, and return the five hundred dollars (\$500) deposited as security for the faithful performance of the terms and conditions of said consent.

Which was referred to the Chief Engineer.

Long Island Railroad Company.

An application was received from the Long Island Railroad Company for permission to construct, maintain and operate a temporary side track or switch upon and along Range avenue, at Creedmoor, Borough of Queens, connecting the tracks and right-of-way of the railroad company with the State Hospital grounds, and to be used to facilitate the handling of building material and freight required in the construction of the necessary buildings for the accommodation of insane patients to be removed thereto from the asylum at Flatbush, Borough of Brooklyn.

Which was referred to the Chief Engineer.

Long Island Railroad Company.

In the matter of the approval of the change or relocation of that part of the main line of the railroad of the Long Island Railroad Company lying in the Second Ward of the Borough of Queens, City of New York, between a point about 400 feet west of Ascan avenue and a point about 700 feet east of Lefferts avenue.

The Secretary presented the following:

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
November 19, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—By resolution adopted June 26, 1908, approved by the Mayor June 30, 1908, the Long Island Railroad Company was granted permission to change or relocate that part of its main line lying in the Second Ward of the Borough of Queens, City of New York, between a point about 400 feet west of Ascan avenue and a point about 700 feet east of Lefferts avenue, known as the Maple Grove cut-off.

The resolution provided that the consent and approval of the City should not become effective until the company executed and delivered to the Board an agreement in the form set forth in the resolution.

Subsequently the counsel for the railroad company objected to certain conditions which had been incorporated in said form of agreement by the Corporation Counsel. A consultation was then had between the counsel for the railroad company and the Corporation Counsel, and a supplemental form of agreement prepared by the Corporation Counsel was presented to the Board at the meeting of October 16, 1908, when it was approved by the Board, and the Long Island Railroad Company required to execute same as an addition and supplement to the agreement required by the original resolution as a condition precedent to the relocation of the railroad.

Both the original and supplemental agreements, which were executed on November 4, 1908, and bond furnished by the American Surety Company of New York, were approved as to form by the Acting Corporation Counsel, and were returned to this office with a communication dated November 17, 1908.

Pursuant to law, certified copies of the approved resolutions were forwarded to the officials interested.

All the provisions of law, and the resolutions of the Board, appear to have been complied with, and I would therefore suggest that the papers in connection therewith be placed on file.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

Which was ordered filed.

New York and Queens County Railway Company.

A communication, dated November 12, 1908, was received from the Mayor's office, stating the Mayor has designated the "New York Times" and the "New York Tribune" as the daily newspapers in which the notice of final hearing on the form of contract for the grant of a franchise to the New York and Queens County Railway Company, to construct, maintain and operate two extensions to its existing railway, one from Flushing to Whitestone, and one from Ingleside to Bayside, in the Borough of Queens, shall be published previous to the final hearing on December 11, 1908.

Which was ordered filed.

Brooklyn, Queens County and Suburban Railroad Company.

In the matter of the application of the Brooklyn, Queens County and Suburban Railroad Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing system, upon and along Metropolitan avenue, from Dry Harbor road to Jamaica avenue, Borough of Queens.

At the meeting of September 18, 1908, a communication was received from the President of the company stating the form of contract which had been presented to the Board, and which was, by resolution adopted June 26, 1908, entered upon the minutes and a date fixed for final public hearing, was not in accordance with the understanding between the representatives of the company and the Select Committee, and the matter was referred back to such committee.

The Secretary presented the following:

November 13, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment:

SIR—On September 18, 1908, the date fixed for a final hearing on the application of the Brooklyn, Queens County and Suburban Railroad Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing line upon and along Metropolitan avenue, from Dry Harbor road to Jamaica avenue, in the Borough of Queens, a communication was received from the company stating that the terms and conditions of the proposed form of contract upon which by resolution adopted June 26, 1908, the Board of Estimate and Apportionment granted the franchise to the Company, was not in accordance with the understanding between the President of the Company and the Select Committee having the matter in charge.

The matter was therefore referred back to the Select Committee for such action as it might deem necessary.

After careful examination your Committee recommends the following changes in the form of contract adopted June 26, 1908:

First—Section 1 to be amended by substituting in place of the words "for the purpose of conveying persons only" the words "for public use in the conveyance of persons and property."

Second—Section 2. Third condition to be changed to read as follows:

"Third," the company, its successors and assigns shall pay to the City for this privilege the following sums of money:

The sum of one hundred dollars (\$100) in cash within thirty (30) days after the date on which this contract is signed by the Mayor.

During the first five (5) years after the commencement of operation of the extension herein provided for, annually on November 1, three per cent. (3%) of its gross receipts for and during the year ending September 30 next preceding, and after the expiration of such five (5) years make a like annual payment into the treasury of the City of five per cent. (5%) of its gross receipts. The company shall pay such percentage only upon such portion of its gross receipts as shall bear the same proportion to its whole gross receipts as the length of such extension shall bear to the entire length of its line.

Third—Section 20 to be amended by adding thereto, "in the event of the forfeiture of the franchise for failure to complete the construction of the said extension and operate same on or before December 31, 1909, as herein provided, the said bond shall be returned to the Company."

Your committee believes that with the changes above suggested the form of contract will be fair and just to both the City and to the Company and would recommend that the franchise be granted accordingly.

Respectfully,

H. A. METZ, Comptroller.

PATRICK F. McGOWAN, President, Board of Aldermen.

FRANCIS K. PENDLETON, Corporation Counsel.

The matter was thereupon referred to the Chief Engineer to prepare a contract in accordance with the recommendation of the Select Committee.

New York Central and Hudson River Railroad Company.

In the matter of the use and occupation of certain upland and lands under water by the New York Central and Hudson River Railroad Company, from Sixtieth to Seventy-first streets at or near the North River, Borough of Manhattan.

At the meeting of December 20, 1907, by resolution duly adopted, the Comptroller was requested to appraise the value of such lands and submit same to the Corporation Counsel, who was requested to make formal demand for such amount as may be justly and fairly due, and should the railroad company fail or neglect to make the payment, the Corporation Counsel was requested to institute proceedings for the recovery of such money and take whatever steps he deemed expedient.

The Secretary presented the following:

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
COMPTROLLER'S OFFICE.
November 13, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—I am in receipt of a communication from the Secretary of the Board, dated November 10, 1908, transmitting a communication from the Eleventh Avenue Track Removal Association, relative to long overdue taxes and compensation from the New York Central and Hudson River Railroad Company, for the use and occupancy of over 300 city lots, situated west of Eleventh avenue, between Sixtieth and Seventy-second streets, Borough of Manhattan.

The Secretary calls my attention to the fact that on December 20, 1907, the Board of Estimate and Apportionment adopted a resolution relative to the use and occupancy by the New York Central and Hudson River Railroad Company, and that I was requested to appraise the value of the use and occupation by the railroad company of such lands and lands under water for the period of six years from January 1, 1902, to January 1, 1908, and immediately upon the determination and approval by him of such valuation, submit the same to the Corporation Counsel, together with any data I may possess upon which such appraisal and valuation was based.

I have been in receipt of many communications from the Eleventh Avenue Track Removal Association, and it is not necessary for me at this time to take up the subject matter of these communications, other than to inform the Board of Estimate and Apportionment that on September 26, 1908, I transmitted a communication to the Corporation Counsel setting forth the appraisal in detail, as required by the original resolution, and fixing the valuation for the years as follows:

1902	\$535,000 00
1903	685,000 00
1904	780,000 00
1905	780,000 00
1906	935,000 00
1907	920,000 00

And that I was of the opinion that a fair rental charge would be 5 per cent. per annum on these figures, based on the rate per cent. paid on City bonds and the Sinking Fund authorization.

Respectfully submitted,

H. A. METZ, Comptroller.

The Secretary was directed to forward a copy of the report of the Comptroller to the Eleventh Avenue Track Removal Association.

The following matters, not on the calendar for this day, were considered by unanimous consent:

One Hundred and Forty-fifth Street Railway Company.

In the matter of the application of the One Hundred and Forty-fifth Street Railway Company, for a franchise to construct, maintain and operate a double track street surface railway upon and along West One Hundred and Forty-fifth street, from Lenox avenue to Broadway, Borough of Manhattan.

At the meeting of February 15, 1907, a report was received from the Bureau of Franchises, when the matter was referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen and the President of the Borough of the Bronx.

The Secretary presented the following:

November 9, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—The undersigned, the Committee to whom was referred on February 15, 1907, the application of the One Hundred and Forty-fifth Street Railway Company for the construction and operation of a double track street surface railway, beg to report as follows:

This application is for the construction and operation of a road in One Hundred and Forty-fifth street, from Lenox avenue to Broadway, in which street at the present time the applicant company is now operating. Its predecessor was the Fort George and Eleventh Avenue Railroad Company, but this company was forced to suspend operation in January, 1907, by the Police Department of this City, the Corporation Counsel having held that its franchise had lapsed.

In order to avoid inconvenience to the traveling public the Company was permitted to operate its road until a permanent franchise could be secured.

A preliminary report upon the application was presented to the Board by the Engineer of the Division of Franchises, with the suggestion that the matter be referred to the Select Committee appointed to consider the various applications for extensions of franchises, etc., in the Borough of The Bronx. This was done and the matter was considered by the Committee then appointed, but it has been impossible to reach any determination, owing to the fact that recently there has been a decided change in the management of the railroad companies in the Borough of The Bronx, and these applications must now all be considered independently.

It is respectfully recommended that a public hearing be held upon said application on December 11, 1908, and that the Chief Engineer of this Board present a report upon said application at that time.

Respectfully,

H. A. METZ, Comptroller.

P. F. McGOWAN, President, Board of Aldermen.

*JOHN F. AHEARN, President, Borough of Manhattan.

LOUIS F. HAFFEN, President, Borough of The Bronx.

The following was offered:

Resolved, That December 11, 1908, be and it is hereby fixed as the date for a public hearing on the application of the One Hundred and Forty-fifth Street Railway Company for a franchise.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen, and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The petition was thereupon referred to the Chief Engineer.

New York and North Shore Traction Company; New York and Queens County Railway Company.

In the matter of the application of the New York and North Shore Traction Company for a franchise to construct, maintain and operate a double track street surface railway upon and along Broadway, Tenth street, and other streets, in the Borough of Queens, upon which a report was received from the Engineer in charge of the Division of Franchises to the Chief Engineer at the meeting of September 18, 1908, when the matter was referred to a Select Committee, consisting of the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan and Queens.

The Secretary presented the following:

NEW YORK, November 19, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—Your Committee, to which was referred on September 18, 1908, the application of the New York and North Shore Traction Company, for a franchise to

*Not appointed a member of the Committee.

construct, maintain and operate a double track surface railway in the Borough of Queens, as an extension of its existing and proposed lines in Nassau County, and the report of the Engineer in charge of the Division of Franchises, which report contained a proposed form of contract, would respectfully report: that the Committee held a hearing in the office of the Comptroller on Thursday, November 19, 1908, at which various citizens appeared and were heard in favor of the proposed grant, and also the counsel for the company, Mr. MacIlhenny.

It was pointed out to your Committee that on account of a franchise heretofore approved by it, as applied for by the New York and Queens County Railway Company, for an extension to Whitestone, that this franchise, if granted, would deprive the present applicant of a right to use a certain portion of its proposed route, unless it could make satisfactory terms with the Queens County Company.

As it was not the intention of your Committee to give an exclusive right to any company it therefore desires to amend its prior report upon the application of the New York and Queens County Railway Company for the Whitestone extension, by recommending that the clause for common use of tracks for a distance of six thousand feet, as contained in the proposed form of contract for the New York and North Shore Traction Company, shall be incorporated in the proposed franchise to the New York and Queens County Railway Company.

Your Committee would therefore recommend, first, that the terms and conditions proposed for a franchise to the New York and North Shore Traction Company, and as contained in the report of the Engineer in charge of the Division of Franchises, dated September 14, 1908, be tentatively approved by the Board and the same be forwarded to the Corporation Counsel for his approval as to form; second, that the Board rescind its resolution as passed October 16 and as amended November 6, fixing December 11 for a final public hearing on the application of the New York and Queens County Railway Company, and that the form of contract be referred back to the Chief Engineer for amendment as hereinabove provided.

All of which is respectfully submitted.

Respectfully,

H. A. METZ, Comptroller,

P. F. McGOWAN, President, Board of Aldermen.

JOHN F. AHEARN, President, Borough of Manhattan.

LAWRENCE GRESSLER, President, Borough of Queens.

The following was offered:

Whereas, The New York and North Shore Traction Company did, under date of June 11, 1908, make application to this Board for a grant of the right, privilege and franchise to construct, maintain and operate a street surface railway upon and along Broadway and Tenth street and other streets in the Borough of Queens; and

Whereas, On September 18, 1908, a public hearing was had upon the aforesaid application; and

Whereas, An inquiry has been conducted by the Chief Engineer and a report, dated September 14, 1908, was received by this Board September 18, 1908, proposing certain terms and conditions to govern the franchise, should the same be granted, which was referred to a Select Committee consisting of the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan and Queens; and

Whereas, Said Committee has this day presented a report recommending that the franchise be granted on the terms and conditions contained in the form of contract presented with the report of the Division of Franchises at the meeting of September 18, 1908; now therefore be it

Resolved, That this Board adopt such inquiry as the inquiry of the Board, and tentatively approve the terms and conditions as proposed in the report dated September 14, 1908, from the Division of Franchises; and be it further

Resolved, That the matter be referred to the Corporation Counsel for his approval as to form and to incorporate therein such matter as he may deem advisable to fully protect the interests of the City.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following was offered:

Resolved, That the resolutions adopted by this Board October 16, 1908, and November 6, 1908, entering upon the minutes of the Board the form of contract for the grant of a franchise to the New York and Queens County Railway Company, to construct, maintain and operate two extensions to its existing street surface railway in the Borough of Queens, one from the former village of Flushing to Whitestone and one from Ingleside to Bayside, ordering same advertised in two daily newspapers and in the CITY RECORD, and fixing December 11, 1908, as the date for final hearing, be and the same are hereby rescinded; and be it further

Resolved, That the aforesaid form of contract be and it is hereby referred back to the Chief Engineer of this Board, with instructions to amend the same in accordance with the report this day received from the Select Committee.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

New York City Interborough Railway Company.

The Secretary presented the following:

BOARD OF ESTIMATE AND APPORTIONMENT—THE CITY OF NEW YORK,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
November 19, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—There are now pending before the Board of Estimate and Apportionment two petitions of the New York City Interborough Railway Company, as follows:

1. A petition dated June 23, 1908, praying to be released from the obligations to make payments for the use of certain bridges as specified in section 2, fourth, of the ordinance of the Board of Aldermen, approved by the Mayor March 31, 1903, and also praying to be released from the other payments mentioned therein, except such annual sums which shall be equal to three per cent. of its gross annual receipts during the first term of five years, and which shall be equal to five per cent. of its gross annual receipts thereafter.

This petition was presented to the Board at the meeting held June 26, 1908, and referred to the Chief Engineer.

2. A petition dated November 12, 1908, praying for an extension of time in which to complete the construction of twenty-four miles of the petitioner's double track railway until December 27, 1909.

This petition was presented to the Board at the meeting held November 13, 1908, and referred to the Chief Engineer.

Pursuant to an opinion of the Corporation Counsel, wherein it was held that where the contract is radically changed by reducing the amounts of the payments imposed and extending the term of the franchise, section 74 applies, and, therefore, the full proceedings provided by said section of the Charter must be complied with.

I believe that I will be in a position to present a report to you by Friday, December 11, 1908, and I would, therefore, suggest that the Board fix such date for a preliminary public hearing, and the Mayor be requested to designate two daily newspapers in which

the petitions and notice of public hearing be advertised in accordance with the provisions of law.

A resolution in the usual form is transmitted herewith.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

To the Honorable the Board of Estimate and Apportionment of The City of New York:

The petition of the New York City Interborough Railway Company respectfully shows:

1. Your petitioner is a street surface railway corporation, duly organized on or about the 24th day of March, 1902, under the laws of the State of New York.

2. The Board of Aldermen of The City of New York has heretofore, to wit, on the 16th day of March, 1903, granted to the said New York City Interborough Railway Company the franchise, right and privilege to construct and operate a double track surface railway with all connections, turnouts, switches, crossovers and stands necessary for the accommodation and operation of the said railroad by an overhead system of electricity, or any other motive power which may be lawfully employed upon the same, in and upon and along certain streets, avenues, parkways, highways, public places, bridges and viaducts, all situated in the Boroughs of Manhattan and The Bronx, City, County and State of New York, and more particularly specified in the said ordinance of the Board of Aldermen adopted March 16, 1903, and approved by the Mayor March 31, 1903, a copy of which is hereto annexed, the total mileage authorized by said resolution being about 22.8 miles.

3. The Board of Estimate and Apportionment of The City of New York, by a resolution adopted the 25th day of June, 1907, a copy of which is hereto annexed, granted the franchise or right to use certain streets, roads, avenues, highways or public grounds within or belonging to The City of New York for the construction and operation in and upon the surface thereof of a double or single track surface railway as alterations or changes of the route granted to it by virtue of the aforesaid ordinance of the Board of Aldermen, approved by the Mayor.

4. Pursuant to the franchise and right granted by virtue of the said ordinance of the Board of Aldermen and resolution of the Board of Estimate and Apportionment, your petitioner promptly commenced and diligently constructed and completed its road upon the following streets: One Hundred and Eighty-first street, from St. Nicholas avenue to Amsterdam avenue, in the Borough of Manhattan, across Washington Bridge to the Borough of The Bronx; on Aqueduct avenue, from the east end of Washington Bridge to Kingsbridge road; Kingsbridge road, from Aqueduct avenue to Crescent avenue; One Hundred and Eighty-ninth street, from Third avenue to the Southern boulevard; Southern boulevard, from One Hundred and Eighty-ninth street to One Hundred and Eightieth street; One Hundred and Eightieth street, from Southern boulevard to Third avenue. This construction is four and eighty-six one-hundredths (4.86) miles in length, and was operated as a system until on or about September 1, 1907, when there was added one and fifteen one-hundredths (1.15) miles in length of operation on Ogden avenue, from Aqueduct avenue to Jerome avenue. These routes continued to be operated on or about February 15, 1908, when there was added thereto additional routes operated on the following streets: Tremont avenue, from Aqueduct avenue to Webster avenue; One Hundred and Eightieth street, from Webster avenue to Third avenue; One Hundred and Eightieth street, from the Southern boulevard to Boston road; Boston road, from One Hundred and Eightieth street to One Hundred and Seventy-eighth street, of one and seventy-three one-hundredths (1.73) miles in length, making a total system as at present operated of seven and seventy-four one-hundredths (7.74) miles in length. The portions of the routes of your petitioner upon which its road is partially or wholly constructed but not operated are: Kingsbridge road, from Aqueduct avenue to Heath avenue; Sedgwick avenue, from Kingsbridge road to Fort Independence street; Fort Independence street to Two Hundred and Thirty-eighth street; Two Hundred and Thirty-eighth street to Broadway; Kingsbridge road, from Valentine avenue to Fordham road. One Hundred and Forty-ninth street, from Gerard avenue to St. Ann's avenue; One Hundred and Fifty-sixth street, from Eagle avenue to Westchester avenue; Wilkins place, from Boston road to Intervale avenue; Intervale avenue to Dongan street; Dongan street to Southern boulevard, making a total mileage, partially or wholly constructed but not operated, of four and twenty-five one-hundredths (4.25) miles.

The routes embraced within the franchise of your petitioner are shown upon a map hereto annexed, upon which the portions of said route which are operated appear in red, and those upon which the road is wholly or partially constructed but not operated, are shown in blue.

5. The routes of the New York City Interborough Railway Company are almost entirely located in the Borough of The Bronx, and the streets in that Borough upon which the further construction of your petitioner's lines must be effected are in the course of reconstruction, the City being engaged in opening and grading streets and constructing sewers therein; all of which work it was necessary to complete before the lines of the Company could be laid in place and cars operated thereon. Among the public works which have interfered with the construction or operation of the Company's roads are the construction of the Grand Concourse across the Company's lines at Tremont avenue and at Kingsbridge road. This large public work absolutely prevented the operation and construction of the Company's lines between the east and west sides of the City through these streets, and the franchise during such time of operation was without any earning power whatsoever. This work was completed during the month of February, 1908, which permitted the partial operation of one of the Company's crosstown lines. One of the lines in your petitioner's franchise is a road upon the New Tremont avenue, or East One Hundred and Seventy-seventh street, east of the Bronx River. This street is being opened and the Company is unable to make any construction thereon. The streets and highways in the so-called Hunts Point section in the southeastern part of the Borough of The Bronx are in the course of construction, and it is now impossible for the Company to complete its railroad thereon sufficiently to enable the operation of cars over the same.

The portions of the Company's roads not operated are wholly disconnected from the portions which are in operation, and have been made so by the character of the City construction above referred to. Such disconnected portions have been wholly valueless and worthless to the Company, as they have not produced any income whatsoever, and have not been of any value to the public, as the Company has been unable to operate any cars over the same.

6. In and by said franchise, and more particularly by the fourth paragraph of section two of said ordinance adopted by the Board of Aldermen March 16, 1903, your petitioner is obligated to make certain payments to the City, to wit, as follows: During the first term of five years an annual sum which shall in no case be less than \$15,000, and which shall be equal to 3 per cent. of its gross annual receipts if such percentage shall exceed the sum of \$15,000; during the remaining twenty years of the term an annual sum which shall not be less than \$30,000, and which shall be equal to 5 per cent. of its gross annual receipts, if such percentage shall exceed the sum of \$30,000; and for the use of four bridges described in the said ordinance of the Board of Aldermen constituting the franchise of your petitioner, during the first term of five years the annual sum of \$4,000 for each bridge; during the second term of five years, the annual sum of \$4,500 for each bridge; during the third term of five years the annual sum of \$5,000, for each bridge; during the fourth term of five years the annual sum of \$5,500 for each bridge; and during the last term of five years the annual sum of \$6,000 for each bridge.

That your petitioner has, during the year ending September 30, 1907, or a portion thereof, made use of two of the bridges specified in its franchise, to wit, the Central or Macomb's Dam Bridge and the Washington Bridge.

7. That in said ordinance it was provided that said payments should be made on November 1 in each year after the commencement of the operation of any portion of the railroad, and that The City of New York has claimed that there has become due and payable to it by reason of the said provisions of said franchise the following sums, none of which have been paid:

For the use of the Central Bridge.....	\$33,300
For the use of the Washington Bridge.....	4,000 00
Franchise payments to the City.....	15,000 00

Total..... \$19,333 33

8. In and by virtue of the construction of its street surface railway or railways, your petitioner has incurred as of June 30, 1908, certain debts, none of which has been paid, as follows:

Outstanding Obligations as of June 30, 1908 (Estimated From June 19 to June 30). State taxes on earnings claimed to have accrued to April 30, 1908, inclusive. \$842 23

To City of New York, for Taxes—

City taxes on earnings and for the use of bridges, accrued as claimed to June 30, 1908. 40,583 33

To the Union Railway Company—

As Shown By Bills Rendered:

For housing, cleansing and repairing cars, from May 31 to October 31, 1906.	\$1,438 14
For rental of tracks, power supplied and maintenance of tracks from May 31, 1906, to December 31, 1907.	11,931 21
	<u>\$13,369 35</u>

Charges for Which Bills Have Not Been Rendered:

For rental of tracks, power supplied and maintenance of tracks from January 1, 1908, to June 30, 1908 (estimated).	2,000 00
	<u>5,875 00</u>

For their proportion of the fares collected by this company on cars running over the tracks of the Union Railway Company, from May 31, 1906, to June 30, 1908 (estimated).	\$21,244 35
	<u>819 05</u>

To Interborough Rapid Transit Company—

Demand loan of April 6, 1908.	\$60,000 00
For power supplied and miscellaneous labor and material furnished during the month of April, 1908.	4,362 88
For power supplied during the month of May, 1908.	3,390 33
For rental of offices and yard at One Hundred and Seventy-ninth street and Third avenue, month of May, 1908.	446 67
For miscellaneous labor and material supplied during May, 1908 (estimated).	350 00
For power supplied, for rental of offices and yard and miscellaneous labor and material for the month of June, 1908 (estimated).	4,500 00
For the amount due under the eight cent transfer arrangement, from March 31, 1906, to June 30, 1908 (May and June, 1908, estimated).	1,225 00
	<u>74,274 88</u>

To Various Companies and Individuals—

For supplies and various operating expenses accrued during the month of June, 1908 (estimated).	1,500 00
	<u>\$284,535 54</u>

In addition to the foregoing items of indebtedness, there are certain sums not yet determined, claimed to be due the Union Railway Company, either in the form of capital payment or an annual rental charge for the privilege of operating on the tracks of the said Union Railway Company over the Macombs Dam Bridge.

9. The income of your petitioner from the operation of its street surface railway or railways is wholly inadequate to meet the necessary expenses of operating said railways and make the payments to the City required by its franchises aforesaid, as more fully appears by the statement of the receipts and expenditures of your petitioner during the year ending on the 31st day of December, 1907, a copy of which is hereto annexed, and by its current quarterly report to the Public Service Commission, a copy of which is annexed hereto.

10. Your petitioner has been and is wholly unable to discharge its obligations under a certain mortgage to the United States Mortgage and Trust Company, dated the first day of May, 1905, and there is now due and unpaid, as of the first day of May, 1908, as accrued interest upon the outstanding bonds issued under said mortgage, the sum of \$117,000, and your petitioner is further unable to discharge its obligations under and by virtue of certain contracts heretofore entered into by it for the power necessary to its operation, and for the further construction of its said railways.

11. The financial condition of your petitioner is such that it is and will in an increasing measure be embarrassed and crippled in its desire and effort to afford satisfactory and efficient service to the public; and unless it be materially relieved in respect to its financial obligations, it will be difficult, if not impossible, to discharge its obligations to the City and to the public within the intent and purpose of its said franchise.

12. The portions of the routes embraced within the franchise granted to your petitioner as aforesaid which command relatively the greatest volume of traffic per mile of operation, are those upon which the railway of your petitioner is now constructed and in operation, and in respect to which there has resulted from said operation a large and increasing deficit. A large portion of the route or routes granted as aforesaid to your petitioner, and more especially the routes in the so-called Hunts Point section in the southeastern part of the Borough of The Bronx, cannot, as your petitioner is advised and believes, in the light of its experience in the operation of its present system, be constructed and operated without incurring not only a present deficit and a continuing loss during the term of your petitioner's franchise, but possible jeopardy of all or the greater part of any of the capital expenditures necessary to the completion of said routes.

Your petitioner, although unable, as aforesaid, to meet its contract and other obligations, is earnestly endeavoring to effect such arrangements as will enable it to continue not only the operation, but the further construction of its road, with a view to affording the largest accommodation and service to the traveling public within its power, and the relief for which your petitioner respectfully prays is, in view of the financial embarrassment of your petitioner, essential, as your petitioner believes and respectfully shows herein, to the accomplishment of this purpose;

Wherefore, Your petitioner prays that it be relieved from each and every of its said obligations to make the payments in and for the use of the bridges specified in its franchise, and more particularly in the fourth paragraph of section 2 of the ordinance of the Board of Aldermen, approved by the Mayor as aforesaid, March 31, 1903, and from the payments for the aforesaid franchises specified in said fourth paragraph of section 2 of said ordinance, except such annual sums which shall be equal to three per cent. of its gross annual receipts during the first term of five years specified in said paragraph fourth, and which shall be equal to five per cent. of its gross annual receipts thereafter. And your petitioner prays that public notice be given of the time and place when and where this application shall be held, and that the desired consent or grant herein applied for be embodied in the form of a contract, and otherwise in accordance with the provisions of the Greater New York Charter.

Dated at The City of New York, June 23, 1908.

NEW YORK CITY INTERBOROUGH RAILWAY COMPANY,
[SEAL.] By ALFRED SKITT, President.

Attest:

H. M. FISHER, Secretary.

State of New York, County of New York, ss.:

Alfred Skitt, being duly sworn deposes and says that he is the President of New York City Interborough Railway Company, the petitioner named in the foregoing petition; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true; that the reason why this verification is not made by the petitioner is that it is a corporation; that the deponent is an officer of said corporation, to wit: its President; and that the grounds of his information in regard to the matters stated in the foregoing petition, so far as the same are not within his personal knowledge, are statements made by officers or agents of the corporation to him as President thereof.

ALFRED SKITT.

Sworn to before me this 23d day of June, 1908.

JOSEPH W. MASON, Commissioner of Deeds, New York City.

State of New York, County of New York, ss.:

On this 23d day of June, in the year one thousand nine hundred and eight, before me personally came Alfred Skitt, to me known, who, being by me duly sworn, did depose and say that he resided in the City of Yonkers, N. Y. That he is President of the New York City Interborough Railway Company, the corporation described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

JOSEPH W. MASON, Commissioner of Deeds, New York City.

The following was offered:

Whereas, The foregoing petition from New York City Interborough Railway Company, dated June 23, 1908, was presented to the Board of Estimate and Apportionment at a meeting held June 26, 1908;

Whereas, A second petition, dated November 12, 1908, was presented to the Board at the meeting held November 13, 1908, requesting an extension of time until December 27, 1909, in which to complete the construction of twenty-four miles of the petitioner's double track street railway;

Resolved, That, in pursuance of law, this Board sets Friday, the 11th day of December, 1908, at 10:30 o'clock in the forenoon, and Room 16, in the City Hall, Borough of Manhattan, as the time and place when and where such petition shall be first considered, and a public hearing be had thereon, at which citizens shall be entitled to appear and be heard; and be it further

Resolved, That the Secretary is directed to cause such petition and these resolutions to be published for at least two (2) days in two daily newspapers in The City of New York, to be designated by the Mayor, and for at least ten (10) days in the CITY RECORD immediately prior to such date of public hearing. The expense of such publication to be borne by the petitioner.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

(FINANCIAL MATTERS.)

By unanimous consent the Comptroller presented the following communication from the Public Service Commission for the First District, relative to the award of contracts for the construction of the Fourth avenue subway, Brooklyn:

The Secretary was directed to notify said Commission that on June 12, 1908, the Board was enjoined and restrained from taking any action thereon.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
TRIBUNE BUILDING, NO. 154 NASSAU STREET,
NEW YORK, November 19, 1908.

To the Board of Estimate and Apportionment, No. 277 Broadway, New York City:

GENTLEMEN—On the 18th day of June, 1905, the so-called Fourth avenue line was laid out by the Board of Rapid Transit Commissioners. This action was approved by your Board according to law on the 14th day of July, 1905. Thereafter your Board, on the 4th day of June, 1907, approved of the preparation of contracts for construction only of such rapid transit line. Our predecessors, the Board of Rapid Transit Commissioners, accordingly prepared contracts and fixed a day, as required by law, for a hearing on the forms of contracts. Before the day for such hearing arrived the Public Service Commission was created and succeeded to the duties of the Rapid Transit Board. This Commission found it advisable to make certain changes in the plans in order that gradients might be lessened and capacity increased, of all of which your Board approved. Bids for the first six sections of this subway, extending from the Manhattan Bridge to Fortieth street, Brooklyn, were opened on the 8th day of May, 1908, and this Commission immediately designated which of the bidders it approved. It thereupon became necessary for your Board to sanction the execution of all or part of these six contracts, but no action whatever has been taken upon any of them by your Board. More than six months have now elapsed since you were asked to authorize the execution of these contracts, but your Board has neither assented to their execution nor signified your disapproval.

It is plain that this Commission, which is the only body authorized by law to construct city owned rapid transit lines, is prevented from making any progress whatever in this important branch of city development. It is useless to press the construction of other rapid transit lines while the Fourth avenue line, of which you stood sponsor to the same extent as our predecessors, the Board of Rapid Transit Commissioners, is held in abeyance.

It is expected that the Manhattan Bridge will be completed in about one year. If the proposed subway can be constructed the bridge can be put to immediate use for rapid transit purposes. The construction of these six sections would accomplish a deflection of a considerable amount of traffic from the Brooklyn Bridge. It is most desirable that construction should proceed at once in Flatbush avenue extension, as no paving, pipe laying and introduction of usual improvements can well take place, without great loss, until the subway construction is completed. The City has opened this new street at great expense, and it should be improved without delay. Applications have been received by your Honorable Board from a number of street surface railroad companies to operate over the Flatbush avenue extension and Manhattan Bridge, but no suitable roadway for these lines can be provided until the subway construction is done. This Commission, after careful consideration, has decided that it is not necessary or desirable to introduce elevated railroad construction in Flatbush avenue extension, so that now the need is more apparent for the speedy construction of the subway in this street and the prompt utilization of the street for surface and vehicular traffic.

A large number of bids were received for the construction of the first six sections and the figures offered by the lowest bidders were fairly reasonable. It is claimed that prices of labor and material will advance, and if this is the case it is probable that difficulty will be experienced in holding bidders to their present figures. Indeed, it is uncertain whether the delay already caused by the non-execution of contracts will not make trouble in this respect.

From every point of view it is desirable that your Board should take some action on these contracts. This Commission has gone to the extent of its powers in progressing the work which your Board has repeatedly officially sanctioned. We urgently request you to allow immediate progress to be made in this important work. This Commission is of the opinion that the work on this subway should be proceeded with at once, and that further delay will be most unfortunate and harmful.

Yours respectfully,

W. R. WILLCOX, Chairman.

The Secretary presented communications from the Comptroller recommending the transfers of appropriations as follows:

A. \$20,000, as requested by the Commissioner of Parks, Boroughs of Manhattan and Richmond, from the appropriation made for the year 1908, entitled Maintenance of Parks, Boulevards, Drives and Street Trees, Consumable Supplies, to the appropriation, for the same year, entitled Maintenance of Parks, Boulevards, Drives and Street Trees, Equipment, Repairs and Renewal Supplies.

DEPARTMENT OF PARKS, MANHATTAN AND RICHMOND,
ARSENAL, CENTRAL PARK,
October 28, 1908.

To the Honorable the Board of Estimate and Apportionment, The City of New York:

GENTLEMEN—In the segregation of accounts in the Budget appropriation for this Department for the year 1908 distinction was made between the ordinary supplies for park maintenance and consumable supplies. The amount set apart under the heading Maintenance of Parks, Boulevards, Drives and Street Trees, Equipment, Repairs and Renewal Supplies, was too low, and the amount in Consumable Supplies excessive.

Request is, therefore, made for the transfer of twenty thousand dollars (\$20,000) from Consumable Supplies to the account Equipment, Repairs and Renewal Supplies, made absolutely necessary to meet existing demands, and charge the supplies to the Repairs and Renewals account, to which they properly belong.

Respectfully,

HENRY SMITH, Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 12, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Under date of October 28, 1908, the Commissioner of Parks, Boroughs of Manhattan and Richmond, requested that the Board of Estimate and Apportionment approve a transfer of \$20,000 from the appropriation account for 1908 entitled Consumable Supplies, to the appropriation account for 1908 entitled Equipment, Repairs and Renewal Supplies, of that Department. The matter was referred to the Comptroller for consideration and report, and by you assigned for examination to the Bureau of Municipal Investigation and Statistics.

In his communication the Commissioner states that the amount appropriated for Equipment, Repairs and Renewal Supplies for the current year was insufficient, and that the amount set apart for Consumable Supplies had been found to be excessive. The transfer is asked for so as to meet the demands for the Department for the remainder of the year.

Your Examiner has learned that the 1908 Budget appropriation for Equipment, Repairs and Renewal Supplies was \$135,000; that there has been since transferred from this account \$3,000 to the appropriation for the maintenance of playgrounds, kindergartens, bath houses, comfort stations, etc. The disbursements to November 1 were \$130,478.07, leaving a balance of \$1,421.93.

The Commissioner has furnished for the purposes of this report the following schedule of estimated expenditures, which should properly be charged to the account for Equipment, Repairs and Renewal Supplies:

Painting railing along Harlem River driveway.....	\$2,560 00
Repairing lawn mowers.....	1,500 00
Horseshoeing.....	500 00
500 barrels Portland cement, 300 barrels sand.....	1,076 00
Repairs to Department Stables.....	6,502 00
Plants and shrubs.....	1,000 00
2,000 feet chain.....	190 00
2,000 settees repaired.....	6,000 00
Installing electric light in stables.....	800 00
Repairs to Comfort Station on account of fire in Battery Park.....	800 00
Total.....	\$20,928 00

It appearing that the apportionment of the appropriation for the year 1908 for supplies has resulted in a deficiency in the account for Equipment, Repairs and Renewal Supplies and a surplus in the Consumable Supplies account, I would respectfully suggest that the Comptroller recommend to the Board of Estimate and Apportionment the approval of the request of the Commissioner of Parks for a transfer of funds, as specified in his communication of October 28, 1908.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of twenty thousand dollars (\$20,000) be and the same is hereby transferred from the appropriation made to the Department of Parks, Boroughs of Manhattan and Richmond, for the year 1908, entitled Maintenance of Parks, Boulevards, Drives and Street Trees, Parks and Boulevards—Consumable Supplies, the same being in excess of the amount required for the purposes thereof, to the appropriation made to said Department for the same year, entitled Maintenance of Parks, Boulevards, Drives and Street Trees, Parks and Boulevards—Equipment, Repairs and Renewal Supplies, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

B. \$3,700, as requested by the President of the Borough of Richmond, from accounts within the appropriation made to said office, for the year 1908, to the account entitled Bureau of Public Buildings and Offices, Salaries and Wages.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 17, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the request of the President of the Borough of Richmond addressed to the Board of Estimate and Apportionment under date of November 7, 1908, for transfers of \$17,500 among various appropriations of his office, which was approved by the Comptroller to the extent of \$12,000, and favorably acted upon by the Board of Estimate and Apportionment on November 13, 1908, I hereby recommend further concurrence to the amount of \$3,700 as per resolution attached hereto.

I recommend that the transfer from Bureau of Public Buildings and Offices, Supplies and Repairs, of \$1,300 to Bureau of Public Buildings and Offices, Salaries and Wages, be not made on the ground that it is a transfer from Supply account to Salary account. The other transfers are from salary or wage account to salary account. The transfer of Telephone, Rental of, \$1,000, to Salary account, is equivalent to a salary to salary transfer, because in one instance it pays for the services of a Telephone Operator in the employ of the telephone company and by transfer it pays the salary of a Telephone Operator whom the Borough President was required to employ under direction of the Municipal Civil Service Commission.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of three thousand seven hundred dollars (\$3,700), be and the same is hereby transferred from the appropriations made to the President of the Borough of Richmond, for the year 1908, entitled and as follows:

Bureau of Highways, Labor, Maintenance and Supplies—Equipment, Repairs, Renewals and Supplies.....	\$1,300 00
Bureau of Street Cleaning, Salaries of Superintendent and Administrative force.....	400 00
Labor, Maintenance and Supplies and Final Disposition—Hired Teams, Horses and Carts.....	1,000 00
Bureau of Public Buildings and Offices, Telephone, rental of.....	1,000 00
	\$3,700 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said President of the Borough of Richmond, for the year 1908, entitled Bureau of Public Buildings and Offices, Salaries and Wages, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented resolutions (4) of the Board of Aldermen, requesting the issue of Special Revenue Bonds (subdivision 8, section 188 of the Charter), as follows:

A. \$5,000, to meet the expenses incurred by The City of New York, through its Aldermanic Committee, on the occasion of the public reception tendered to the members of the American Olympic team on August 29, 1908.

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of five thousand dollars (\$5,000), or as much thereof as may be necessary, the proceeds whereof to be used to meet the necessary expenses incurred by The City of New York, through its Aldermanic Committee, on the occasion of the public reception tendered to the members of the American Olympic team on Saturday, August 29, 1908.

Adopted by the Board of Aldermen October 27, 1908, four-fifths of all the members voting in favor thereof.

Received from his Honor the Mayor, November 10, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of The Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 27, 1908, in relation to an appropriation of five thousand dollars (\$5,000), to meet the necessary expenses incurred by The City of New York, through its Aldermanic Committee, on the occasion of the public reception tendered to the members of the American Olympic team on Saturday, August 29, 1908; that for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding five thousand dollars (\$5,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

B. \$50,000, to replenish the appropriation made for the year 1908, entitled Advertising, etc.

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of fifty thousand dollars (\$50,000), the proceeds whereof to be used by the Department of Finance for the purpose of replenishing the fund for advertising for the year 1908.

Adopted by the Board of Aldermen October 27, 1908 three-fourths of all the members voting in favor thereof, having been first advertised as required by law.

Received from his Honor the Mayor, November 10, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of The Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 27, 1908, in relation to an appropriation of fifty thousand dollars (\$50,000), to be applied to the Revenue Bond Fund, for Advertising, Deficiency in Appropriation for the year 1908; that for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding fifty thousand dollars (\$50,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

C. \$75,000, for expenses incident to the cleaning of 87 miles of macadamized streets in the Borough of Brooklyn, from April 1, 1908, to January 1, 1909, under the jurisdiction of the Department of Street Cleaning.

(On March 6, 1908, the request of the Commissioner of Street Cleaning for an appropriation of \$135,000 for expenses connected with caring for 87 miles of macadamized streets, heretofore under the jurisdiction of the Bureau of Highways, Borough of Brooklyn, was referred to the Comptroller.

On June 19, 1908, the Comptroller reported that an allowance of \$75,000 would be sufficient for this purpose during the present year, recommended that the appropriation be limited to that sum and that the matter be referred back to the Commissioner of Street Cleaning, with the suggestion that he apply to the Board of Aldermen for an issue of Special Revenue Bonds (subdivision 8, section 188 of the Charter), in said amount for the above purpose.)

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of seventy-five thousand dollars (\$75,000), the proceeds whereof to be used by the Commissioner of Street Cleaning for the payment of expenses incident to the cleaning of eighty-seven (87) miles of macadamized streets, in Borough of Brooklyn, from April 1, 1908, to January 1, 1909.

Adopted by the Board of Aldermen October 27, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, November 10, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 27, 1908, in relation to an appropriation of seventy-five thousand dollars (\$75,000) for expenses incurred by the Commissioner of Street Cleaning for the cleaning of eighty-seven (87) miles of macadamized streets in the Borough of Brooklyn, from April 1, 1908, to January 1, 1909; that for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding seventy-five thousand dollars (\$75,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

D. \$7,500, for the purpose of providing and equipping an additional court room in the Criminal Courts Building, Manhattan.

(On October 23, 1908, a communication from the President of the Borough of Manhattan, requesting an issue of \$7,500 Corporate Stock for the above purpose, was referred to the Comptroller.)

In the Board of Aldermen.

Resolved, That, pursuant to subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of seven thousand five hundred dollars (\$7,500) for the purpose of providing and equipping an additional court room in the Criminal Courts Building.

Unanimously adopted by the Board of Aldermen October 27, 1908, three-fourths of all the members voting in favor thereof, having been first advertised as required by law.

Approved by the Mayor November 9, 1908.

P. J. SCULLY, Clerk.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 27, 1908, and approved by the Mayor November 9, 1908, in relation to an appropriation of seventy-five hundred dollars (\$7,500) to provide and equip an additional court room in the Criminal Courts Building; that for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding seventy-five hundred dollars (\$7,500), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a resolution of the Board of Aldermen requesting the issue of Special Revenue Bonds (subdivision 8, section 188 of the Charter), to the amount of \$7,000, for the maintenance of the County Jail, the Civil Prison and transportation plant, under the jurisdiction of the Sheriff of Kings County.

Which was referred to the Comptroller.

The Secretary presented the following resolution determining that the whole cost and expense shall be borne and paid by The City of New York for the construction of a relief sewer in Grove street, between St. Nicholas avenue, in the Borough of Queens, and Wyckoff avenue, in the Borough of Brooklyn, and a pumping station in connection therewith in Grove street near St. Nicholas avenue; also authorizing the issue of \$6,000 Corporate Stock to provide means therefor.

(The approval of the plans for the construction of said sewer and pumping station, and all proceedings in connection therewith, appear in the Public Improvement minutes of this date.)

Resolved, That the Board of Estimate and Apportionment hereby determines that the whole cost and expense shall be borne and paid by The City of New York for the construction of a relief sewer in Grove street, between St. Nicholas avenue, in the Borough of Queens, and Wyckoff avenue, in the Borough of Brooklyn, and a pumping station in connection therewith in Grove street near St. Nicholas avenue, as shown upon plans for said sewer and pumping station approved by the Board of Estimate and Apportionment November 20, 1908; and be it further

Resolved, That for the purpose of providing the necessary means therefor, the Comptroller be and is hereby authorized to issue Corporate Stock of The City of New York, pursuant to the provisions of sections 169 and 176 of the Greater New York Charter, to an amount not exceeding six thousand dollars (\$6,000).

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented communications as follows:

From the Board of Trustees of the Bellevue and Allied Hospitals, requesting:

A. That the number of incumbents of the position of Chaplain of the Bellevue Hospital, with salary at the rate of \$450 per annum, be increased from three to four.

B. The establishment of the grade of position of Oiler for twelve (12) incumbents with compensation at the rate of \$2.50 a day with maintenance, or \$3 a day without maintenance (the prevailing rate of wages).

From the Sheriff of Kings County referring to the request submitted with his departmental estimate for the year 1909, relative to increasing by six (6) the number of incumbents of the position of Deputy Sheriff at \$2,200 per annum.

(On September 18, 1908, a request from the Sheriff of Kings County for the creation of certain positions, pursuant to the provisions of chapter 484, Laws of 1908, and for an increase in the number of incumbents of the existing position of Deputy Sheriff at \$2,200 per annum, was referred to the Select Committee consisting of the Comptroller and President of the Board of Aldermen.)

From the Court of Special Sessions, First Division, requesting the establishment of the following grades of positions:

	Per Annum.
One Deputy Clerk, at.....	\$2,000 00
One Clerk, at.....	1,200 00
Three Clerks, at.....	1,800 00
Two Process Servers, at.....	1,200 00

Which were referred to the Select Committee, consisting of the Comptroller and the President, Board of Aldermen.

The Secretary presented communications as follows:

From the Corporation Counsel requesting that the Schedule of Salaries and Wages, Law Department, attached to the Budget for the year 1909, be amended by striking out the following positions:

11 Stenographers and Typewriters, at.....	\$1,050 00
2 Typewriting Copyists, at.....	900 00
1 Assistant, at	6,500 00

—and by substituting in place thereof the following:

10 Stenographers and Typewriters, at.....	\$1,200 00
2 Typewriting Copyists, at.....	1,050 00
1 Typewriting Copyist, at	750 00
1 Assistant, at	5,000 00

—in order that the payroll for the year 1909 may not conflict with the schedules at present attached to the Budget for the year 1909.

From the President, Borough of Queens, requesting an appropriation of \$100,000 to provide means for furnishing and equipping the Queens County Court House, Long Island City, Borough of Queens.

From the President of the Borough of Richmond, transmitting copy of a communication addressed to the Board of Aldermen, requesting that in the Budget for the year 1909, as printed, the subtitle in the appropriation for the President of the Borough of Richmond under the caption Bureau of Engineering, be changed from Division for making maps for Street Openings to Division for Preliminary Surveys, Maps, Plans, etc., so as to be in full accordance with the work to be done, as the Division for Making Maps for Street Openings is provided for by an issue of Corporate Stock and not in the Budget, and requesting the approval of the Board of the changes noted above.

From the Board of Trustees of the Bellevue and Allied Hospitals, requesting the rescission of resolution adopted by the Board of Estimate and Apportionment on October 30, 1908, authorizing the transfer of \$9,000 from the appropriation made to said Department for the year 1908, entitled Salaries and Wages—Fordham Hospital, to the appropriations entitled Supplies, Mechanical Buildings and Grounds (\$6,000), Stable and Ambulances (\$3,000), and that favorable action be taken on its request, dated October 20, 1908, for certain transfers within the appropriation for the year 1908.

From the Board of Health, requesting authority, pursuant to the provisions of a resolution adopted December 6, 1907, to purchase by contract 1,200 barrels of Portland cement, required at the tuberculosis sanatorium, Otisville, Town of Mount Hope, Orange County, N. Y., at a cost not exceeding \$2,000.

From the President of the Borough of Brooklyn, relative to resolutions pending before the Board for issues of Special Revenue Bonds for different purposes, and suggesting the advisability of securing statements prepared by the heads of the various Departments of the probable unexpended balances of appropriations for 1908, thus avoiding any additional charge against the debt limit and meeting deficits in appropriations by a transfer of funds.

Which were referred to the Comptroller.

The Secretary presented the following communication from the Comptroller, recommending the purchase, at \$47,000, with interest at the rate of 6 per cent. per annum from October 8, 1907, of property known as No. 134 Madison street, Borough of Manhattan, required for the approach to the Manhattan Bridge:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE.
October 28, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—The Board of Estimate and Apportionment, at a meeting held November 23, 1906, adopted a resolution authorizing the acquisition of the fee of lands selected by the Commissioner of the Department of Bridges as an approach to the Manhattan Bridge, lying between Monroe street and the Bowery, in the Borough of Manhattan, more particularly shown on a map filed by the Commissioner of the Department of Bridges in the office of the Register of the City and County of New York on the 20th day of February, 1905.

The title to the portion of the bridge approach between Monroe and Forsyth streets vested in The City of New York pursuant to a resolution of the Board of Estimate and Apportionment on October 8, 1907. Among the parcels lying within the area so laid out and shown on the map so filed is No. 134 Madison street.

The property, No. 134 Madison street, Borough of Manhattan, is a five-story brick building having a frontage of 25.15 feet on Madison street, with a depth of 100.08 feet. There is a portion of this property, consisting of about 60 square feet, in the rear of the property in question which is not included in the proceedings, but in view of the fact that the value is so small, it appears advisable that the entire property be acquired and a deed of gift be taken for the piece not included in the proceedings.

The property is now offered to the City for the sum of \$47,000, together with interest at 6 per cent. per annum from the date of vesting of title. This price has been approved by the Corporation Counsel and also by this office as being fair and reasonable. The property is bounded and described as follows:

Beginning at a point on the southerly side of Madison street distant 162.93 feet easterly from the corner formed by the intersection of the southerly side of Madison street with the easterly side of Market street; thence southerly and parallel with Market street 100.08 feet; thence easterly and parallel with Madison street 25.15 feet; thence northerly and again parallel with Market street 100.08 feet to the southerly side of Madison street; thence westerly along the southerly side of Madison street 25.15 feet to the point or place of beginning, said premises being known by the street number 134 Madison street, Borough of Manhattan, City of New York, and also on the land map of the County of New York as Lot No. 34 in Block 274, together with

all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof (also together with all the right, title and interest in and to any awards that may be made by the Commissioners of Estimate and Appraisal in the proceedings now pending for the acquisition of said property).

I would therefore respectfully recommend that the Board of Estimate and Apportionment adopt a resolution authorizing the acquisition of the property No. 134 Madison street, Borough of Manhattan, for the sum of \$47,000, together with interest at the rate of 6 per cent. per annum from October 8, 1907.

Respectfully submitted for approval,

MORTIMER J. BROWN, Appraiser of Real Estate, Department of Finance.

Approved:

JOEL SQUIER, Assistant Corporation Counsel.

H. A. METZ, Comptroller.

The following was offered:

Whereas, The Board of Estimate and Apportionment, on the 23d day of November, 1906, adopted resolutions authorizing the acquisition of the fee of lands selected by the Commissioner of Bridges as an approach to the Manhattan Bridge, lying between Monroe street and the Bowery, in the Borough of Manhattan, and being more particularly shown on a map filed by the Commissioner of Bridges in the office of the Register of the City and County of New York on the 20th day of February, 1905;

Whereas, The Commissioners of Estimate and Appraisal have been appointed by the Supreme Court in the proceedings to acquire title to said property, and the oaths of said Commissioners were duly filed, as required by law, on the 26th day of February, 1907;

Whereas, This Board, on the 21st day of June, 1907, adopted a resolution vesting title in The City of New York on October 8, 1907, to the property known as No. 134 Madison street, Borough of Manhattan; and

Whereas, The Comptroller of The City of New York has reported to this Board that the property hereinafter described may be acquired at private sale at a fair market value; therefore be it

Resolved, That the Board hereby authorizes the Comptroller to enter into contracts for the acquisition of all the right, title and interest of the former owner of said premises, in and to said property and in and to any award that may be made by the Commissioners of Estimate and Appraisal in the proceedings now pending for the acquisition of said property, at a price not exceeding forty-seven thousand dollars (\$47,000), with interest thereon at the rate of 6 per cent. per annum from October 8, 1907 (the date of vesting title); said property being bounded and described, as follows:

Beginning at a point on the southerly side of Madison street distant 162.93 feet easterly from the corner formed by the intersection of the southerly side of Madison street with the easterly side of Market street; thence southerly and parallel with Market street 100.08 feet; thence easterly and parallel with Madison street 25.15 feet; thence northerly and again parallel with Market street 100.08 feet to the southerly side of Madison street; thence westerly along the southerly side of Madison street 25.15 feet to the point or place of beginning, said premises being known by the street number 134 Madison street, Borough of Manhattan, City of New York, and also on the land map of the County of New York as Lot No. 34 in Block 274, together with all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof,

—said contracts to be submitted to the Corporation Counsel for approval as to form.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, The Bronx, Queens and Richmond—14.

Negative—The President of the Borough of Brooklyn—2.

The Secretary presented the following communication from the Comptroller, submitting communication from the Public Service Commission for the First District, requesting an issue of \$10,000 Corporate Stock for the payment of interest on the purchase price of certain pieces of property (heretofore authorized to be acquired in connection with the proposed Brooklyn loop lines), from the respective dates when titles were to be closed until the same shall have been closed by the City; stating that the Board at various meetings authorized the issue of Corporate Stock for the acquisition of the property, but said stock has not as yet been sold, and recommending the issue as requested (in addition to the amount already authorized for the acquisition of the property), upon the certificate of the Corporation Counsel showing the amounts due for interest:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
November 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—The Public Service Commission, in a communication dated November 10, 1908, transmits a certified copy of a resolution which was adopted by the Public Service Board under said date. The resolution recites that at various times requests have been made upon the Board of Estimate and Apportionment for the issue of Corporate Stock, one in the amount of \$40,145, for the acquisition of property Nos. 187 and 189 Mulberry street; one in the sum of \$126,000, for the acquisition of property Nos. 133 to 137 Centre street and Nos. 112 and 114 White street; one in the sum of \$175,000, for the acquisition of Nos. 145 to 149 Centre street and Nos. 105 to 109 Walker street, all in the Borough of Manhattan, to be acquired for the Brooklyn Bridge Loop; and, further, that said Corporate Stock had not been sold, and that the owners have not been paid for their respective properties at the prices named therein, and that they now demand, and are justly entitled to, interest on the purchase price thereof. Therefore, the Public Service Board requests the Board of Estimate and Apportionment to authorize the issue of Corporate Stock in an additional sum of \$10,000, to provide means for the payment of interest on said purchase price of said properties from the respective dates when these titles were to be closed until the time when the same shall have been closed by the City.

It is a fact that the Board of Estimate and Apportionment did act upon the propositions of the Public Service Board, and did approve of and authorize the issue of Corporate Stock for the payment of these several properties, and it is a fact also that the same have not as yet been paid for. I believe that tenders were made by these several owners of deeds, and payment demanded thereon, but no payment has been received.

I am of the opinion, under the circumstances, that these people are entitled to redress, and would respectfully recommend that the Board of Estimate and Apportionment approve of the request of the Public Service Commission and authorize the issue of \$10,000 worth of Corporate Stock, to be used in addition to that which has already been authorized for the acquisition of these properties, and that the Comptroller be authorized to issue the same upon the certificate of the Corporation Counsel showing the amounts due said people in addition to the purchase price.

Respectfully submitted for approval,

MORTIMER J. BROWN,
Appraiser of Real Estate, Department of Finance.

Approved:

H. A. METZ, Comptroller.

PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT,
TRIBUNE BUILDING, NO. 154 NASSAU STREET,
NEW YORK, NOVEMBER 10, 1908

Board of Estimate and Apportionment, No. 277 Broadway, New York City:

GENTLEMEN—Pursuant to provisions of the resolution adopted by the Public Service Commission for the First District on November 10, 1908, request is hereby made that the Board of Estimate and Apportionment direct the Comptroller of The City of New York to issue Corporate Stock to an additional amount of \$10,000, to provide means for the payment of interest on certain property, as set forth in the said resolution, a certified copy of which is annexed hereto.

Respectfully,

W. R. WILLCOX, Chairman.

TRAVIS H. WHITNEY, Secretary.

Whereas, On June 5, 1908, the Board of Estimate and Apportionment, in pursuance of a requisition of the Public Service Commission for the First District, duly adopted a resolution directing the Comptroller of The City of New York to issue Corporate Stock of The City of New York to the amount of forty thousand one hundred and forty-five dollars (\$40,145), to provide means for the purchase of a certain permanent and perpetual underground easement and right-of-way and also a temporary right or easement in, over and under the property of one William Gullery, known as Nos. 187 and 189 Mulberry street, in The City of New York, Borough of Manhattan, title to which was to be taken and such purchase price paid on July 2, 1908; and

Whereas, On June 5, 1908, the Board of Estimate and Apportionment, in pursuance of a requisition of the Public Service Commission for the First District, duly adopted a resolution directing the Comptroller of The City of New York to issue Corporate Stock of The City of New York to the amount of one hundred and twenty-six thousand dollars (\$126,000), to provide means for the purchase of certain real property known as Nos. 133, 135 and 137 Centre street and Nos. 112 and 114 White street, in The City of New York, Borough of Manhattan, title to which was to be taken and such purchase price paid on July 2, 1908; and

Whereas, On June 12, 1908, the Board of Estimate and Apportionment, in pursuance of a requisition of the Public Service Commission for the First District, duly adopted a resolution directing the Comptroller of The City of New York to issue Corporate Stock of The City of New York, to the amount of one hundred and seventy-five thousand dollars (\$175,000), including five hundred and thirty dollars (\$530), the cost of examination and insurance of title, to provide means for the purchase of certain real property known as Nos. 145, 147 and 149 Centre street and Nos. 105, 107 and 109 Walker street, in The City of New York, Borough of Manhattan, title to which was to be taken and such purchase price paid on July 8, 1908; and

Whereas, Said Corporate Stock has not yet been sold and the purchase prices of said properties have not been paid, although the owners of said properties were, upon the respective days on which title was to have been closed as aforesaid, ready and willing to give good and sufficient deeds therefor, free from all liens and encumbrances; and

Whereas, The said owners of said properties are justly entitled to interest on the purchase prices thereof, respectively, from the respective days on which title was to have been closed as aforesaid; now therefore it is

Resolved, That the Chairman and the Secretary of the Public Service Commission for the First District be and they hereby are authorized and directed to request the Board of Estimate and Apportionment of The City of New York to direct the Comptroller of The City of New York to issue Corporate Stock of The City of New York to an additional amount of ten thousand dollars (\$10,000), to provide means for the payment of interest on said purchase prices of said properties from the respective dates on which title was to be closed and the purchase prices paid as aforesaid.

State of New York, County of New York, ss.:

I, Travis H. Whitney, Secretary of the Public Service Commission for the First District, do hereby certify that I have compared the above with the original resolution adopted by the Commission November 10, 1908, and that it is a correct transcript thereof and of the whole of the original.

In testimony whereof I have hereunto subscribed my hand and affixed the seal of the Commission this 10th day of November, 1908.

[SEAL]

TRAVIS H. WHITNEY, Secretary.

The following resolution was offered:

Resolved, That, pursuant to the provisions of section 10, chapter 4 of the Laws of 1891, as amended, and section 14, chapter 429 of the Laws of 1907, and a requisition of the Public Service Commission for the First District, duly made by the Chairman and Secretary thereof on October 16, 1907, for an appropriation of one million dollars (\$1,000,000), for the acquisition of real estate or interest therein, necessary for the construction and operation of the rapid transit railroad, known as the Brooklyn Loop Lines, Borough of Manhattan, and a supplemental requisition under date of November 10, 1908, for an issue of ten thousand dollars (\$10,000) Corporate Stock to provide means for the payment of interest on the purchase price of the following properties authorized to be acquired for said purposes, from the respective dates when titles were to be closed until the time when the same shall have been closed by the City:

Property.	Purchase Price	Date.
Nos. 187 and 189 Mulberry street (certain permanent and perpetual underground easement and right of way, also a temporary right or easement in, over and under property of William Gullery).....	\$40,145 00	July 2, 1908
Nos. 133, 135 and 137 Centre street and Nos. 112 and 114 White street	126,000 00	July 2, 1908
Nos. 145, 147 and 149 Centre street and Nos. 105, 107 and 109 Walker street.....	175,000 00	July 8, 1908

—the Comptroller be and is hereby authorized to issue Corporate Stock of The City of New York, to an amount not exceeding ten thousand dollars (\$10,000) for the payment of said interest, on account of said requisitions (and in addition to the amounts heretofore authorized, viz: \$40,000 on December 20, 1907; \$166,145 on June 5, 1908; \$175,000 on June 12, 1908 and \$160,000 on October 30, 1908); the Corporation Counsel to certify the amounts of interest due on the above named properties.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Police Commissioner, calling the attention of the Board to a discrepancy in the resolution adopted on October 2, 1908, authorizing the acquisition of property at Tottenville, Borough of Richmond, as a site for the Ninety-ninth Police Precinct Station House, and requesting the amendment of said resolution so that the description contained therein shall conform with the description contained in the deed of the property submitted by the former owner, together with communication from the Comptroller, recommending the amendment of resolution adopted October 2, 1908, as requested:

POLICE DEPARTMENT OF THE CITY OF NEW YORK,
No. 300 MULBERRY STREET,
November 10, 1908.

To the Honorable Board of Estimate and Apportionment:

GENTLEMEN—At a meeting of the Board of Estimate and Apportionment, held October 2, 1908, the Comptroller was authorized to enter into contract for the acquisition of certain property on Main street, in the Village of Tottenville, Borough of Richmond, for the purpose of a station house for the Ninety-ninth Police Precinct, the description of the premises being as follows:

Beginning at a point on the westerly side of Main street, distant 150 feet 9 inches southerly from the intersection of the westerly side of Main street with the southerly side of Broadway; running thence westerly 175 feet; running thence southerly 67 feet; running thence easterly 175 feet to the easterly side of Main street; running thence northerly along the easterly side of Main street 67 feet to the point or place of beginning, together with a perpetual right of way on the northerly side, 10 feet in width by 175 feet in depth, not included in the above described property; the said perpetual right of way giving access to the above described property along its northern boundary line, together with all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof.

Mr. Harry E. Manee, one of the heirs at law of Elias P. Manee, former owner of the premises, has just submitted to me a form of agreement for the transfer of this property to The City of New York, and in the description it appears to have followed exactly the line of your resolution. He has also submitted a former deed of the property from Wesley Patton to Elias P. Manee, in which the description is given as 63 feet along the westerly line of the said plot, instead of 67 feet.

I have had no survey made of these premises, but respectfully call the attention of your Honorable Board to this difference in the description of the property referred to, and respectfully request that such amendment may be made to your proceedings as will give to the City the exact quantity of land it is entitled to under the agreement.

Respectfully,

THEO. A. BINGHAM, Police Commissioner.

CITY OF NEW YORK—DEPARTMENT OF FINANCE.
COMPTROLLER'S OFFICE,
November 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—The Board of Estimate and Apportionment at a meeting held October 2, 1908, adopted the following resolution for the acquisition of property required for Police Department purposes:

"Resolved, That the Board of Estimate and Apportionment hereby approves of the action of the Police Commissioner in the selection of the following described property as a site for the Ninety-ninth Police Precinct, located in the Borough of Richmond:

Beginning at a point on the westerly side of Main street, distant 150 feet 9 inches southerly from the intersection of the westerly side of Main street with the southerly side of Broadway; running thence westerly 175 feet; running thence southerly 67 feet; running thence easterly 175 feet to the easterly side of Main street; running thence northerly along the easterly side of Main street 67 feet to the point or place of beginning, together with a perpetual right of way on the northerly side, 10 feet in width by 175 feet in depth, not included in the above described property; the said perpetual right of way giving access to the above described property along its northern boundary line, together with all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof,

"—and the Comptroller be and he hereby is authorized to enter into contracts for the acquisition of the above described property at private sale, at a price not exceeding seven thousand dollars (\$7,000), said contracts to be submitted to the Corporation Counsel for his approval as to form."

I would respectfully recommend that the resolution recited above be amended so as to read as follows:

Resolved, That the Board of Estimate and Apportionment hereby approves of the action of the Police Commissioner in the selection of the following described property as a site for the Ninety-ninth Police Precinct, located in the Borough of Richmond:

Beginning at a point on the westerly side of Main street, distant 150 feet 9 inches southerly from the intersection of the westerly side of Main street with the southerly side of Broadway; running thence westerly 175 feet; running thence southerly 63 feet; running thence easterly 175 feet to the westerly side of Main street; running thence northerly along the westerly side of Main street 67 feet to the point or place of beginning, together with a perpetual right of way on the northerly side, 10 feet in width by 175 feet in depth, not included in the above described property, the said perpetual right of way giving access to the above described property along its northern boundary line, together with all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof,

—and the Comptroller be and he hereby is authorized to enter into contracts for the acquisition of the above described property at private sale, at a price not exceeding seven thousand dollars (\$7,000), said contracts to be submitted to the Corporation Counsel for his approval as to form.

Respectfully submitted for approval,

MORTIMER J. BROWN, Appraiser of Real Estate, Department of Finance.

Approved:

H. A. METZ, Comptroller.

The following was offered:

Resolved, That the resolution adopted by the Board of Estimate and Apportionment October 2, 1908, which authorized the purchase, at a price not exceeding seven thousand dollars (\$7,000) of property for the Ninety-ninth Police Precinct Station House, located at the westerly side of Main street, distant 150 feet 9 inches southerly from the intersection of the westerly side of Main street with the southerly side of Broadway, etc., etc., Borough of Richmond, be and the same is hereby amended to read as follows:

"Resolved, That the Board of Estimate and Apportionment hereby approves of the action of the Police Commissioner in the selection of the following described property as a site for the Ninety-ninth Police Precinct Station House, located in the Borough of Richmond:

Beginning at a point on the westerly side of Main street, distant 150 feet 9 inches southerly from the intersection of the westerly side of Main street with the southerly side of Broadway; running thence westerly 175 feet; running thence southerly 63 feet; running thence easterly 175 feet to the westerly side of Main street; running thence northerly along the westerly side of Main street 67 feet to the point or place of beginning, together with a perpetual right of way on the northerly side, 10 feet in width by 175 feet in depth, not included in the above described property, the said perpetual right of way giving access to the above described property along its northern boundary line, together with all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof,

—and the Comptroller be and he hereby is authorized to enter into contracts for the acquisition of the above described property at private sale, at a price not exceeding seven thousand dollars (\$7,000), said contracts to be submitted to the Corporation Counsel for approval as to form."

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a communication from the Public Service Commission, calling the attention of the Board to the resolution adopted October 30, 1908, appropriating the sum of \$150,000 as the "final allowance" on account of the requisition of said Commission, dated December 3, 1907, for an appropriation of \$1,095,000 for salaries and expenses during the year 1908, and stating that the Commission is unable, at the present time, to regard \$1,000,000 as the limit of the expenses for the year 1908.

Which was referred to the Comptroller.

(At various meetings the Board has authorized the sum of \$1,000,000 for the above purpose.)

The Secretary presented a communication from the Chairman, Executive Committee, New York Public Library, Astor, Lenox and Tilden Foundations, submitting report made to said Committee by the Director of the Library concerning contracts for the rebinding of books, stating that said Executive Committee has fully examined the matter and that the report in question furnishes all the information in its possession.

The Secretary was directed to send a copy of the report to the Central Board of Bookbinders.

On October 16, 1908, a communication from the Central Board of Bookbinders of New York City, protesting against the award by the Trustees of the Public Libraries of Greater New York to the firm of Cedric Cavers, Limited, of Bath, England, and Brooklyn, N. Y., of contracts for the binding of books, and the Secretary was directed to request the different public libraries to transmit to the Board any and all information relating to their contracts for the rebinding of books.

The Secretary presented a communication from the Department of Parks, Boroughs of Brooklyn and Queens, requesting authority, pursuant to the provisions of a resolution adopted December 6, 1907, to award contracts for the following work, chargeable against Corporate Stock heretofore authorized:

Purpose.	Estimated Cost.
For the purchase of top soil, trees and shrubbery for Amersfort Park....	\$1,500 00
Construction of shelter house and comfort station, Winthrop Park.....	25,000 00
Construction of comfort station, City Park.....	12,000 00
Improvement of Winthrop Park.....	7,547 90
Construction of shelter house and comfort station, McKinley Park.....	7,500 00
Construction of shelter house, sidewalks and iron fence, laying out of play- grounds, grading of banks, resoil, etc., Highland Park.....	25,000 00
Removing picnic ground house and Carousel in Prospect Park.....	10,000 00
Preliminary work in construction of Canarsie Park.....	2,500 00
Improvement of Rainey Parks.....	19,000 00
Improvement of Eastern parkway.....	35,000 00
	\$145,047 90

Which was referred to the Comptroller.

The Secretary presented communications as follows:

From the Fire Department certifying the names of officers and members of the Defender Hose Company No. 1, Eastchester, Borough of The Bronx, entitled to compensation for services as volunteer firemen in said territory, pursuant to the provisions of chapter 686, Laws of 1899, as amended by chapter 613, Laws of 1900.

From the President of the Board of Assessors, relative to making awards for damages caused by the construction of bridge approaches and other structures in the streets of the City, and stating that the Board has refrained from reaching final determination in these cases owing to the provisions of a resolution adopted by the Board of Estimate and Apportionment on December 6, 1907, requesting all heads of Departments, etc., not to incur any new or additional indebtedness payable from funds provided by the issue of Corporate Stock without the further approval of this Board, and requesting to be advised as to the course to pursue under the circumstances.

Which were referred to the Comptroller.

The Secretary presented the following communication from F. Stuart Williamson, Consulting Engineer, addressed to the President, Borough of Manhattan, submitting two tracings, Nos. 6 and 10, to be substituted for those of the same numbers, forming a part of the plans for the extension and improvement of Riverside drive, north of One Hundred and Fifty-fifth street, Manhattan, and reports of the Chief Engineer, Board of Estimate and Apportionment, dated November 26, 1907, and June 16, 1908.

(On June 21, 1907, the President, Borough of Manhattan, presented plans, specification, maps and the estimated cost of extension and improvement of Riverside drive, from the north side of One Hundred and Fifty-fifth street to connect with the proposed Hudson Memorial Bridge, etc., which were referred to the Chief Engineer of the Board.

On December 6, 1907, the report of the Chief Engineer of the Board was presented and the matter was referred to the Comptroller.

On March 20, 1908, the communication above mentioned from Mr. F. Stuart Williamson, was referred to the Chief Engineer of the Board.

On June 5, 1908, the matter of granting an appropriation of \$1,000,000 for the extension of Riverside drive was referred to the Comptroller.

On June 19, 1908, the report of the Chief Engineer of the Board (to whom this matter was referred on March 20, 1908,) was presented and the matter was laid over until September 25, 1908, and on said date the matter was again laid over until November 20, 1908.)

F. STUART WILLIAMSON, CONSULTING ENGINEER,
No. 84 WILLIAM STREET,
NEW YORK, March 16, 1908.

Hon. JOHN F. AHEARN, President, Borough of Manhattan, City Hall, New York City:
DEAR SIR—I beg to submit two tracings, Nos. 6 and 10, which should be substituted for those of the same numbers now forming part of the plans for the extension and improvement of Riverside drive, North of One Hundred and Fifty-fifth street.

The plans and specification as submitted by you to the Board of Estimate, and referred by them to the Comptroller, have been made the subject of a report by Mr. Lewis, Chief Engineer of the Board, and certain changes and amendments are recommended therein.

First—The substitution of concrete, with brick facing, for the intrados of the arches over Dyckman street valley, instead of granite with small panels of brick, reducing the estimated cost \$170,000.

Second—Omitting the proposed restaurant building, at about West One Hundred and Eightieth street, saving \$50,000.

The two plans now submitted to you embody the first recommended change.

As regards the second, I understand that it has been considered a wise provision to retain the so-called restaurant building, as it contains in the basement public conveniences which are an absolute necessity for the driveway.

The only other suggestion in Mr. Lewis' letter, that the service road should be assessed upon the property benefited thereby, and should not be included in the cost of the rest of the improvement, does not affect the plans submitted.

As stated to you in a previous letter, if the Board of Estimate will approve the plans and specification, construction drawings could now be prepared, which will take many months in any case, but which would be ready for such time as the Board might feel justified in authorizing the starting of the work.

I therefore respectfully ask that you sign the two drawings, and that they be substituted for those previously submitted.

Very respectfully,

F. STUART WILLIAMSON, Consulting Engineer.

1. For earth excavation for walls, roads, etc., 44,800 cubic yards, at
2. For loose rock excavation for walls, roads, etc., 186,200 cubic yards, at
3. For rock excavation for walls, roads, etc., 107,000 cubic yards, at
4. For filling behind walls and for roads, slopes, etc., 381,000 cubic yards, at
5. For concrete in walls, foundations, etc., 13,000 cubic yards, at
6. For concrete in arches, 7,250 cubic yards, at
7. For concrete in arches, Inwood Viaduct, 14,000 cubic yards, at
8. For concrete backing of arches and spandril walls, Inwood Viaduct, 28,400 cubic yards, at
9. For rubble backing in walls, etc., 111,600 cubic yards, at
10. For limestone backing in piers, walls, etc., Inwood Viaduct, 11,600 cubic yards, at
11. For rock faced coursed limestone ashlar for face of walls, etc., 42,920 cubic yards, at
12. For rock faced coursed limestone ashlar for face of piers, walls, etc., Inwood Viaduct, 19,600 cubic yards, at
13. For rock faced coursed granite ashlar for face of piers, walls, etc., 520 cubic yards, at
14. For rock faced broken range limestone ashlar for face of piers, walls, etc., 4,850 cubic yards, at
15. For rock faced coursed limestone ashlar in parapet walls, 25,960 cubic yards, at
16. For hammer dressed granite in parapet walls, six (6) axed work, 2,400 cubic feet, at
17. For hammer dressed coursed granite ashlar for face of walls, six (6) axed work, Inwood Viaduct, 125,600 cubic feet, at
18. For hammer dressed granite for belt courses, mouldings, newels, etc., six (6) axed work, Inwood Viaduct, 162,400 cubic feet, at
19. For hammer dressed granite voussoirs, six (6) axed work, Inwood Viaduct, 281,000 cubic feet, at
20. For hammer dressed limestone voussoirs, six (6) axed work, 19,800 cubic feet, at
21. For hammer dressed granite for belt courses, mouldings, newels, etc., 81,260 cubic feet, at
22. For hammer dressed granite for copings, eight (8) axed work, 21,800 cubic feet, at
23. For hammer dressed limestone for mouldings, base courses, etc., six (6) axed work, 17,884 cubic feet, at
24. For hammer dressed coursed limestone ashlar for face of walls, piers, etc., six (6) axed work, 53,655 cubic feet, at
25. For hammer dressed granite for steps, cheek pieces, platforms, etc., six (6) cut work, 1,400 cubic feet, at
26. For dry filling behind walls, etc., 4,000 cubic yards, at
27. For piles under 40 feet long, driven and cut off, 150, at
28. For face brick in walls, etc., 290 cubic yards, at
29. For face brick in walls, etc., Inwood Viaduct, 1,300 cubic yards, at
30. For timber in centering, including bolts, washers, etc., Inwood Viaduct, 2,500,000 feet (B. M.), at
31. For steel girders, beams, bracing, etc., 200,000 pounds, at
32. For steel girders, beams, posts, bracing, etc., Inwood Viaduct, 1,700,000 pounds, at
33. For reinforcing steel, anchors, dowels, etc., 200,000 pounds, at
34. For Telford macadam roadways, 102,000 square yards, at
35. For bridle path, 18,700 square yards, at
36. For wood block pavement, Inwood Viaduct, 9,300 square yards, at
37. For cement walks, 8,600 square yards, at
38. For cement walks, Inwood Viaduct, 6,200 square yards, at
39. For brick walks, 8,000 square yards, at
40. For flagging of walks, 6,200 square yards, at
41. For gravel of walks, 17,600 square yards, at
42. For granite curb, 44,600 linear feet, at
43. For bluestone curb, 18,600 linear feet, at
44. For bluestone park steps, cheek pieces, etc., 1,000 cubic feet, at
45. For waterproofing walls, floors, arches, etc., 2,000 square yards, at
46. For waterproofing walls, floors, arches, Inwood Viaduct, 11,600 square yards, at
47. For iron chain railing, 1,000 linear feet, at
48. For ornamental iron railing, 1,840 linear feet, at
49. For iron picket fence, 8,800 linear feet, at
50. For bronze railing, 1,400 linear feet, at
51. For sod, 445,000 square feet, at
52. For mould or loam, 20,600 cubic yards, at
53. For trees, 800, at
54. For shrubs, 1,000, at
55. For carved granite vases, 16, at
56. For granite balusters, 300, at
57. For iron drinking fountains, with fixtures, 3, at
58. For park benches (5 seats each), 100, at
59. For bronze tablets, 4, at
60. For granite lamp shafts, with globes and bronze fixtures, one (1) light, 8, at
61. For granite lamp shafts, with globes and fixtures, two (2) light, 4, at
62. For granite lamp shafts, with globes and fixtures, five (5) light, 2, at
63. For electric light poles or standards, with globes and fixtures, 132, at
64. For ornamental iron lamp-posts with globes and fixtures, one (1) light, 4 at
65. For carving and modeling Inwood Viaduct, 1, at
66. For restaurant with lavatories, etc., in basement, including plumbing, lighting, drainage, ventilation, heating, etc., 1, at

Unit Price.	Amount.
67. For tool houses, with lighting, 3, at	2,500 00
68. For 15-inch vitrified pipe, 15,300 linear feet, at	2 00
69. For 12-inch vitrified pipe, 1,200 linear feet, at	1 00
70. For 8-inch vitrified pipe, 2,000 linear feet, at	75
71. For 6-inch vitrified pipe, 5,000 linear feet, at	60
72. For brick manholes, 56, at	60 00
73. For dropwell manholes, 2, at	100 00
74. For cast iron road basins, with pipe connections, complete, Inwood Viaduct, 8, at	25 00
75. For receiving basins, complete, 80, at	100 00
76. For copper discharge pipe, Inwood Viaduct, 600 linear feet, at	5 00
77. For road basins, complete, 104, at	50 00
78. For walk basins, complete, 50, at	30 00
79. For surface basins, complete, 10, at	50 00
80. For dry stone rubble masonry for foundations, etc., 1,000 cubic yards, at	1 00
81. For furnishing, delivering and setting straight water pipe, 15 tons, at	35 00
82. For furnishing, delivering and setting all water pipe, branches and special castings, 2 tons, at	70 00
83. For taking up and relaying twelve (12) inch water pipe, 1,200 linear feet, at	1 00
84. For furnishing and laying six (6) inch water pipe, 700 linear feet, at	50
85. For furnishing, delivering and setting double nozzle New York case hydrants and appurtenances, 4, at	60 00
86. For taking up and resetting hydrants, 6, at	15 00
87. For furnishing, delivering and setting 6-inch stop-cocks and boxes, 2, at	25 00
88. For single duct conduit, 3,000 linear feet, at	25
89. For two-duct conduit, 40,000 linear feet, at	40
90. For 3/4-inch iron conduit, 3,000 linear feet, at	15
91. For brick manholes (electric light service), complete with covers, 66, at	100 00
92. For brick service boxes, with covers, 100, at	60 00
93. For iron fuse boxes, with fuses, 160, at	10 00
94. For No. 4/0 cable, paper insulation, lead covered, 80,000 linear feet, at	40
95. For No. 8 wire, rubber insulation, lead covered, 200 linear feet, at	20
96. For No. 14 wire, rubber insulation, lead covered, 8,000 linear feet, at	09
97. For wiring restaurant and lavatories in basement, complete with fixtures, 1, at	200 00
98. For wiring tool houses, complete with fixtures, 3, at	50 00
Total	\$5,028,140 00

REPORT NO. 37.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
November 26, 1907.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—At the meeting of the Board of Estimate and Apportionment held on June 21, 1907, the President of the Borough of Manhattan presented plans and specifications for the extension and improvement of the Riverside Drive from the north side of West One Hundred and Fifty-fifth street to the proposed Henry Hudson Memorial Bridge, and these plans were referred to the Chief Engineer for examination and report.

I beg to report that I have been over the plans in detail and have discussed them with Mr. F. Stuart Williamson, the consulting engineer, who prepared them, and with the Chief Engineer of the Department of Finance, who was in close touch with the work of construction on the extension of the Drive from the end of the Manhattan Valley Viaduct to West One Hundred and Fifty-eighth street. The plans include a very desirable modification of the line of the Riverside Drive between West One Hundred and Fifty-fifth and West One Hundred and Sixty-fourth streets, eliminating some of the objectionable irregularities which make the present Drive not only unsightly but dangerous, and which have been the subject of previous comment. Provision is made for two separate driveways and for a bridle path between West One Hundred and Sixty-fifth street and about the line of West One Hundred and Ninety-third street. For the remainder of the distance there are generally two separate driveways, although for a portion of the distance, including the viaduct across the Dyckman street valley, there is a single broad driveway. The Dyckman street valley is crossed by a high viaduct consisting of three great arches, each having a clear span of 150 feet, with three shorter spans of 65 feet each at the north and south ends. The clear height of these arches above the surface is more than 120 feet, while the distance from the surface of Dyckman street to the roadway of the viaduct is about 147 feet. Space is left in this viaduct for a four-track rapid transit railroad beneath the surface of the roadway. Beside the Riverside Drive provision is made for a service road, and in general this service road occupies what would be the easterly portion of the Riverside Drive as now laid out and acquired. The road so acquired is but 100 feet in width, while the proposed improvement, including the service road, will be considerably greater, reaching in some places more than two hundred feet in width. In the preparation of these plans it was evidently assumed that the property lying between Riverside Drive as now laid out and the water-front would be acquired as a public park, and that, therefore, there would be no objection to extending the improvement where the topography appeared to make it desirable to do so. I have called the attention of Mr. Williamson to the fact that the acquisition of this strip between the present Drive and the water-front as a public park is very uncertain, but I believe that a proper treatment of this great Drive will require a certain amount of widening, and plans are now being prepared by the President of the Borough to effect the widening which would be necessitated in order to carry out the improvement as planned. The estimate of the total cost submitted by the Borough President was \$5,028,140, exclusive of the cost of acquiring additional land. It will be noted that this estimate is very much less in proportion to the length of the improvement than the expense of extending Riverside Drive from the Manhattan Viaduct to West One Hundred and Fifty-eighth street, this difference being due to a great reduction in the height of retaining walls, to a simpler character of masonry with less elaborate finish, and to the general use of limestone instead of granite. The entire treatment proposed is one which interferes much less with natural conditions than was the case on the lower section, this being possible in view of the fact that it passes through a territory the natural beauties of which have been very slightly marred. The actual saving in construction due to the use of material and finish different from that of the extension of the Drive now approaching completion is estimated to be as follows:

By use of coursed limestone for face of walls, etc.	\$560,000 00
By use of limestone ashlar for faces of piers, walls, etc.	275,000 00
Broken range limestone ashlar.	68,000 00
Coursed limestone ashlar on parapet walls.	26,000 00
Hammer-dressed limestone for mouldings.	13,000 00
Hammer-dressed coursed limestone for faces of walls.	53,000 00

Total \$995,000 00

I have taken up with the consulting engineer who prepared the plans the question of further reduction in cost, and he has made several changes which, in my judgment, will not detract from the appearance of the work, while large sums will be saved.

These are as follows:

The substitution of concrete with brick facing for the intrados of the arches over the Dyckman street valley, instead of granite with small panels of brick, reducing the estimated cost.....	\$170,000 00
Omitting the proposed restaurant building and arbor at about West One Hundred and Eightieth street, saving.....	50,000 00
Total	\$220,000 00

I have also suggested that the construction of the service road should be assessed upon the property benefited thereby, as this road is strictly for the accommodation of local traffic, and as there would be no restriction upon the traffic thereon. The consulting engineer has separated the amount of labor and material required for the building of this road, and estimates its cost at \$320,000, and if this were treated as a local improvement, the cost to the City at large would be reduced by more than half a million of dollars.

I assume that in any event no authority will be given at the present time for any expenditure for this great improvement, but if the plans and specifications were to receive the general approval of the Board it would be possible for the consulting engineer to proceed with the preparation of detail plans, which will require fully six months. As already stated, the President of the Borough of Manhattan is now preparing plans for such a widening of the present Riverside Drive as would permit the carrying out of the plans which he has submitted. The attention of the Board has been recently drawn to the advisability, if not the necessity, of adopting a less liberal policy in the acquisition of land for parks and parkways, and it has been suggested that it would be entirely proper to assess the cost of such acquisition upon the areas which would be benefited thereby, and if this policy is carried out the cost of widening Riverside Drive could be thus assessed. If the Board is disposed to commit itself to the carrying out of this great improvement, I see no reason why the plans and specifications which have been submitted by the Borough President should not be approved, with the understanding, however, that such approval is not intended to authorize the incurring of any expense for actual construction.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

REPORT NO. 37.

BOARD OF ESTIMATE AND APPORTIONMENT,]
OFFICE OF THE CHIEF ENGINEER,]
June 16, 1908.]

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Appportionment:

SIR—At the meeting of the Board of Estimate and Appportionment held on March 20 last, the President of the Borough of Manhattan presented to the Board a report from Mr. F. Stuart Williamson, Consulting Engineer on the extension and improvement of Riverside drive, accompanied by two plans, which were submitted as substitutes for Drawings Nos. 6 and 10 of the plans of the Riverside drive extension, which were originally submitted by the President of the Borough of Manhattan on June 21, 1907. In reporting upon these plans, your Engineer suggested certain modifications, one of which was the substitution of concrete with brick facing for the intrados of the arches of the viaduct crossing the Dyckman street valley, instead of the granite with small panels of brick, it being estimated that this change would decrease the cost of the structure by about \$170,000. The other change submitted was the omission of the proposed restaurant building at about West One Hundred and Eightieth street. The new drawings, Nos. 6 and 10, carry out the changes recommended in the Dyckman Street Viaduct, and the Borough President wishes them substituted for the original drawings of the same numbers.

As to the omission of the restaurant: After conferences between the Consulting Engineer, the Chief Engineer of the Department of Finance, and the Engineer of the Board, it has been decided that such a building might be much needed, and that it might be a mistake to omit it, and the amended plans, therefore, still include the restaurant building. The Board has not yet formally approved of any of the plans for the extension of the drive, it being thought improper to do so unless the map of the City were so changed as to include in the drive the land which would be occupied by the improvement if carried out in accordance with the final plans, which have been approved by the Municipal Art Commission. A hearing upon such a change in the map of the City is to be held on June 19, and if this plan be adopted, it would then be proper for the Board to approve the plans which have been submitted by the Borough President, with the amendment to the same covered by the two drawings which were submitted on March 20, 1908.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

The following resolution was offered:

Resolved, That the Board of Estimate and Appportionment hereby approves of the plans and specifications for the Riverside drive extension submitted by the President, Borough of Manhattan, on June 21, 1907, as amended relative to drawings Nos. 6 and 10 of plans submitted by said Borough President on March 20, 1908, with the exception of that part of said plans which refers to the proposed restaurant at about West One Hundred and Eightieth street.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following resolution was offered:

Resolved, That the President of the Borough of Manhattan be and he hereby is authorized to receive bids and make a contract for the construction of such portion of Riverside drive north of West One Hundred and Fifty-fifth street as will be confined to lands to which The City of New York has already acquired title, any contract to be made by him to contain a provision that the amount of money to be expended and the obligation of the City during any one year shall be confined to such sums as may be specifically designated by resolution of the Board of Estimate and Appportionment to be expended during such year.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communications from the Commissioner of Water Supply, Gas and Electricity and from the Aqueduct Commissioners relative to the removal of poles and wires of the Hudson River Telephone Company, together with report of the Chief Engineer of the Board (to whom these communications were referred on May 15 and October 16, 1908, respectively), recommending the settlement of the claim of said company at \$9,350, for the removal of said poles and wires within the limits of the Croton Falls Reservoir, the City to agree to furnish new rights-of-way for said lines over the property of the City under the control of the Aqueduct Commissioners and the Department of Water Supply, Gas and Electricity:

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY,]
COMMISSIONER'S OFFICE, NOS. 13 TO 21 PARK ROW,]
NEW YORK, May 7, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Appportionment, No. 277 Broadway, City:

DEAR SIR—I submit herewith copy of communication addressed to Chief Engineer I. M. de Varona of this Department, by Attorney Melville Egleston, represent-

ing the Hudson River Telephone Company, requesting permission to place about eighty-five poles on lands under the jurisdiction of this Department, between Brewsters and Croton Falls. It is stated in the application that, owing to the improvements in connection with the construction of the Croton Falls Reservoir under the direction of the Aqueduct Commission, the telephone company will be obliged to remove their present pole line.

The placing of these poles and the stringing of wires will not in any way damage or interfere with the water works, but I do not believe that I have the authority to grant the privilege of permitting the transfer of these poles to City property, and think that permission should be given under some form of permit, subject to such restrictions and conditions as the Board of Estimate and Apportionment may deem advisable. I understand that the Hudson River Telephone Company have also applied to the Aqueduct Commission for the privilege of transferring their present pole line to lands under the control of that Board, and I am informed that the Aqueduct Commission will submit the matter for your consideration.

The inclosed blue print shows the proposed location of the pole line and describes also the lands between Brewsters and Croton Falls which are in the care of this Department.

Respectfully,

JOHN H. O'BRIEN, Commissioner.

MELVILLE EGLESTON, COUNSELOR AT LAW,]
No. 26 CORTLANDT STREET,]
NEW YORK, March 14, 1908.

I. M. DE VARONA, Esq., Chief Engineer, Department of Water Supply, Gas and Electricity, No. 13 Park Row, City:

DEAR SIR—I enclose herewith, in accordance with your suggestion, a diagram showing the proposed location of a section of the telephone line of the Hudson River Telephone Company upon land of The City of New York, under control of the Department of Water Supply, Gas and Electricity. This section embraces about eighty-five poles located on the south side of the Harlem Division of the New York Central Railroad Company, between Brewsters and Croton Falls, beginning at a point several miles south of Brewsters and running south a distance of about two miles.

More than eight miles of the company's line has been taken on account of the construction of the Croton Falls Reservoir, and the company will be obliged to remove its line from its present location and relocate it elsewhere. To provide for the new route an agreement is being made with the City by which it will furnish the location required, and the assessment of damages under condemnation proceedings will be avoided. A map has been prepared by Mr. Sears, the Chief Engineer of the Aqueduct Commissioners, showing a new location of the telephone line on that part of the City's land which is within the jurisdiction of the Aqueduct Commissioners. All the remaining land, belonging to the City, on which it is proposed to construct the telephone line, is within the jurisdiction of the Department of Water Supply, Gas and Electricity, and the company wishes to obtain the necessary approval from that Department for the construction of that part of the line which is indicated on the attached map, such line forming a continuation of the line delineated on the map prepared by Mr. Sears, and completing the section which is to take the place of that taken by the City.

I am sending the map directly to you, as a matter which would come before you in the first instance for your approval. In case you wish any further information in the matter I shall be much pleased to endeavor to obtain it for you.

Yours very truly,

MELVILLE EGLESTON.

AQUEDUCT COMMISSIONERS,]
STEWART BUILDING, No. 280 BROADWAY,]
NEW YORK, October 10, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—We transmit herewith copy of preamble and resolutions adopted by the Aqueduct Commissioners on October 6, 1908, in regard to the removal of certain wire lines and poles of the Hudson River Telephone Company from within the limits of the flow-line of the Croton Falls Reservoir.

Under the provisions of chapter 490 of the Laws of 1883, and the acts amendatory thereof, the Aqueduct Commissioners are empowered, subject to the approval of the Board of Estimate and Apportionment to make an agreement with the telephone company as to the amount of compensation to be paid for the rights-of-way referred to in said resolutions and for the expense of the change of route and location.

We therefore respectfully submit the preambles and resolutions herein referred to for your approval.

Yours respectfully,

THE AQUEDUCT COMMISSIONERS.

By JOHN F. COWAN, President.

Whereas, In the construction of the new Croton Aqueduct, its dams and appurtenances it has been found necessary to take possession of certain telephone and telegraph lines of the Hudson River Telephone Company, now within the limits of the flow-line of the Croton Falls Reservoir, and to relocate said lines on property above said flow-line, and negotiations therefor were entered into with said company; and

Whereas, The Chief Engineer of the Aqueduct Commissioners has submitted Report No. 1692, dated April 20, 1908, accompanied by a plan and description of the present location of said lines, and also the proposed location to be substituted therefor; and

Whereas, The original claim submitted on behalf of said company, amounting to \$15,350, after various conferences between its representatives and the officials of this Commission, has been reduced to the sum of \$9,350, which covers the damage to the several lines interfered with as shown in the memorandum of estimate of cost attached to said Report No. 1692; and said estimate appearing to be just and reasonable and the Chief Engineer having recommended that the necessary action be taken in order that said poles and lines may be removed at the earliest possible date, and it appearing to be for the best interests of the City that an agreement be entered into with said company therefor, now be it

Resolved, That the Aqueduct Commissioners, subject to the approval of the Board of Estimate and Apportionment, agree with the Hudson River Telephone Company to pay to said company the sum of nine thousand three hundred and fifty dollars (\$9,350), as compensation for all expenses and damages arising from the taking, using and occupying of its said rights-of-way and for said relocation of its lines; and agree to furnish to said company the new rights-of-way for said lines over the property of the City under the control of the Aqueduct Commissioners, which are to be substituted in place of the present rights-of-way; and further

Resolved, That the Aqueduct Commissioners submit the foregoing preambles and resolution to the Board of Estimate and Apportionment for its consideration and approval, and that in the event of such approval the Corporation Counsel be and hereby is requested by the Aqueduct Commissioners to prepare the necessary papers on behalf of The City of New York to carry out the intention of these resolutions.

REPORT NO. 1692.

April 20, 1908.

To the Aqueduct Commissioners:

GENTLEMEN—In the construction of the Croton Falls reservoir it becomes necessary to remove certain telegraph and telephone poles and lines of the Hudson River Telephone Company. I submit herewith a plan showing the present location of the poles necessary to be removed and also a proposed location to be substituted therefor, together with a description of the routes of the various lines referred to. The estimated cost of replacing the lines taken or required to be removed amounts to \$9,350. This cost is made up and shown in detail in the description of the routes above referred to. The situation is similar to the case of the American Telephone and Telegraph Company at Cross River reservoir.

I have been over the ground and believe that the new location proposed will be satisfactory. The price given in the estimate is based upon data which I have carefully examined and which is just and reasonable. I respectfully recommend that the

matter be referred to the Corporation Counsel to prepare the necessary papers in order that the lines and poles may be removed at the earliest possible date.

Respectfully,

WALTER H. SEARS, Chief Engineer.

REPORT No. 82.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
November 16, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Appportionment:

SIR—At the meeting of the Board of Estimate and Apportionment held on October 16, 1908, there was presented a communication from the President of the Aqueduct Commissioners, submitting to the Board a resolution adopted by the said Commissioners on October 6, 1908, relative to the removal of poles and wires of the Hudson River Telephone Company from within the limits of the flow line of the Croton Falls Reservoir, which communication and resolution were referred to the Chief Engineer of the Board for investigation and report.

At a previous meeting, namely, on May 15, 1908, a communication was presented from the Commissioner of Water Supply, Gas and Electricity recommending the granting to the Hudson River Telephone Company of the right to place about 85 poles on certain lands under the jurisdiction of that Department along the banks of the east branch of the Croton River, between Brewster and Croton Falls.

The situation at the Croton Falls Reservoir is quite similar to that which existed at the Cross River Reservoir, which was the subject of resolutions by the Aqueduct Commissioners, and a report prepared by the Engineer of the Board which were presented to the Board of Estimate and Apportionment on July 8, 1907, together with an opinion of the Corporation Counsel outlining the proper procedure in the case. On the date last mentioned, the Board approved the action of the Aqueduct Commissioners and authorized the payment to the American Telephone and Telegraph Company of the sum which had been agreed upon as representing the expense and damage caused by the necessity of removing its pole lines to a new location outside the limits of the reservoir, and also granting to the Company as part of the consideration a right-of-way over property of The City of New York for the maintenance of the new pole lines.

The Chief Engineer and Acting Chief Engineer of the Aqueduct Commissioners have placed at my disposal the various reports and correspondence between the Telephone Company, the Aqueduct Commissioners and the Corporation Counsel, which show the negotiations that have taken place with reference to the removal of these pole lines. The first claim of the Telephone Company included not only compensation for the removal of the pole lines within the flow line of the reservoir, but for damage to other lines outside the limits of the reservoir, their first claim affecting some 334 poles, and their estimate of the amount of damage amounting to \$15,350. All of the pole lines outside of the reservoir property have been eliminated from consideration, and the agreement proposed by the Aqueduct Commissioners affects some 267 poles, while the amount to be paid the company has been reduced to \$9,350. The estimates upon which this sum is based appear to have been carefully made, and, in my judgment, are reasonable and proper. A considerable portion of the line to be removed carries over forty wires, and it is necessary to erect new lines before the existing poles and wires can be removed. The changes at the Cross River Reservoir affected 105 poles, and the sum paid was \$5,790.27. The proposed arrangement, with respect to the Croton Falls Reservoir affects some 267 poles, and the compensation of \$9,350 is much less in proportion to the number of poles to be removed than was the case at Cross River. The proposition submitted to the Board includes the substitution of new rights-of-way over City property in lieu of those at present occupied within the flow lines. A portion of the new line will pass over land controlled by the Department of Water Supply, Gas and Electricity, and the Commissioner of Water Supply has stated in his letter of May 7, 1908, that the occupation of this land "will not in any way damage or interfere with the water works," but he doubted his authority to grant the privilege, and expressed the belief that "permission should be given under some form of permit, subject to such restrictions and conditions as the Board of Estimate and Apportionment may deem advisable." It would seem proper, therefore, to include in any agreement which may be entered into between the Aqueduct Commissioners and the Telephone Company the right to place these poles upon the land under control of the Department of Water Supply, Gas and Electricity, as well as upon that under control of the Aqueduct Commissioners.

I beg to recommend, therefore, that the Board approve by resolution of the payment to the Hudson River Telephone Company of the sum of \$9,350, as compensation for the expense of removing those portions of its existing pole lines within the Croton Falls Reservoir to the locations proposed by the Aqueduct Commissioners and indicated upon the map referred to in their communication, and of the granting to the said Hudson River Telephone Company of new rights-of-way over property of The City of New York, as shown upon said map submitted by the Aqueduct Commissioners, as a substitute for its present right-of-way.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

The following was offered:

Whereas, The Aqueduct Commissioners did, on October 6, 1908, adopt preambles and resolutions providing, subject to the approval of the Board of Estimate and Apportionment (pursuant to the provisions of chapter 490, Laws of 1883, as amended), for the payment to the Hudson River Telephone Company of the sum of nine thousand three hundred and fifty dollars (\$9,350) for all expenses and damages arising from the taking, using and occupying of its rights of way and for the relocating of its lines, within the limits of the flow-line of the Croton Falls reservoir, and agreeing to furnish to said company new rights of way for said lines over the property of The City of New York, under the control of the Aqueduct Commissioners, which are to be substituted in place of the present rights of way; and

Whereas, The said preambles and resolutions of the Aqueduct Commissioners have, under date of October 10, 1908, been submitted to the Board of Estimate and Apportionment for its approval; therefore be it

Resolved, That the Board of Estimate and Apportionment hereby approves of the payment by The City of New York to the Hudson River Telephone Company of the sum of nine thousand three hundred and fifty dollars (\$9,350) as compensation for all expenses and damages arising from the taking, using and occupying of its right of way and for the relocating of its lines within the limits of the flow-line of the Croton Falls reservoir; the City agreeing to furnish to said company new rights of way for said lines over the property of The City of New York, under the control of the Aqueduct Commissioners and the Department of Water Supply, Gas and Electricity, which are to be substituted for the present rights of way.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following report of the Chief Engineer, relative to the application of the Commissioner of Docks and Ferries for the institution of condemnation proceedings for the acquisition of the bulkhead between Old Pier 52 and Old Pier 53, East River, Borough of Manhattan, stating that the proceedings will include 573 feet of bulkhead rights, the City owning the land under water. The expense of acquiring the property is estimated at \$115,000. It is proposed to build 3 piers, the rental value of which would return to the City about 11 per cent. upon the cost of acquisition and construction:

(On September 25, 1908, the communication from the Commissioners of the Sinking Fund was presented, relative to the condemnation of the above mentioned property, and a resolution was adopted by this Board fixing Friday, October 16, 1908, as the date for a public hearing; on October 16, 1908, the hearing was held and the matter referred to the Chief Engineer of the Board.)

REPORT No. 80.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
November 11, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Appportionment:

SIR—At the meeting of the Board of Estimate and Apportionment held on October 16 last, a public hearing was given upon the application of the Commissioner of Docks and Ferries for the institution of condemnation proceedings for the acquisition of the bulkhead between Pier (old) 52 and Pier (old) 53, East River, Borough of Manhattan, this hearing having been held in accordance with the action taken by the Board on September 25 as a result of a resolution of the Commissioners of the Sinking Fund authorizing such condemnation proceedings. The matter was referred to the Chief Engineer of the Board for consideration and report.

Upon investigation and inquiry I find that the property which it is desired to acquire extends from a point on the water-front nearly opposite the northerly side of Gouverneur slip to a point about 160 feet south of the southerly line of Corlears Hook Park. The property to be acquired consists only of bulkhead and bulkhead rights, the land under water being already the property of The City of New York. I am also advised that the estimated value and cost of such rights to the City will be approximately \$200 per linear foot. The length of bulkhead and bulkhead rights to be acquired is 573 feet, so that the cost to the City would be approximately \$115,000. The Dock Department proposes to build upon this property three new piers whose average length would be slightly over two hundred feet, and the cost of which would be approximately \$75,000, while they would have a rental value to the City of about \$21,000, a return to the City upon the investment of about 11 per cent. It appears, therefore, that this improvement would be a profitable one, and I would recommend that proceedings to acquire title to the bulkhead between Pier (old) 52 and Pier (old) 53, East River, Borough of Manhattan, as requested by the Commissioner of Docks and Ferries, and as approved by the Commissioners of the Sinking Fund, be authorized.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

The following resolution was offered:

Resolved, That the Corporation Counsel be and is hereby authorized to institute condemnation proceedings for the acquisition of all the wharfage rights, terms, easements, emoluments and privileges not now owned by The City of New York, appurtenant to all that certain bulkhead, wharf or dock property situate on the southerly side of south street, in the Borough of Manhattan, City of New York, bounded and described as follows:

Beginning at a point in the present bulkhead, between Gouverneur slip and Jackson street, where the westerly side of Pier (old) 53, East River, intersects said bulkhead, said point of intersection being perpendicularly opposite or southerly of a point in the northerly line of South street, distant 31.01 feet from the westerly line of Jackson street, measured along the said northerly line of South street, and running thence from said point of intersection westerly along the present bulkhead between Pier (old) 52, East River, and Pier (old) 53, East River, 573.08 feet westerly to the easterly side of Pier (old) 52, East River.

—said property being shown on the books of the Department of Taxes and Assessments for the year 1908 at a valuation of \$115,000.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Commissioner of Parks, Borough of The Bronx, requesting an appropriation of \$100,000 for the construction of an 8-foot drain to take the waters of Tibbetts Brook from the lake in Van Cortlandt Park, to connect with the twin sewer already constructed in Broadway. The Bronx, together with report of the Select Committee, consisting of the Chief Engineer of the Board and the Chief Engineer of the Borough of The Bronx (to whom this matter was referred on June 21, 1907), recommending the issue of \$50,000 Corporate Stock for this purpose:

DEPARTMENT OF PARKS, BOROUGH OF THE BRONX,
ZBROWSKI MANSION, CLAREMONT PARK,
NEW YORK, June 7, 1907.

Hon. GEORGE B. McCLELLAN, Mayor, and Chairman of the Board of Estimate and Appportionment, City Hall, New York City:

SIR—Application is hereby respectfully made for the sum of \$100,000 for the purpose of constructing an 8-foot drain to take the waters of Tibbetts Brook, from the Lake in Van Cortlandt Park to, and connect with, the twin sewer already constructed in Broadway.

The estimate sent herewith was made from careful surveys made by the Engineering Bureau of this Department, and the matter has been gone into thoroughly by Mr. Dash, who represents the property owners west of that portion of Broadway lying along Van Cortlandt Park, our Landscape Architect, Mr. Parsons, who has selected the location of proposed drain so as to interfere as little as possible with park features, the Chief Engineer of this Department, and myself.

Should this amount be granted, the appropriation asked for continued work in the swamp lands south of the Colonial Garden would not be required.

This is a matter that has been under way for several years, and has been the source of considerable contention, but has finally reached a stage where all interested parties seem to be satisfied. It is highly important that this matter be disposed of as soon as possible, so that the elimination of the swamp in the southerly portion of Van Cortlandt Park may be provided for; and I trust that your Honorable Body will see its way clear to make this appropriation as soon as possible.

Respectfully,

JOSEPH I. BERRY, Commissioner, Borough of The Bronx.

Estimate for Culvert Connecting Van Cortlandt Lake with Broadway Sewer.

25,000 cubic yards earth excavation, at 50 cents.....	\$12,500 00
500 cubic yards rock excavation, at \$2.....	1,000 00
2,102,000 bricks laid in cement mortar, \$18 per 1,000.....	37,836 00
4,690 cubic yards rubble masonry in mortar, at \$5.....	23,450 00
14,000 linear feet piling (700 by 20 feet), at 25 cents linear foot.....	3,500 00
21,000 feet (B. M.) timber for caps, at \$60 1,000 B. M. } in place.....	3,150 00
31,500 feet (B. M.) timber, flooring, at \$60 1,000 B. M. } in place.....	3,150 00
50,000 feet (B. M.) sheathing (left in place), at \$45.....	2,250 00
500 cubic yards concrete, at \$6.....	3,000 00

8 manholes, at \$100.....	800 00
400 cubic yards rip rap (broken stone), at \$1.....	400 00
	<hr/>
Return and connection with twin sewer, 50 feet, equal \$2,330, and timber, etc., including connection, \$500.....	\$87,886 00
	<hr/>
Add for engineering, inspection and contingencies.....	2,830 00
	<hr/>
Total.....	\$90,716 00
	<hr/>
	\$100,000 00

REPORT NO. 81.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
November 14, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—At the meeting of the Board of Estimate and Apportionment held on June 21, 1907, a communication from the Commissioner of Parks requesting an appropriation of \$100,000 for the construction of a drain to take the overflow water from the lake in Van Cortlandt Park to the sewer already constructed in Broadway, in the Borough of The Bronx, was referred to the Chief Engineer of the Board of Estimate and Apportionment and the Chief Engineer of the Borough of The Bronx for consideration and report.

Accompanying the communication from the Park Commissioner were the following reports:

From the Supervising Statistician and Examiner of the Department of Finance to the Comptroller. From the Principal Assistant Engineer in charge of sewers, to the Engineer in charge, Borough of The Bronx. From the Chief Engineer of the Department of Parks to the Park Commissioner. Correspondence between the President of the Borough of The Bronx and the Park Commissioner.

We have discussed this question in all its phases and have had interviews with property owners in the vicinity, and find that the conditions are such that some disposition should be made of the water from Van Cortlandt Lake without further delay. The situation in brief is as follows:

The sewer in Broadway was designed and built to accommodate the water from Tibbets Brook, diverting it from the low land west of Broadway, which could not be improved or utilized without such diversion, and carrying it through the Broadway sewer directly to the Harlem River Ship Canal. The elevation of the sewer is such that the water must be taken from the present Van Cortlandt Lake and carried by a somewhat indirect course to the sewer at or about Two Hundred and Forty-first street. If all of this water were diverted, the so-called Colonial Gardens, which are at a level considerably below Van Cortlandt Lake and are supplied by water from that lake, would be practically destroyed. To allow the entire flow from Van Cortlandt Lake to pass beneath the sewer would necessitate the enlargement of other sewers at great expense and would involve an abandonment of the purpose for which the Broadway sewer was constructed under an assessment proceeding.

The Park Commissioner has already been allowed an issue of Corporate Stock to the amount of \$70,000 by resolution of the Board of Estimate and Apportionment adopted on May 10, 1906, this sum being provided for the preliminary work of caring for the water from Van Cortlandt Park. Specifications were prepared and bids received for constructing the drain above referred to discharging the greater part of the water from Van Cortlandt Lake into the Broadway sewer, but these bids amounted to nearly \$100,000, and the Park Commissioner has been unable to award the contract.

We believe that the plan of diverting the greater part of the water from Van Cortlandt Lake to the Broadway sewer, leaving only such amount as will be necessary to maintain the present Colonial Gardens, this amount being carried through the culvert already built under the Broadway sewer, is a logical and proper one. To accomplish this it will be necessary to carry out the contract referred to for which bids have already been received, and to provide some filling which will divert the water not taken to the Broadway sewer to the culvert under the said Broadway. We believe that the sum of \$50,000 will provide the necessary means to carry out this contract in addition to the \$70,000 authorized on May 10, 1906, and also for the diversion of the overflow to the culvert under the Broadway sewer, and we would recommend, if the financial condition of the City will permit it, an additional issue of Corporate Stock in the sum of \$50,000 to provide for this work.

Respectfully,

NELSON P. LEWIS, Chief Engineer, Board of Estimate and Apportionment.

JOSIAH A. BRIGGS, Chief Engineer of the Borough of The Bronx.

The following resolution was offered:

Resolved, That, pursuant to the provisions of section 47 of the Greater New York Charter, as amended, the Board of Estimate and Apportionment hereby approves of the issue of Corporate Stock of The City of New York to an amount not exceeding thirty thousand dollars (\$30,000), to provide means for the construction of a drain to take the overflow water from the lake in Van Cortlandt Park to the sewer already constructed in Broadway, Borough of The Bronx (in addition to the \$70,000 issue authorized on May 4, 1906, for the construction of a lake for the purpose of eliminating swamp area south of the Colonial Gardens, Van Cortlandt Park), under the direction of the Commissioner of Parks, Borough of The Bronx; that when authority therefor shall have been obtained from the Board of Aldermen, the Comptroller is authorized to issue Corporate Stock of The City of New York, in the manner provided by section 169 of the Greater New York Charter, to an amount not exceeding thirty thousand dollars (\$30,000), the proceeds whereof to be applied to the purposes aforesaid.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a report of the Select Committee, Comptroller, Chief Engineer of the Board and Chief Engineer of Street Openings, Borough of Manhattan, relative to separating the grades at Fifth avenue and Forty-second street at their intersection, Borough of Manhattan, and submitting a plan for an undercrossing having a width of 32 feet in the clear, with the minimum grades which can be secured, with side roadways connecting with Fifth avenue reducing the present sidewalk to 16 feet and recommending an issue of Corporate Stock in the sum of \$250,000; the President of the Borough of Manhattan to prepare complete plans and contract drawings; also submitting an ordinance designed to permit the carrying of this plan into effect and a proposed amendment of the ordinance relative to Fifth avenue sidewalks.

Which was referred to the Select Committee consisting of Comptroller, the President, Borough of Manhattan, and the Corporation Counsel, with the request that said committee report at the meeting of the Board to be held December 4, 1908.

(On October 2, 1908, the matter of an appropriation for widening Fifth avenue and the construction of an under passageway at Forty-second street and Fifth avenue, Manhattan, was referred to the above committee.)

The Secretary presented a report of the Comptroller recommending that the Board authorize the Comptroller to enter into a contract for the purchase of property 52 feet 6 inches by 114 feet on the northerly side of East Two Hundred and Twenty-eighth street, 210 feet west of Second or Carpenter avenue, Borough of The Bronx, at private sale, for the sum of \$2,000, from the owner, Frederick F. Hespe, and enclosing a thirty-day option on said property.

Which was laid over.

(On October 30, 1908, the Board adopted a resolution authorizing the Comptroller to negotiate for the purchase of this property and to report the result of said negotiations to the Board.)

The Secretary presented the following communication from the Commissioner of Street Cleaning requesting approval of award of contracts for the removal of snow and ice in the Boroughs of Manhattan and The Bronx, together with report of the Comptroller (to whom, on November 6, 1908, this matter was referred) recommending the award of contracts as set forth therein.

DEPARTMENT OF STREET CLEANING,
Nos. 13 to 21 PARK ROW,
NEW YORK, November 5, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment:

SIR—As advertised according to law, bids were opened in this office October 20, 1908, for contracts for the removal of snow and ice in the Boroughs of Manhattan and The Bronx, at prices per cubic yard, as follows:

First District—	Thomas Crimmins Contracting Company.....	80
De Marco & Malzone.....	34	
Bradley Contracting Company.....	75	
Philip T. Brown Company.....	44½	
Thomas M. Hart.....	32½	
Daly & McBean.....	41	
Thomas Crimmins Contracting Company.....	80	
Canavan Brothers Company.....	79	
Eighth District—	Thomas Crimmins Contracting Company.....	80
Bradley Contracting Company.....	75	
Daly & McBean.....	41	
Thomas Crimmins Contracting Company.....	48	
Canavan Brothers Company.....	78	
Second District—	Hector Garten.....	27
Bradley Contracting Company.....	30	
Philip T. Brown Company.....	75	
Daly & McBean.....	32	
Thomas Crimmins Contracting Company.....	28	
Canavan Brothers Company.....	72	
Ninth District—	Hector Garten.....	31
De Marco & Malzone.....	33	
Bradley Contracting Company.....	75	
Atlanta Contracting Company.....	43	
Daly & McBean.....	35	
Thomas Crimmins Contracting Company.....	72	
Canavan Brothers Company.....	72	
Tenth District—	Hector Garten.....	24
De Marco & Malzone.....	29	
Bradley Contracting Company.....	75	
Atlanta Contracting Company.....	43	
Daly & McBean.....	32	
Thomas Crimmins Contracting Company.....	27	
Canavan Brothers Company.....	70	
Eleventh District—	Hector Garten.....	24
De Marco & Malzone.....	29	
Bradley Contracting Company.....	75	
Patrick Reddy.....	32	
Daly & McBean.....	32	
Thompson Brothers (Inc.).....	27	
Thomas Crimmins Contracting Company.....	70	
Canavan Brothers Company.....	73	
Sixth District—	The Bronx—	
Bradley Contracting Company.....	75	
Philip T. Brown Company.....	43½	
Daly & McBean.....	43	
Thomas Crimmins Contracting Company.....	78	
Canavan Brothers Company.....	78	
Seventh District—	The Wilkinson Contracting Company.....	22
Bradley Contracting Company.....	20	
Daly & McBean.....	75	
Charles Schneider.....	26	
Daly & McBean.....	75	
Thomas Crimmins Contracting Company.....	70	

I intend to award the said contracts to the lowest bidders for each district, and I therefore request the approval of your Board for said awards, as follows:

Bidder.	District.	Price Per Cubic Yard.	Bidder.	District.	Price Per Cubic Yard.
Thomas M. Hart.....	1	\$0 32½	Philip T. Brown Company.....	4	44½
Daly & McBean.....	2	43	W. J. Fitzgerald.....	5	42
Daly & McBean.....	6	43	Hector Garten.....	9	27
Daly & McBean.....	7	51	Hector Garten.....	10	31
Daly & McBean.....	8	41	Hector Garten.....	11	24
Philip T. Brown Company.....	3	44½	De Marco & Malzone.....	Bronx	20

Respectfully,

FOSTER CROWELL, Commissioner.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
November 10, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Hon. Foster Crowell, Commissioner, Department of Street Cleaning, in communication dated November 5, 1908, requests the approval of the Board of Estimate and Apportionment on the award of contracts for the removal of snow and ice in the Boroughs of Manhattan and The Bronx, for the winter season of 1908-1909.

I would report that at a meeting of the Board of Estimate and Apportionment held October 2, 1908, a form of this contract was approved, and in accordance with an advertisement in the CITY RECORD, bids were opened October 20, 1908, for the removal of snow and ice in the Boroughs of Manhattan and The Bronx, for the several districts as stated in detail in communication from the Commissioner of Street Cleaning.

The bidders to whom the Commissioner has made the award of contracts are the lowest for the respective districts, and I think the Board of Estimate and Apportionment, pursuant to section 544 of the Greater New York Charter, may properly approve, as requested by the Street Cleaning Commissioner, the award of contracts for the

removal of snow and ice in the Boroughs of Manhattan and The Bronx, for the winter season of 1908-1909:

Bidder.	District.	Price Per Cubic Yard.	Bidder.	District.	Price Per Cubic Yard.
Thomas M. Hart.....	1	\$0 32 1/2	Philip T. Brown Company.....	4	44 1/2
Daly & McBean.....	2	43	W. J. Fitzgerald.....	5	42
Daly & McBean.....	6	43	Hector Garten.....	9	27
Daly & McBean.....	7	51	Hector Garten.....	10	31
Daly & McBean.....	8	41	Hector Garten.....	11	24
Philip T. Brown Company.....	3	44 1/2	De Marco & Malzone.....	Bronx	20

Respectfully,

CHANDLER WITTINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment, pursuant to the provisions of section 544 of the Greater New York Charter, hereby approves of the award by the Commissioner of Street Cleaning of the contracts for the removal of snow and ice in the Boroughs of Manhattan and The Bronx, for the winter season of 1908 and 1909, as follows:

Bidder.	District.	Price Per Cubic Yard.	Bidder.	District.	Price Per Cubic Yard.
Thomas M. Hart.....	1	\$0 32 1/2	Philip T. Brown Company.....	4	44 1/2
Daly & McBean.....	2	43	W. J. Fitzgerald.....	5	42
Daly & McBean.....	6	43	Hector Garten.....	9	27
Daly & McBean.....	7	51	Hector Garten.....	10	31
Daly & McBean.....	8	41	Hector Garten.....	11	24
Philip T. Brown Company.....	3	44 1/2	De Marco & Malzone.....	Bronx	20

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Commissioner of Street Cleaning requesting the approval of the award of the contracts for the removal of snow and ice in the Borough of Brooklyn, together with report of the Comptroller (to whom on November 6, 1908, this matter was referred), recommending the approval as requested:

DEPARTMENT OF STREET CLEANING,
Nos. 13 to 21 PARK ROW,
NEW YORK, November 2, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment:

SIR—As advertised according to law bids were received in this office on October 20, 1908, for the contract for the removal of snow and ice in the Borough of Brooklyn, as follows:

Districts.	
First District—	Cents.
Norton & Gorman Contracting Company.....	34
Bradley Contracting Company.....	75
Charles Cranford.....	33
Second District—	
M. F. Hickey.....	34 1/2
Norton & Gorman Contracting Company.....	27
Hugh L. Starr.....	29
Bradley Contracting Company.....	75
John J. Guinan.....	28
Third District—	
Norton & Gorman Contracting Company.....	34
Bradley Contracting Company.....	75
Charles Cranford.....	40
James H. Holmes.....	32 1/2
Sanderson & Co.....	44 9-10
Fourth District—	
Norton & Gorman Contracting Company.....	29
Bradley Contracting Company.....	75
James H. Holmes.....	23 1/2
Haley & Keegan.....	30
John E. Monahan Contracting Company.....	29 9-10
O'Grady Brothers.....	30
Donlon Contracting Company.....	34 1/2
Fifth District—	Cents.
Norton & Gorman Contracting Company.....	39
Bradley Contracting Company.....	75
Henry Newman.....	39
James H. Holmes.....	31
Sixth District—	
Norton & Gorman Contracting Company.....	45
Bradley Contracting Company.....	75
John E. Monahan Contracting Company.....	43
P. T. McDermott.....	37 1/2
Seventh District—	
Norton & Gorman Contracting Company.....	29
Bradley Contracting Company.....	75
Henry Newman.....	34
John E. Monahan Contracting Company.....	33
Eighth District—	
Norton & Gorman Contracting Company.....	29
Pasquale Benetto.....	26
Bradley Contracting Company.....	75
Patrick Darby.....	25
John J. Guinan.....	38
Charles Cranford.....	27
Sanderson & Co.....	26 9-10
Donlon Contracting Co.....	39

I have awarded contracts on the above bidding, subject to the approval of your Board, to the following persons, who are the lowest bidders for each district:

Charles Cranford, First District; Norton & Gorman Contracting Company, Second and Seventh Districts; James H. Holmes, Third, Fourth and Fifth Districts; P. T. McDermott, Sixth District; Patrick Darby, Eighth District.

Respectfully,

FOSTER CROWELL, Commissioner.

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

November 10, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Hon. Foster Crowell, Commissioner, Department of Street Cleaning, in communication dated November 2, 1908, requests the approval of the Board of Estimate and Apportionment on the award of contracts for the removal of snow and ice in the Borough of Brooklyn for the winter season of 1908-1909.

I would report that at a meeting of the Board of Estimate and Apportionment, held October 2, 1908, a form of this contract was approved, and in accordance with an advertisement in the CITY RECORD, bids were opened October 20, 1908, for the removal

of snow and ice in the Borough of Brooklyn, for the several districts as stated in detail in communication from the Commissioner of Street Cleaning.

The bidders to whom the Commissioner has made the award of contracts are the lowest for the respective districts, and I think the Board of Estimate and Apportionment, pursuant to section 544 of the Greater New York Charter, may properly approve as requested by the Street Cleaning Commissioner, the award of contracts for the removal of snow and ice in the Borough of Brooklyn, for the winter season of 1908-1909, as follows:

Charles Cranford, First District; Norton & Gorman Contracting Company, Second and Seventh Districts; James H. Holmes, Third, Fourth and Fifth Districts; P. T. McDermott, Sixth District; Patrick Darby, Eighth District.

Respectfully,

CHANDLER WITTINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment, pursuant to the provisions of section 544 of the Greater New York Charter, hereby approves of the award by the Commissioner of Street Cleaning, of the contracts for the removal of snow and ice in the Borough of Brooklyn, for the winter season of 1908 and 1909, as follows:

Bidder.	District.	Price Per Cubic Yard.	Bidder.	District.	Price Per Cubic Yard.
Charles Cranford.....	1	\$0 33	James H. Holmes.....	3	32 1/2
Norton & Gorman Contracting Company.....	2	27	James H. Holmes.....	4	23 1/2
Norton & Gorman Contracting Company.....	7	29	P. T. McDermott.....	6	37 1/2
			Patrick Darby.....	8	25

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$5,000 Special Revenue Bonds for alterations and repairs to the Aquarium Building in Battery Park, under the direction of the New York Zoological Society, together with report of the Comptroller (to whom this matter was referred on November 13, 1908) recommending the issue as requested:

In the Board of Aldermen.

Resolved, That, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of five thousand dollars (\$5,000), the proceeds whereof shall be applied by the New York Zoological Society for alterations and repairs to the Aquarium Building in Battery Park.

Adopted by the Board of Aldermen, October 20, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, November 4, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Pursuant to your directions, I have caused an examination to be made in the Bureau of Municipal Investigation and Statistics into the matter of a resolution adopted by the Board of Aldermen October 20, 1908, as follows:

Resolved, That, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of five thousand dollars (\$5,000), the proceeds whereof shall be applied by the New York Zoological Society for alterations and repairs to the Aquarium Building in Battery Park."

The foregoing resolution now awaits concurrence of the Board of Estimate and Apportionment.

As a result of the examination made in this matter I beg to report as follows:

Your Examiner conferred with Charles H. Townsend, Director of the Aquarium, and accompanying that official made an inspection of the Aquarium Building with the view to determining whether the amount requested to be appropriated for repairs was necessary. Your Examiner reports that the following repairs would seem to be required:

1. A new roof for the entire building.
2. Twenty-four new roof skylights to replace those now in use, the latter being badly rusted and in some instances falling apart.
3. Nine new skylights to admit additional air through the roof.
4. Painting, made necessary by repairs previously specified.
5. Construction of a gallery in the main floor office.

The Director of the Aquarium furnishes the following estimate of the amounts necessary to provide for the repairs as previously enumerated:

New slab roof.....	\$1,600 00
Resoldering copper skylights.....	200 00
Twenty-four new roof skylights.....	630 00
Painting roof.....	100 00
Nine new ceiling skylights.....	1,600 00
Gallery in office.....	78 00
Painting interior of building.....	250 00

Total..... \$4,458 00

It appears from an examination of the contract, or lease, between the New York Zoological Society and The City of New York, dated October 13, 1902, transferring to the said Society for a period of years the management of the New York Aquarium, that The City of New York is required to keep the building in repair and good condition.

In view of the facts hereinbefore disclosed, your Examiner recommends that the resolution of the Board of Aldermen, approved October 20, 1908, requesting the Comptroller to issue Special Revenue Bonds to the amount of \$5,000, the proceeds whereof to be applied by the New York Zoological Society for alterations and repairs to the Aquarium Building, be recommended to the Board of Estimate and Apportionment for its concurrence.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 20, 1908, in relation to an appropriation of five thousand dollars (\$5,000) for alterations and repairs to the Aquarium Building in Battery Park, Borough of Manhattan, under the direction of the New York Zoological Society; that for the purpose of providing means therefore the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding five thousand dollars (\$5,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Board of Water Supply, relative to the purchase of a permanent easement in parcels 175, 176, 193 and 196, Section 4, Northern Aqueduct; also the purchase of buildings on parcel 196, at a cost of \$28,500, of which amount \$3,500 is for the buildings on parcel 196, together with report of the Comptroller recommending the purchase of said parcels, etc.

(On September 25, 1908, this matter was referred to the Comptroller.)

BOARD OF WATER SUPPLY, CITY OF NEW YORK,
No. 299 BROADWAY,
NEW YORK, September 22, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment, No. 277 Broadway, New York City:

DEAR SIR—We enclose copy of report of Commissioner Chadwick, dated September 15, 1908, among other things recommending the purchase of a permanent easement in parcels 175, 176, 193 and 196, Section 4, Northern Aqueduct, from Albert K. Smiley, for \$25,000, and also the purchase of the buildings on parcel 196, for the sum of \$3,500, subject in each case to the approval of your Board. Upon the receipt of this report this Board approved the recommendation of Commissioner Chadwick and the following resolution was adopted:

Resolved, That the Board of Water Supply, pursuant to the recommendation of Commissioner Chadwick and in accordance with chapter 724 of the Laws of 1905, as amended, and subject to the approval of the Board of Estimate and Apportionment, hereby approves the purchase from Albert K. Smiley for \$25,000 of a permanent easement in perpetuity, for the construction and maintenance of the Catskill Aqueduct, or aqueducts, and appurtenances, including telephone and telegraph and electric power lines in, on, over, under and through parcels 175, 176, 193 and 196 on the taking maps of Section 4, Northern Aqueduct, and also the purchase for \$3,500 of the buildings on said parcel 196, making in all the sum of \$28,500; and that when and if said purchase shall be approved by the Board of Estimate and Apportionment, the Corporation Counsel is hereby requested to prepare all necessary agreements and other instruments and to take all necessary steps to amend the pending proceeding and to consummate said purchase.

We respectfully request the approval of this purchase by your Board.

Respectfully,

BOARD OF WATER SUPPLY,
Per THOS. HASSETT, Secretary.

NEW YORK, September 15, 1908.

The Board of Water Supply, No. 299 Broadway, New York City:

GENTLEMEN—Mr. Albert K. Smiley is owner of the property known as Lake Mohonk, and it is the intention of The City of New York to acquire for the construction of the aqueduct certain portions of that property, known on our map as parcels 175, 176, 193 and 196, Section 4, Northern Aqueduct Department. The map shows that Mr. Smiley is the owner of parcel 188, but since the maps were made he has sold this lot, and he has acquired parcel 193, which is shown on our maps under the name of Daniel Silkworth.

The maps show that the City is to take the fee of this property. After negotiations with Mr. Smiley he has offered to give the City a permanent easement in the property mentioned for the sum of \$25,000. There is on parcel 196 a dwelling and a barn; for these buildings Mr. Smiley asks \$3,500, making a total for the land and buildings taken of \$28,500.

I recommend the adoption of a resolution to the following effect:

First—That the taking of an easement instead of the fee in the parcels indicated for the sum of \$25,000, and the purchase of the buildings on parcel 196 for the sum of \$3,500, be approved, subject to the approval of the Board of Estimate and Apportionment.

Second—That a proper contract or agreement be procured from Mr. Smiley.

Third—That the approval of the Board of Estimate and Apportionment be asked for.

Fourth—That the Corporation Counsel of The City of New York be requested to amend the proceedings so that the character of the taking shall be an easement in the parcels 175, 176, 193 and 196, instead of the fee.

Yours very truly,

(Signed) CHARLES N. CHADWICK, Commissioner.

BOARD OF WATER SUPPLY, CITY OF NEW YORK,
No. 299 BROADWAY,
NEW YORK, October 22, 1908.

Hon. HERMAN A. METZ, Comptroller, City of New York:

DEAR SIR—I send herewith original letter of Senator Jno. J. Linson, Special Counsel for the City, dated July 30, in reference to the proposed settlement with Mr. Albert K. Smiley for the property which we propose to take at Lake Mohonk.

I also hand you the report of the two appraisers for the City, Messrs. J. S. Hill and Jas. McMillin, in reference to the same matter.

These letters Mr. Mortimer J. Brown requested should be given to him to annex to the papers sent to the Board of Estimate and Apportionment by this Board.

Yours very truly,

CHARLES N. CHADWICK, Commissioner.

A. K. SMILEY, Owner:

As the parcels taken from Smiley property are a part of a very valuable property and of such character as to be damaged in many ways by the defacement of scenery occasioned by the construction of cut and cover work along the whole southern slope of the mountain, the cutting off of nearly all the approaches to the Mountain House by the usual routes, the presence for a long time in the neighborhood of an undesirable class of people, the blasting, etc., necessary in the prosecution of the work which may and undoubtedly will interfere with the business carried on on the property along with the land, orchard and fruit taken and the buildings destroyed, for the above reasons we think it might be advisable to settle with owner at amount stated, \$29,400.

J. S. HILL,
JAS. McMILLIN.

LINSON & VAN BUREN, COUNSELLORS AT LAW,
KINGSTON, N. Y., July 30, 1908.

Hon. CHARLES N. CHADWICK, Commissioner of Water Supply, New York City:

DEAR SIR—Mr. Britton informs me that a settlement can be made with Mr. A. K. Smiley under which Mr. Smiley will accept the sum of \$29,400 in full for the buildings

and a perpetual easement in all of his property taken by the City; and that if such settlement is made he will release all claims which he may have, or which may arise during the prosecution of the work, or by reason of the taking for damages, including damages to business.

I am of the opinion that such a settlement would not operate to the prejudice of the City in any of the proceedings for the condemnation of property under my charge.

Yours very truly,
JOHN J. LINSON, Special Counsel

Aqueduct Parcel 188.

Sold by A. K. Smiley to James E. Ruge.

Deed covered about 23 acres at parcel 188 and another parcel of about 20 acres not on the line of the aqueduct.

Parcel 188 included only 5.06 acres. Consideration for the whole 43 acres, or thereabouts, \$3,000.

Land at parcel 188 had farm buildings which were estimated to be worth from \$2,000 to \$2,500.

Aqueduct Parcel 193 (Silkworth Farm).

Sold under orders of the Surrogate by H. D. B. Silkworth, executor, to A. K. Smiley, October 12, 1907. Consideration, \$650.

This included the whole of the Silkworth Farm of 12.69 acres, and was purchased by Mr. Smiley because the farm protruded into his property.

Area of parcel 193 is 3.246 acres.

A. K. Smiley Property (Crossed by Aqueduct).

	Distance. Feet.
Grade Tunnel—	
Esopus Division, Sta. 718+25 to 754+00.....	5,826.9
Wallkill Division, Sta. 754+00 to 776+51.9.....	5,826.9
Cut and Cover—	
Sta. 856+80.2 to 867+21.4.....	1,041.2
Sta. 912+11.4 to 917+61.0 (Silkworth).....	549.6
Sta. 917+61.0 to 965+07.9.....	4,746.9
	6,337.7
Total distance	12,164.6

To JOHN J. LINSON, Esq., Special Counsel for The City of New York:

SIR—The following contains a report of my examination of the buildings upon the property of Albert K. Smiley, referred to in the annexed report of Messrs. Joseph S. Hill and James McMillin.

House—One and one-half story frame house, 24 feet by 26 feet by 12 feet 12 inches high; one story addition, 8 feet by 16 feet; flat tin roof, gable roof on main part, shingled; 1/2-inch siding on all of house; three rooms and hall on first floor, two rooms and hall on second floor; basement finished, two rooms and bathroom; sink and water in kitchen; 24-foot front veranda, 6 feet wide, tin roof; basement, 7 feet high; first story, 8 feet high; second story, 7 feet 6 inches high; all lathed and plastered, painted and papered and in good condition; four light windows; blinds, cornices and gutters; one flight open stairs and stairs to basement.

Barn—A frame barn, 32 feet by 48 feet high, with a basement underneath 7 feet high; gable roof, shingled; boarded up and down; framed in four bents; 9 feet by 10 inch posts and girts; five horse stalls; ten cow stalls and sheep pen in basement; stone foundation on one end and side, 7 feet high; trench wall, 2 feet high under one end and side.

Grainery—Frame grainery, 14 feet by 14 feet by 12 feet high; gable roof, shingled; Nov. siding on sides; 1 corn crib; 2-inch floor; heavy frame; painted red.

Wood House—Frame wood house, 14 feet by 14 feet by 8 feet high; gable roof, shingled; 1/2-inch siding on sides; no floor; framed in four bents; 6-inch by 6-inch framing.

Chicken House—Frame chicken house, 10 feet by 12 feet by 10 feet high; shed roof, papered; 1/2-inch siding on sides; in poor condition.

Work Shop—Frame work shop, 13 feet by 15 feet by 8 feet high; gable roof; shingled; 1/2-inch siding; one double door; one single door; two half windows; 1-inch floor; framed in three bents; 6-inch by 6-inch framing.

The buildings are worth the following prices:

Barn	\$1,000 00	Chicken house	30 00
House	2,500 00	Toilet	12 00
Grainery	150 00		
Work shop	75 00		
Wood house	50 00		\$3,817 00

Description of Buildings on Land of A. K. Smiley Shown in Plan on Acc. NW 502.

Dwelling—For dimensions, see Floor Plan Acc. NW 512.

Materials—Shingle roof; rafters, 3 inches by 4 inches; siding, 7-inch weather boards lapping 1-inch; basement enclosed by stone foundation wall 1.5 feet thick; all rooms and ceilings plastered.

Condition—Roof, floors, frame, weatherboards, all in good condition; house well painted.

Accommodations—Attic, 26 feet by 18.5 feet; running water in kitchen; laundry and bath supplied from a spring; water closet in bath; good cement floor and basement.

Barn—General Dimensions: 50.2 feet by 32.4 feet, not including chicken house, storehouse or outhouse; chicken house, 12 feet by 12 feet, 8 feet high; storehouse, 11 feet by 18.8 feet, 8 feet high; and outhouse 8 feet by 10.5 feet, 8 feet high.

Heights of Stories—First story, 7 feet; second story, 30 feet to ridge.

Materials—Shingle roof; rafters, 3 inches by 6 inches, spaced 3 feet apart; roof supports, 8 inches by 8 inches, half way between eaves and ridge frame, 8-inch by 8-inch timbers; floor beams, 6 inches by 8 inches and 6 inches by 6 inches, spaced 3 feet apart; flooring, 2-inch planks; siding, 9-inch by 1-inch boards; half lower floor enclosed by wall 1.8 feet thick.

Condition—Roof contains several holes; frame, siding and floors all in fair condition.

Remarks—Ground floor divided into pens and stalls for stock; second floor divided into two mows, 16.2 feet by 32.4 feet and 15.9 feet by 32.4 feet, and a room for storage of machinery, 18 feet by 32.4 feet.

Outbuildings—Work shop, 16.2 feet by 12.3 feet, 12 feet high; shingle roof; frame of 5-inch and 6-inch timbers; floor planks, 12 inches wide; siding, 9-inch boards; good condition. Wood shed, 15.3 feet by 14.3 feet, 13 feet high; shingle roof; frame, 6-inch timbers; no floor; weatherboards, 8 inches wide; good condition. Smoke house, 4.2 feet by 5.2 feet, 13 feet high; shingle roof; good condition. Corn crib, 14.2 feet by 14.2 feet, 10 feet high to eaves, 4-foot eaves to ridge; shingle roof; three sides weather boards, one side 1-inch by 2-inch lath with open spaces between; building in good condition.

May 29, 1908.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
November 12, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—At a meeting of the Board of Estimate and Apportionment held September 25, 1908, a communication was presented from the Board of Water Supply, requesting the approval of the purchase at \$25,000 of a permanent easement in Parcels 175, 176, 193 and 196, Section 4, Northern Aqueduct, and also the purchase of the buildings on Parcel 196 at \$3,500, which was referred to you for consideration and report.

This purchase, as shown by the papers herewith, is recommended by Commissioner Charles N. Chadwick, of the Board of Water Supply. A letter is also attached

signed by John J. Linson, of Kingston, special counsel for the City, in which he says that if this settlement is made it will release all claims which the owner may have, or which may arise during the prosecution of the work, or by reason of the taking for damages, including damages to business; and that the settlement in his opinion would not operate to the prejudice of the City in any of the other proceedings for the condemnation of property under his charge.

An appraisal is also attached, signed by Appraisers J. S. Hill and James McMillin, in which they state that the fair market value of the buildings to be destroyed on Parcel 196 is \$3,817.

In regard to this matter I have to report that after a thorough examination made by this Bureau as to all of the facts, I am convinced that the proposed purchase from A. K. Smiley of an easement for the aqueduct through his premises at \$25,000, and the buildings, etc., on Parcel 196 for \$3,500 is in the interest and to the advantage of the City, and that the offer should be accepted. In addition to the buildings on Parcel 196, which in my opinion are fairly worth the price asked, the aqueduct will almost totally destroy an apple orchard and a fine peach orchard.

I inclose herewith a map of the Smiley property, which consists of upwards of 5,000 acres, on which he has constructed upwards of fifty miles of private roads, and where he maintains in the summer time a very high class, exclusive summer resort.

The construction of this aqueduct will bring into the neighborhood a large number of laborers of the roughest class. There are several of these camps located beside the roads leading to the Mountain House (both on the roads from New Paltz and from High Falls), at Lake Mohonk, the Smiley property, and these camps will have to be maintained for several years, and the detriment to Mr. Smiley's hotel business must be very large. It is perhaps true that such damage could not be recovered from the City in a suit, and at this time it is practically impossible to estimate, but it will be very serious, which no person acquainted with the facts will question. As to the detriment to the Smiley property by the construction of the aqueduct, it may be said that the aqueduct will be on his property for a distance of over two miles, including a tunnel through the mountain from the Rondout Valley, 5,826.9 feet in length, to the Wallkill Valley, and the cut and cover construction along the side of the mountain on the Wallkill Valley side through the Smiley property will be 6,337.7 feet in length. On the Rondout side there will be only about 150 feet of cut and cover, connecting shaft 8 with the tunnel portal, but on the Wallkill side, the cut and cover construction, which will probably continue for at least three years, will be, as already stated, more than a mile in length.

Mr. Smiley's objection to conveying to the City the fee title to the property required is based largely upon the fact that he objects to the erection of fences across the mountain and skirting around the base of his property in the Wallkill Valley and the interference with his private roads already constructed or planned.

When the question of the City taking the fee title through his property was first considered, he spoke of \$250,000 as his price, and his first mentioned price for an easement was \$65,000; the \$25,000 finally agreed upon for an easement and \$3,500 for the buildings on Parcel 196 being the result of friendly negotiations between the Board of Water Supply and Mr. Smiley.

It is difficult, if not impossible, under the circumstances to fix any unit of value in estimating the charge of \$25,000, but by the acquirement of this easement, the City will acquire all the rights and privileges on, over and under the Smiley property that would be obtained by taking the fee. It will avoid any damage claims now or in the future; will have the right to enter upon the land at any time for any purpose connected with the aqueduct, and to string wires, etc. It will, by taking an easement, avoid the necessity of constructing and maintaining upwards of four miles of fencing along the line of the aqueduct, which construction alone would cost, at a low estimate, \$7,000. It will also avoid the necessity of a complete appraisal of the whole Smiley estate with all its improvements of every name and nature, which would be necessary in condemnation proceedings; it will also avoid the very heavy expenses in condemnation proceedings, including counsel fees, fees of Commissioners, Experts, etc. Judging by the awards already made in the neighborhood for other properties, I am of the opinion that the award itself in condemnation, irrespective of all additional expenses, would amount to at least as much as, if not more than, the \$25,000, which Mr. Smiley agrees to accept for an easement. Taking all these facts into account, I am of the opinion that it is to the interest of the City to accept the offer made by Mr. A. K. Smiley, and I would therefore respectfully recommend that the Board of Estimate and Apportionment approve of the request of the Board of Water Supply as set forth in the resolution adopted by said Board and hereto annexed.

Respectfully submitted for approval,

MORTIMER J. BROWN, Appraiser of Real Estate, Department of Finance.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment, pursuant to the provisions of chapter 724 of the Laws of 1905, as amended, hereby approves of the action taken by the Board of Water Supply of The City of New York relative to the acquisition of a permanent easement in perpetuity, for the construction and maintenance of the Catskill Aqueduct, or aqueducts, and appurtenances, including telephone and telegraph and electric power lines, in, on, over and under and through Parcels 175, 176, 193 and 196 on the taking maps of Section 4, Northern Aqueduct, together with the buildings on Parcel 196, and authorizes the acquisition of the same at a price not exceeding twenty-eight thousand, five hundred dollars (\$28,500), of which sum three thousand five hundred dollars (\$3,500) is for the buildings on Parcel 196.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, The Bronx, Queens and Richmond—14.

Negative—The President of the Borough of Brooklyn—2.

The Secretary presented the following communication from the Commissioner of Public Charities relative to an additional issue of Special Revenue Bonds on account of the resolution of the Board of Aldermen requesting an issue of \$89,502.81 to pay the prevailing rate of wages and to meet any anticipated deficiencies in the salaries and wages accounts for 1908 (which communication was referred to the Comptroller on October 30, 1908), together with report of the Comptroller recommending the issue of \$15,401.20 for this purpose.

(On April 24, 1908, a resolution of the Board of Aldermen requesting the issue of \$89,502.81 Special Revenue Bonds (subdivision 8, section 188 of the Charter) for the above purpose, was referred to the Comptroller, and at various meetings the Board has approved of and concurred in said resolution to the extent of \$66,537.92.)

(On November 13, 1908, a resolution authorizing the issue of \$15,401.20 Special Revenue Bonds for the above purpose failed of adoption, not receiving the unanimous vote of the Board as required by subdivision 8, section 188, of the Charter.)

DEPARTMENT OF PUBLIC CHARITIES,
FOOT OF EAST TWENTY-SIXTH STREET,
October 20, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—The Board of Aldermen, on March 24, 1908, authorized the sale of Revenue Bonds for this Department to the amount of \$89,502.81, in order to enable the Department to pay prevailing rates of wages and to meet anticipated deficiencies in the salaries and wages account. With the approval of the Board of Estimate and Apportionment, on June 5, 1908, the sale of Revenue Bonds for this Department to the amount of \$50,857.92 was approved, and on June 26, 1908, the further sale of Revenue Bonds for the Department to the amount of \$15,680 was also approved, making a total of \$66,537.92 out of \$89,502.81 authorized by the Board of Aldermen.

The undersigned would now respectfully request that the further sale of Revenue Bonds to the amount of \$15,401.20 be approved by the Board of Estimate and Apportionment for the following purposes, all of which has been rendered necessary by the great increase in the census of the institutions:

1. To the amount of \$11,290.20 to meet the anticipated deficiency in the salaries and wages appropriations for the Department as shown by the accompanying statement.

2. To the amount of \$4,111 to meet the following anticipated charges:

Additional Help.	
Department of Public Charities, Administration, Brooklyn, Salaries, Office of the Deputy Commissioner, 1 Stoker (87 days).....	\$261 00
Department of Public Charities, Administration, Brooklyn, Salaries, Bureau of Dependent Adults—	
1 Registrar of Records (3 months).....	375 00
1 Examiner (3 months).....	300 00
Department of Public Charities, Administration, Brooklyn, Salaries, Children's Bureau—	
1 Examiner (3 months).....	300 00
1 Clerk (3 months).....	300 00
Department of Public Charities, Brooklyn, Salaries, Kings County Hospital—	
4 Hospital Helpers (3 months).....	300 00
1 Pathologist (3 months).....	450 00
Department of Public Charities, Brooklyn, Salaries, Home for Aged and Infirm, 4 Hospital Helpers (3 months).....	300 00
Department of Public Charities, Administration, Manhattan, Salaries, Departmental Steamboats, Launches and Piers—	
"The Lowell:"	
1 Matron (3 months).....	150 00
1 Nurse (3 months).....	75 00
1 Helper (Cleaner) (3 months).....	45 00
1 Stoker (3 months).....	210 00
Department of Public Charities, Manhattan, Salaries, Metropolitan Hospital Training School, 20 Pupil Nurses (2 months, at \$10).....	400 00
Department of Public Charities, Manhattan, Salaries, New York City Children's Hospitals and Schools, 6 Nurses (3 months, at \$20).....	360 00
Department of Public Charities, Manhattan, Salaries, New York City Home for Aged and Infirm—	
1 Tailor (3 months).....	150 00
3 Sewing Women (3 months, at \$15).....	135 00

\$4,111 00

Respectfully yours,

ROBT. W. HEBBERD, Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 10, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In regard to the request made by the Commissioner of Public Charities, dated October 20, 1908, and asking the Board of Estimate and Apportionment to authorize the issue of Special Revenue Bonds to the amount of \$15,401.20 to meet a deficiency of salary appropriation for the year 1908, I beg to report as follows:

At the request of the Commissioner of Public Charities, dated March 2, 1908, the Board of Aldermen, on the 24th of March, 1908, adopted a resolution requesting that the Comptroller be authorized to issue Special Revenue Bonds to the amount of \$89,502.81, to enable the said Commissioner to pay the rate of wages fixed by resolution adopted by the Board of Estimate January 24, 1908, and also to meet an anticipated deficiency in the salary appropriation for 1908.

The said resolution was referred to this Bureau for examination, report of which was made May 25, 1908, recommending that immediate provision be made for paying the prevailing rate of wages by the issue of Special Revenue Bonds to the amount of \$50,857.92, and suggesting that deficiencies in the appropriation for salaries would be separately considered in a subsequent report. On the 5th of June, 1908, the Board of Estimate and Apportionment authorized the issue of Bonds to the amount so recommended.

In a supplemental report dated June 25, 1908, this Bureau recommended further concurrence in the said resolution to the amount of \$15,680, which sum, with the exception of that portion necessary to meet the prevailing rate of wages in certain cases not provided for by the former issue of bonds for that purpose, and of that needed to provide for the crew of the new steamer, "The Lowell," was required to pay established salaries of employees then on the payroll of the Department.

Issue of the bonds so recommended was authorized by the Board of Estimate and Apportionment June 25, 1908, making a total concurrence in said resolution and an authorization of bonds thereunder amounting to \$66,537.92, out of \$89,502.81 called for by the resolution, and leaving a margin of \$22,964.89 for still further concurrence, if found necessary.

The request now under consideration is for a further concurrence in said resolution and for the issue of bonds to the amount of \$15,401.20, of which the sum of \$11,290.20 is required to meet a deficiency in the salary and wages appropriation, and that of \$4,111 to provide for additional positions rendered necessary by an abnormal increase in the number of persons to be provided for by the Department.

Of the twenty-five salary appropriations made to the Department, eleven show surpluses amounting to \$11,970.55 over the sum required to meet, for the remainder of the year, the payrolls as of September, while twelve of the appropriations, on the other hand, show deficiencies amounting to \$23,260.75, making a total net deficit of \$11,290.20 to be provided for, if employees on the September payroll are to be retained to the end of the year.

The additional positions which the increased census of institutions has rendered it necessary to fill since September, together with the additional expense involved, are as follows:

BOROUGH OF BROOKLYN.

Office of Deputy Commissioner, 1 Stoker (87 days).....	\$261 00
Bureau of Dependent Adults, 1 Registrar (3 months).....	375 00
Bureau of Dependent Adults, 1 Examiner (3 months).....	300 00
Children's Bureau, 1 Examiner (3 months).....	300 00
Children's Bureau, 1 Clerk (3 months).....	300 00
Kings County Hospital, 4 Hospital Helpers (3 months).....	300 00
Kings County Hospital, 1 Pathologist (3 months).....	450 00
Home for Aged and Infirm, 4 Hospital Helpers (3 months).....	300 00

BOROUGH OF MANHATTAN.

Departmental Steamboats, etc., "The Lowell," 1 Matron (3 months).....	150 00
Departmental Steamboats, etc., "The Lowell," 1 Nurse (3 months).....	75 00
Departmental Steamboats, etc., "The Lowell," 1 Helper (3 months).....	45 00
Departmental Steamboats, etc., "The Lowell," 1 Stoker (3 months).....	210 00
Metropolitan Hospital Training School, 20 Pupil Nurses (2 months).....	400 00
New York City Hospitals and Schools, 6 Nurses (3 months).....	360 00
New York City Home for Aged and Infirm, 1 Tailor (3 months).....	150 00
New York City Home for Aged and Infirm, 3 Sewing Women (3 months).....	135 00

\$4,111 00

Commissioner Hebbard and Deputy Commissioner McInerney state that the filling of the above positions has been absolutely necessary in order properly to care for the greatly increased number of persons admitted to the several institutions of the Department. The lack of help necessary to such care has already in one instance been the cause of an inquiry by the Grand Jury into the conduct of an institution in charge of the Department.

As allowance of the sum requested will leave the total appropriation for salaries in 1908 still below the Budget recommendation for 1909, it is recommended that the said resolution of the Board of Aldermen be still further concurred in to the amount of \$15,401.20, and as one appropriation, that of the Bureau of Dependent Adults in Manhattan, is already exhausted, there being not sufficient money remaining to pay the entire payroll for October, it is suggested that the relief to be granted be provided as soon as may be.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby further approves of and concurs in the resolution of the Board of Aldermen adopted March 24, 1908 (requesting an issue of \$89,502.81 Special Revenue Bonds), to the extent of fifteen thousand four hundred and one dollars and twenty cents (\$15,401.20), to provide for the payment of the prevailing rate of wages from June 1, 1908, and to meet an anticipated deficiency in the salaries and wages appropriation for the year 1908, in the Department of Public Charities (in addition to the \$50,857.92 issue authorized on June 5, 1908, and the \$15,680 authorized on June 26, 1908, by the Board of Estimate and Apportionment upon said resolution of the Board of Aldermen, dated March 24, 1908), and for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York to an amount not exceeding fifteen thousand four hundred and one dollars and twenty cents (\$15,401.20), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$57,561.56 Special Revenue Bonds for feeding and shoeing horses of the Department of Street Cleaning for the balance of the year 1908 (which was referred to the Comptroller on November 6, 1908), together with report of the Comptroller recommending the issue of \$55,272.55 for this purpose for the Boroughs of Manhattan and Brooklyn.

(On November 13, 1908, a resolution authorizing the issue of \$55,272.55 Special Revenue Bonds for the above purpose failed of adoption, not receiving the unanimous vote of the Board, as required by subdivision 8, section 188, of the Charter.)

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of fifty-seven thousand five hundred and sixty-one dollars and fifty-six cents (\$57,561.56), the proceeds whereof to be used by the Department of Street Cleaning for the purpose of feeding and shoeing the horses of the Department during the remainder of the year 1908.

Adopted by the Board of Aldermen, October 20, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, November 4, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 10, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the resolution of the Board of Aldermen, adopted October 20, 1908, as follows:

“Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of fifty-seven thousand five hundred and sixty-one dollars and fifty-six cents (\$57,561.56), the proceeds whereof to be used by the Department of Street Cleaning for the purpose of feeding and shoeing the horses of the Department during the remainder of the year 1908.”

—which was presented at a meeting of the Board of Estimate and Apportionment held November 6, 1908, and referred to the Comptroller for consideration and report, I beg to submit the following:

The requested appropriation of \$57,561.56 is stated by the Commissioner of Street Cleaning, in his communication of October 13, 1908, addressed to Hon. Patrick F. McGowan, President of the Board of Aldermen, as necessary to supplement the appropriation made in the Budget of the year 1908 for Forage, Horseshoeing and Medicine, the insufficiency of said appropriation being stated as due to unexpected increase in price of forage during the year and large number of horses added to the Department since the beginning of the year.

The appropriation is requested for Boroughs, as follows:

Borough of Manhattan.....	\$24,134.96
Borough of Brooklyn.....	33,426.60
Total.....	\$57,561.56

It may be stated by your Examiner that, while the census of horses during the year 1908 has been larger than during the year 1907, the full complement of said horses was provided for in the Budget, although at a per diem cost per horse less than is shown by experience of this year.

It is, however, true that the prices for forage for the year 1908 are materially higher in the principal items than the prices prevailing during the year 1907, and as the basis for cost of each horse per day was figured upon the experience of the year 1907, viz., 60 cents per day, the deficiency may be accounted for in such increased cost.

The appropriation made in the Budget for 1908 for forage, per se, was calculated at 60 cents per diem per horse for 366 days, and for horses to the number of 2,100.

From reports made to your Examiner by the Department it appears that the per diem cost per horse for forage consumed for the nine months ending September 30, 1908, is in excess of the same nine months period of the year 1907, as appears by the following tables submitted:

Quantity and Value of Forage Actually Consumed During the First Nine Months of the Year 1907.

	Manhattan and The Bronx.		Brooklyn.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Oats	6,772,755	\$115,937.39	4,290,042	\$80,576.45	11,062,797	\$196,513.84
Hay	4,990,089	67,323.23	3,064,100	46,460.33	8,054,189	113,783.56
Straw	907,682	7,809.00	609,921	5,838.59	1,517,603	13,647.59
Bran	356,820	5,063.72	214,554	3,438.95	571,374	8,502.67
Oil meal	22,259	414.41	31,640	603.10	53,899	1,017.51
Oat meal	6,710	198.30	.....	.....	6,710	198.30
Coarse salt	13,317	89.31	15,106	137.54	28,423	226.85
Refined salt	43,318	376.24	57,759	548.88	101,077	925.12
Grain oats	32,492	584.86	19,236	369.33	51,728	954.19
Grain corn	16,198	210.55	9,519	142.79	25,717	353.34
Ear corn	1,495	14.20	.....	.....	1,495	14.20
		\$198,021.21			\$138,115.96	

Manhattan and The Bronx. Brooklyn. Total.

Average number of horses for nine months.....	126	748	2,016
Average cost per horse for nine months.....	\$156.17	\$184.65	\$166.75
Average cost per day for nine months.....	57.21	67.64	61.07

Quantity and Value of Forage Actually Consumed During the First Nine Months of the Year 1908.

	Manhattan and The Bronx.		Brooklyn.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Oats	7,415,725	\$155,922.88	4,307,762	\$102,557.09	11,723,487	\$258,479.97
Hay	5,368,954	64,234.45	3,021,700	41,172.45	8,390,654	105,406.90
Straw	1,011,156	9,234.48	516,326	5,253.59	1,527,482	14,488.07
Bran	391,695	6,539.63	214,827	3,751.47	606,522	10,291.10
Oil meal	23,155	439.95	128,039	814.78	151,194	1,254.73
Oat meal	9,045	333.33	1,200	49.50	10,245	382.83
Coarse salt	13,933	125.39	18,070	172.58	32,003	297.97
Refined salt	49,687	460.05	55,215	525.74	104,902	985.79
Grain oats	36,458	802.08	.....	.....	36,458	802.08
Grain corn	18,072	299.07	.....	.....	18,072	299.07
		\$238,391.31			\$154,297.20	

Manhattan and The Bronx. Brooklyn. Total.

Average number of horses for nine months.....	1,341	737	2,078
Average cost per horse for nine months.....	\$177.77	\$209.36	\$188.98
Average cost per day for nine months.....	6488	7641	69

From the above calculation it appears that the per diem cost for forage for the year 1908 will be approximately 69 cents per horse as against a per diem cost for the year 1907 of 61 cents, an increase of 9 cents per horse per diem over the amount estimated (60 cents) in the Budget for the year 1908.

The appropriation made in the Budget for the year 1908 for Forage, Horseshoeing and Medicine was in amounts as follows:

Borough of Manhattan.....	\$284,016.60
Borough of Brooklyn.....	188,371.24
Borough of The Bronx.....	46,237.99

Payments on account of above appropriation have been made as follows:

Borough of Manhattan—	
Forage	\$210,582.64
Horseshoeing	14,314.57
Horseshoe pads	3,269.82
Drugs	1,647.28
	\$229,814.31
Borough of Brooklyn—	
Forage	\$158,073.15
Horseshoeing	8,939.01
Horseshoe pads	1,061.80
Drugs, etc.	1,156.60
	169,230.56
Borough of The Bronx—	
Forage	\$24,973.59
Horseshoeing	1,694.77
Horseshoe pads	319.05
Drugs	588.95
	27,576.36
Total disbursements	\$426,621.23
Balance	\$92,004.60
It appears that contract and open order liabilities will accrue during the balance of the year as follows:	
Borough of Manhattan—	
Forage—Contract for deliveries, October, November and December	\$71,325.25
Forage—Bill not yet transmitted	82.10
Horseshoeing and drugs	6,543.32
	\$77,950.67
Borough of Brooklyn—	
Forage—Contract for deliveries, October, November and December	\$47,254.22
Forage—Bill not yet transmitted	1,261.12
Horseshoeing and drugs	4,158.51
	52,673.85

Borough of The Bronx—

Forage—Contract for deliveries, October, November and December	\$8,631 06
Horseshoeing	773 17
	9,404 23
Total contract and open order liabilities	\$140,028 75
Deducting the balance of appropriation unexpended in the payment for Forage, Horseshoeing and Medicine	92,004 60
Will show apparent deficit of	\$48,024 15

In the course of this examination, it appears that there has been transferred from the appropriation account Forage, Horseshoeing and Medicine, Borough of The Bronx, \$7,248.40 to sundry appropriation accounts of the same Borough under authority of a resolution of the Board of Estimate and Apportionment adopted October 16, 1908. An analysis of the condition of the said appropriation account and requirements of the said Borough would show that the amount so transferred was not required for the said Borough, but it is the opinion of your Examiner than said amount should have been retained to supplement appropriation of the other Boroughs for similar requirements rather than transferred to other functions of the same Borough.

It therefore appears that the said amount \$7,248.40 is not available for the requirements of the Department for Forage, Horseshoeing and Medicine, and that the amount required for such purposes is in total \$55,272.55.

In view of the fact that said transfer has been made and not now available, I would recommend that appropriation be made in amount \$55,272.55.

It appears from an analysis of the foregoing statements of expenditures, transfer and requirements, that the deficiencies of the several Boroughs in the said appropriation account are as follows:

Borough of Manhattan—

Expenditures	\$229,814 31
Contract and open order liabilities	77,950 67
	307,764 98
Budget appropriation, 1908	284,016 60
	\$23,748 38

Borough of The Bronx—

Budget appropriation, 1908	\$46,237 99
Disbursements	27,576 36
Contract liabilities	9,404 23
Transfer, October 16, 1908	7,248 40
	44,228 99

Balance subject to transfer to supplement the appropriation account of the Borough of Manhattan

2,009 00

\$21,739 38

Borough of Brooklyn—

Disbursements	\$169,230 56
Contract and open order liabilities	52,673 85
	221,904 41
Budget appropriation, 1908	188,371 24
	33,533 17
	\$55,272 55

I would therefore recommend that the Board of Estimate and Apportionment approve and concur in the resolution of the Board of Aldermen, adopted October 20, 1908, to the extent of \$55,272.55, the appropriation to be made as follows:

Borough of Manhattan	\$21,739 38
Borough of Brooklyn	33,533 17
	\$55,272 55
Total	

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 20, 1908, to the extent of fifty-five thousand two hundred and seventy-two dollars and fifty-five cents (\$55,272.55) for the purchase of forage and the shoeing of horses of the Department of Street Cleaning during the year 1908, as follows:

Borough of Manhattan	\$21,739 38
Borough of Brooklyn	33,533 17
	\$55,272 55

—and for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York to an amount not exceeding fifty-five thousand two hundred and seventy-two dollars and fifty-five cents (\$55,272.55), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$255,400 Special Revenue Bonds for the purchase of supplies and for maintenance of the Fire Department for the balance of the year 1908 (referred to the Comptroller on September 18, 1908); communication from the Commissioner of the Fire Department relative to said issue (which was referred to the Comptroller on October 30, 1908); together with report of the Comptroller recommending the issue of \$97,250 to meet a deficiency in the account entitled Apparatus and Supplies for the Boroughs of Manhattan, The Bronx, Brooklyn and Queens, for the year 1908.

(On November 13, 1908, a resolution authorizing the issue of \$97,250 Special Revenue Bonds for the above purpose failed of adoption, not receiving the unanimous vote of the Board, as required by subdivision 8, section 188 of the Charter.)

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds (\$255,400), the proceeds whereof to be applied by the Commissioner of Fire to the purchase of supplies and maintenance of the Fire Department for the remainder of the current year, 1908.

Adopted by the Board of Aldermen June 30, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Acting Mayor July 21, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

FIRE DEPARTMENT—CITY OF NEW YORK,
NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET,
BOROUGH OF MANHATTAN, October 19, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, and Chairman, Board of Estimate and Apportionment:

SIR—Under date of May 25, 1908, application was made to the Board of Aldermen to adopt a resolution requesting the Board of Estimate and Apportionment to authorize the Comptroller to issue Special Revenue Bonds to the amount of \$255,400, the proceeds to be applied to the purchase of supplies for the maintenance of this Department for the remainder of the current year, the sum asked for use in the Borough of Manhattan being \$118,000; in the Borough of The Bronx, \$32,400; in the Borough of Brooklyn, \$84,000, and in the Borough of Queens, \$21,000, and a statement of the purposes for which the money was needed was submitted with the application.

Under date of June 30, 1908, the Board of Aldermen adopted a resolution providing for the issue of such bonds to the amount asked, \$255,400, which became effective without the approval or disapproval of his Honor the Acting Mayor, on July 21, 1908, in accordance with the provisions of section 40 of the Greater New York Charter, and the matter has since been pending before your honorable Board.

In view of the fact that the year is approaching its close and of the imperative need of funds for the purchase of supplies, I have the honor to submit herewith revised statement in regard to the absolute requirements of this Department for this purpose, and respectfully to urge upon your honorable Board prompt and favorable action in the matter:

BOROUGH OF MANHATTAN.

Various Supplies for Repair Shops..... \$13,500 00
This amount covers the estimated expense of procuring such supplies for the repair shops as are indispensable for repairs to apparatus and keeping same in good condition; of adequately equipping many of the companies organized last year which are without life nets and various other necessary articles. The Department now has apparatus at the repair shops that cannot be repaired for the want of parts not in stock. Similar cases will constantly arise from now on and the matter is getting more serious every day.

Contingencies

2,500 00

This amount is required to cover the incidental expenses of the various bureaus and branches of the Department, such as carfares, postage, etc., and to meet the cost of the erection of stand and other necessary expenses in connection with the ceremonies attendant upon the presentation of honor medals for the year 1907 to those members of uniformed force who have earned the same for that year.

Fuel

3,200 00

This amount is required for the purchase of 600 tons of coal for apparatus houses north of Fifty-ninth street, at the present time there being only about 100 tons due the Department under contract, to be distributed among more than fifty houses.

Furniture, Bedsteads, etc., for new Fireboat Houses.....

3,000 00

This amount is required properly to equip new houses to be erected on docks for the use of the officers and members of the three new fire-boats.

General Supplies

1,500 00

This amount is to cover the expense of miscellaneous articles that will be required on or before January 1, 1909.

Horse Shoeing

13,000 00

This amount will be necessary to cover the expense of the shoeing of the horses of the Department for the remainder of the current year.

Maintenance of Fireboats

1,500 00

It is estimated that this sum will be necessary for painting, docking and required repairs to fireboats. At the present time the fireboat "Zophar Mills" is in great need of painting and minor repairs and must be placed on the drydock for this purpose within the next two weeks.

Repairs to Buildings

9,000 00

This amount is needed for repairs to steam heating and plumbing work at various company quarters, and to the asphalt in many of the stalls thereof, many of which are now in such condition as to expose the horses to injury.

Amount available for balance of year.....

\$47,200 00

5,668 96

Estimated deficiency

\$41,531 04

BOROUGH OF THE BRONX.

\$7,500 00

Various Supplies for Repair Shops.....
This amount covers supplies that are absolutely necessary for repairing apparatus and keeping same in good condition. Many of the companies organized last year have not been properly equipped and are without life nets and many other necessary articles owing to lack of money with which to procure the same.

Fuel

500 00

This sum is necessary for the procurement of kindling wood with which to fire up the Department engines and in connection with the heating of the houses.

Furniture, Bedsteads, etc., for new Companies.....

2,000 00

This amount is necessary for the purchase of furniture, bedsteads, etc., for two new companies scheduled to be organized in the course of the next few weeks.

General Supplies

1,000 00

This amount will be necessary to obtain necessary miscellaneous articles of supplies that will be required on or before January 1, 1909.

Horse Shoeing

1,900 00

This sum will be necessary for shoeing the horses of fire companies for the months of October, November and December, 1908.

Repairs to Buildings

5,000 00

This amount is necessary for repairs to steam-heating and plumbing work of apparatus houses and to pay for minor alterations as well as for the asphalt of stalls, which are in imperative need of attention. Some of the houses must be repaired at once in order to avoid injury to the horses

Amount available for balance of year.....

\$17,900 00

8,440 84

Estimated deficiency

\$9,459 16

As regards the Boroughs of Brooklyn and Queens the Deputy Fire Commissioner for those Boroughs has submitted to me the following statement showing amounts for necessary supplies, etc., for the balance of the current year:

BOROUGH OF BROOKLYN.

Apparatus and Repairs.....	\$2,000 00
Repairs to Buildings.....	2,000 00
Telegraph Repairs, etc.....	10,000 00
General Supplies	6,000 00
Forage	4,000 00
Horseshoeing	12,000 00
Materials for Repair Shop.....	11,700 00
	<u>\$47,700 00</u>

BOROUGH OF QUEENS.

Apparatus and Repairs.....	\$500 00
Repairs to Buildings.....	1,000 00
General Supplies	3,000 00
Forage	2,000 00
	<u>\$6,500 00</u>

Total..... \$54,200 00

In explanation of the above statement Deputy Commissioner Wise has sent me a communication reading as follows:

"My estimate to you under date of April 25, 1908, requested a total of \$105,000, which has been reduced principally for the reason that we have not time before the end of the current year to prepare plans and specifications for many repairs to buildings, etc., which were anticipated in the early part of the year. The appropriation for the Borough of Brooklyn is entirely expended, with a deficit for shoeing horses of \$12,000. More company supplies are absolutely necessary. The Telegraph Bureau needs material for repairs and extensions to the system; in fact proposals have been invited for various supplies for said Bureau. Proposals were opened for Repair Shop Supplies on August 27, amounting to \$11,700 for Brooklyn and \$4,100 for Queens, approximately. There is also payable to the Brooklyn Union Elevated Railroad Company about \$4,000 for rentals for the last six months of the current year, which is included and properly chargeable to the telegraph supply account.

These amounts are, of course, only estimated, but are actually required to maintain the Department in these Boroughs for the balance of the current year."

Recapitulated, the requirements for supplies in the various Boroughs are as follows:

Borough of Manhattan.....	\$41,531 04
Borough of The Bronx.....	9,459 16
Borough of Brooklyn.....	47,700 00
Borough of Queens.....	6,500 00
	<u>\$105,190 20</u>

Aggregate

Respectfully,

NICHOLAS J. HAYES, Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 5, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of a resolution of the Board of Aldermen, adopted June 30, 1908, as follows:

"Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of two hundred and fifty-five thousand and four hundred dollars (\$255,400), the proceeds whereof to be applied by the Commissioner of Fire to the purchase of supplies and maintenance of the Fire Department for the remainder of the current year, 1908."

—which was referred to the Comptroller by the Board of Estimate and Apportionment for consideration, and by you to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

This is a request for funds to supplement the Budget appropriation made for Apparatus and Supplies for the Fire Department in 1908, and was originally presented under date of May 25, 1908. Owing to the fact that final action upon the request has not been taken by the Board of Estimate and Apportionment, and as the period for which the additional funds would be available has been reduced, the Fire Commissioner, under date of October 19, 1908, submitted a revised statement of the needs of the Department calling for \$105,190.20, as follows:

Borough of Manhattan.....	\$41,531 04
Borough of The Bronx	9,459 16
Borough of Brooklyn.....	47,700 00
Borough of Queens	6,500 00
	<u>\$105,190 20</u>

The Budget appropriation for 1908 for Apparatus and Supplies was based upon the expenditures as indicated on June 30, 1907, and has proved to be inadequate to meet the demands upon it. Since June 30, 1907, twenty fire companies have been organized, for which no provision was made in the 1908 Budget appropriation and for which supplies had to be furnished. Supplies had to be furnished also for three new fire boats. The result has been that the funds have been so depleted that the Department has been unable to furnish the proper supplies to its different branches, and cannot meet its necessities for the balance of the year. Supplies are required for the repair shops and telegraph bureaus; alterations will have to be made to fire company buildings to place them in proper condition for the winter season; furniture, etc., will have to be purchased for houses for new fire boats and two companies to be organized in the Borough of The Bronx by December 1, 1908.

In view of the considerable increase in the demands made upon the Budget appropriation for 1908 for Apparatus and Supplies, caused by the organization of twenty-two fire companies and three new fire boats, for which no provision was made, and the inability of the Department to furnish supplies, etc., for the balance of the year, I am of the opinion that an additional allowance is required, and I would respectfully recommend that the resolution of the Board of Aldermen requesting an issue of Special Revenue Bonds to the amount of \$255,400 be concurred in to the extent of \$97,250, as per resolution attached hereto.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted June 30, 1908, to the extent of ninety-seven thousand, two hundred and fifty dollars (\$97,250), to meet a deficiency in the appropriation made to the Fire Department for the year 1908, for the account entitled and as follows:

Borough of Manhattan, Apparatus and Supplies.....	\$38,750 00
Borough of The Bronx, Apparatus and Supplies.....	7,000 00
Borough of Brooklyn, Apparatus and Supplies.....	45,000 00
Borough of Queens, Apparatus and Supplies.....	6,500 00
	<u>\$97,250 00</u>

—and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding ninety-seven thousand two hundred and fifty dollars (\$97,250), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$80,000 Special Revenue Bonds to replenish the appropriations of the Department of Water Supply, Gas and Electricity for the Borough of Queens for the year 1908; together with report of the Comptroller recommending the issue of \$25,000 Special Revenue Bonds to replenish the account entitled Borough of Queens—Fire Hydrants Rental and Water Purchased for the year 1908.

(On September 18, 1908, the resolution of the Board of Aldermen was referred to the Comptroller.

On November 13, 1908, a resolution authorizing the issue of \$25,000 Special Revenue Bonds for the above purpose failed of adoption, not receiving the unanimous vote of the Board, as required by subdivision 8, of section 188 of the Charter.)

In the Board of Aldermen.

Resolved, That, in pursuance with the provisions of subdivision 8, section 188, of the Greater New York Charter, the Board of Estimate and Apportionment be and hereby is requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of eighty thousand dollars (\$80,000), the proceeds whereof to replenish the appropriations of the Department of Water Supply, Gas and Electricity, Borough of Queens, for the year 1908.

Adopted by the Board of Aldermen June 23, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Acting Mayor, July 21, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of The Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 10, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the proposed issue of Special Revenue Bonds to the amount of \$80,000 to provide funds to replenish certain accounts in the Department of Water Supply, Gas and Electricity, which matter has been the subject of a resolution by the Board of Aldermen, dated June 23, 1908, requesting the authorization of said issue by the Board of Estimate and Apportionment, I beg to report as follows:

From information furnished to your Examiner by the representatives of the Department of Water Supply, Gas and Electricity it appears that the only account which it is sought to replenish by the proposed issue is the account in the Borough of Queens entitled Fire Hydrant Rentals and Water Purchased. The Budget allowance of 1908 for this purpose was \$200,000, of which the books of the Department show \$147,145.92 was expended up to October 29, 1908, leaving a balance of \$52,854.08. The sum expended includes the rental of fire hydrants for the first six months of the year only, these bills being presented half yearly. The estimated expense for the remainder of the year chargeable to the account is composed of the following items: 1st, Rental of Fire Hydrants, \$29,615.32, which is \$1,686 more than the cost of this item up to July 1, the increase being due to the installation of new hydrants; 2d, Water furnished to Long Island City under contract by the Citizen's Water Supply Company for three months, \$40,000; 3d, Water supplied by the Bowery Bay Company, \$3,000. These two items are somewhat higher than appear to be warranted by the recent purchases of water from these companies, which, however, have been limited by the drought having rendered the companies unable to meet all the demands of the City, which condition it is hoped will not continue. 4th, Water supplied by the Citizen's Water Supply Company in territory not covered by the contract, \$2,000, and 5th, Orders for meters and repairs, which includes a new meter for the enlarged supply which it is hoped the companies will be able to furnish.

These items, amounting in the aggregate to \$77,515.32, are found to be but \$24,661.24 in excess of the balance remaining in the appropriation. It would, therefore, seem that the sum of \$80,000 recommended by the resolution of the Board of Aldermen referred to is in excess of actual requirements. This is explained by the fact before mentioned that the companies have been unable to supply as much water as was expected when the estimate was made.

The condition in this rapidly growing section of the City is stated by the Department to be one of chronic shortage of water supply, complaints of insufficient pressure being numerous and constant from the newly settled sections, while many new houses, though fitted with pipes, are not connected with any main. As all the water bought by the City is supplied to residents at a profit of 100 per cent, it is apparent that this condition entails a loss to the City as well as a serious inconvenience to citizens.

It is, therefore, respectfully recommended that the resolution of the Board of Aldermen recommending to the Board of Estimate and Apportionment the authorization of an issue of Special Revenue Bonds to the amount of \$80,000 for this purpose be concurred in to the amount of \$25,000.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen, adopted June 23, 1908, to the extent of twenty-five thousand dollars (\$25,000) to replenish the appropriation made to the Department of Water Supply, Gas and Electricity for the year 1908, for the account entitled Borough of Queens—Maintenance, Fire Hydrant Rentals and Water Purchased; and for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding twenty-five thousand dollars (\$25,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a report of the Comptroller, recommending that the request of the President of the Borough of Manhattan, for the amendment of resolution adopted July 6, 1906, authorizing the issue of \$75,000 Corporate Stock for the purpose of equipping the offices in the new Hall of Records Building so as to make the balance of said fund applicable to repairs in the Hall of Records, be denied, and suggesting that application be made to the Board of Aldermen for an issue of Special Revenue Bonds (subdivision 8, section 188 of the Charter) to provide means for said repairs.

Which was referred to the President, Borough of Manhattan, with the suggestion that he apply to the Board of Aldermen for an issue of Special Revenue Bonds for this purpose, in accordance with the suggestion contained in the Comptroller's report, as above.

(On October 16, 1908, the request of the President of the Borough of Manhattan as above was referred to the Comptroller.)

The Secretary presented the following resolution of the Board of Aldermen, requesting an issue of \$24,000 Special Revenue Bonds, to compensate temporary Copyists employed in the office of the Register, Kings County, together with report of the Comptroller, recommending the issue of \$20,000 Special Revenue Bonds for this purpose.

(On October 30, 1908, the above resolution was referred to the Comptroller.)

In the Board of Aldermen.

Resolved, That, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of twenty-four thousand dollars (\$24,000) for the purpose of enabling the Register of Kings County to employ temporary Copyists to copy in the books of record of his office deeds, mortgages, assignments, satisfactions of mortgage and other instruments required by law to be copied by said Register of Kings County.

Adopted by the Board of Aldermen October 13, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, April 27, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, }
November 6, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the resolution of the Board of Aldermen, adopted October 13, 1908, as follows:

Resolved, That, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of twenty-four thousand dollars (\$24,000) for the purpose of enabling the Register of Kings County to employ temporary Copyists to copy in the books of record of his office deeds, mortgages, assignments, satisfactions of mortgage and other instruments required by law to be copied by said Register of Kings County."

—which was presented at a meeting of the Board of Estimate and Apportionment held October 30, 1908, and referred to the Comptroller for report, and by you referred to the Bureau of Municipal Investigation and Statistics, I beg to submit the following:

The copying of instruments, deeds, mortgages, satisfactions and miscellaneous papers filed for record in the office of the Register of Kings County has been made the subject of various reports during the past few years, particularly relating to the delays in the return of said instruments, these delays at times extending to fifteen months.

It appears from statements made by the present Register, William A. Prendergast, that at the time of assuming his office, namely, January 1, 1908, there were turned over to him uncopied instruments of this nature to the number of 66,141, as follows:

Prior to July 1, 1907.....	23,167
July 1, 1907, to December 31, 1907.....	42,974
Making a total of.....	
	66,141

The present Register has made untiring efforts to bring up this back work, to the end that on October 31 of this year, as stated by him to your Examiner, the said number of papers has been copied, and that the Register's office is behind in copying papers filed during the present administration since August of this year only. It appears from statements made by the said Register that instruments have been filed for record and copying since January 1, 1908, to the number of 83,741, and it may be reasonably assumed that the papers filed during the balance of the year will be at or about the same ratio. It is highly important that there be no cessation of this work, and that by persistent effort and the employment of the number of copyists now engaged it is estimated by the Register that this feature of the work may be brought up by December 31 to within thirty days of filing.

The appropriation made in the Budget for the year 1908 as compensation of temporary Copyists was in amount \$68,000. There has been disbursed as payment to said temporary Copyists for services rendered the sum of \$67,948.44, leaving available for the balance of the year \$51.56.

It is estimated by your Examiner that there will be required for the payment of temporary Copyists employed in the office of the Register of Kings County during the year 1908 the sum of \$88,000. In order that delays of previous years may not be again experienced, and the convenience of the public in having deeds and mortgages returned promptly, particularly as the City receives payment for the work when the instrument is filed, I would recommend that additional appropriation be made to the Register of Kings County in amount \$20,000, and would further recommend that the Board of Estimate and Apportionment concur in said resolution of the Board of Aldermen to that extent.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted October 13, 1908, to the extent of twenty thousand dollars (\$20,000), to compensate temporary Copyists employed in the office of the Register of Kings County during the year 1908; that for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding twenty thousand dollars (\$20,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Commissioner of Water Supply, Gas and Electricity, requesting authority to advertise for bids for electric lighting for the year 1909, in a subdivision of the City, comprising the Boroughs of Manhattan and The Bronx, taken together; also report of the Comptroller recommending the approval of the same:

(On November 6, 1908, the request of the Commissioner of Water Supply, Gas and Electricity as above was referred to the Comptroller.)

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY,
COMMISSIONER'S OFFICE, NOS. 13 TO 21 PARK ROW,
NEW YORK, October 28, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, No. 277 Broadway, New York:

DEAR SIR—Under section 530 of the Greater New York Charter, it is stated that "Separate contracts shall be made for such lighting in each of the boroughs of the city of New York, or in such subdivisions of the city that may appear to the board of estimate and apportionment to be for the best interests of the city."

In advertising for lighting contracts for the year 1909, it is found desirable, on account of the experience of the year 1908, to advertise for electric lighting in a district comprising the Boroughs of Manhattan and The Bronx, and I herewith submit a form of resolution which I would ask the Board of Estimate and Apportionment to pass, so that we can so advertise this year. As you will note, this resolution has the approval of the Corporation Counsel.

I am

Very truly yours,

JOHN H. O'BRIEN, Commissioner.

CITY OF NEW YORK—DEPARTMENT OF FINANCE, }
COMPTROLLER'S OFFICE, }
November 11, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Hon. John H. O'Brien, Commissioner, Department of Water Supply, Gas and Electricity, in communication dated October 28, 1908, requests authority to advertise for bids for electric lighting for the year 1909, in a subdivision of the City comprising the Boroughs of Manhattan and The Bronx taken together.

On December 11, 1906, on a similar request for lighting for the year 1907, I reported that I had gone over the matter very carefully with Mr. LaCombe, Chief Engineer of Light and Power, and it appears from bids received for previous years, that by counting all arc lamps in the two boroughs since the aggregate is larger than it could be for one borough, the bids are considerably less.

In said report I recommend that it will be for the best interest of the City for the Board of Estimate and Apportionment, pursuant to section 530 of the Greater New York Charter, to grant the request of the Commissioner.

On November 8, 1907, the Board of Estimate and Apportionment granted a similar request for lighting for the year 1908.

I therefore recommend that the Board of Estimate and Apportionment, pursuant to section 530 of the amended Greater New York Charter, authorize and approve of the letting of one contract for electric lighting in a subdivision of the City comprising the Boroughs of Manhattan and The Bronx taken together as requested by the Commissioner, Department of Water Supply, Gas and Electricity, under date of October 28, 1908.

Respectfully,

CHANDLER WITTINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

The following was offered:

Whereas, The Board of Estimate and Apportionment deems it for the best interests of the City that bids should be requested for electric lighting in a district comprising the Boroughs of Manhattan and The Bronx; therefore be it

Resolved, That, pursuant to the provisions of section 530 of the Greater New York Charter, the Commissioner of Water Supply, Gas and Electricity be and is hereby authorized and empowered to advertise for bids for electric lighting for the year 1909, in a subdivision of the City comprising the Boroughs of Manhattan and The Bronx, taken together.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$25,000 Special Revenue Bonds to replenish the appropriation made to the President of the Borough of Manhattan for 1908, for the account entitled Maintenance of Asphalt Pavements, Including Fire Burns, together with report of the Comptroller recommending the issue of \$20,000 Special Revenue Bonds for this purpose:

(On September 18, 1908, the resolution of the Board of Aldermen requesting the issue as above, was referred to the Comptroller.)

In the Board of Aldermen.

Resolved, That, pursuant to subdivision 8, section 188, of the Greater New York Charter, the Board of Estimate and Apportionment is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of twenty-five thousand dollars (\$25,000), for the purpose of replenishing the appropriation:

"President of the Borough of Manhattan, Maintenance of Asphalt Pavements, Including Fire Burns, 1908."

Adopted by the Board of Aldermen June 23, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Acting Mayor, July 21, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS, }
November 6, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In regard to the application of the Borough President of Manhattan for the authorization of the issue of Special Revenue Bonds to replenish the fund for the "Maintenance of Asphalt Pavements, including Fireburns, 1908," presented to the Board of Estimate and Apportionment on September 18, 1908, which was referred to the Comptroller for investigation and report, and by you referred to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

The request of the Borough President for \$25,000 was granted by the Board of Aldermen on June 23, 1908.

It appears that the money requested is for the repair of asphalt block pavement, the contract for maintenance having expired, and for repairs of damages to asphalt pavements by fireburns.

Bills of the asphalt company, which included charges for fireburn repairs for 1906 and 1907 are still held up in the Finance Department, it being alleged that said charges should have been included in the contract of the company for maintenance, as they were legitimate wear and tear, and not fireburns. The experience of the Borough President with the asphalt companies in renewing the contract for maintenance in 1908 is interesting.

It appears that on March 24, 1908, the Borough President advertised for bids for maintenance of asphalt pavements, pending contracts for maintenance expiring in May. The Uvalde Asphalt Paving Company was the lowest bidder at \$228,900, or about \$1.53 per square yard for 150,000 square yards, including cement. The same company performed the work under its 1907 contract at 83 cents per square yard. The President rejected the bid, and readvertised on April 17, with the same result. He again rejected the bid. It may also be here stated that the Uvalde Company did the work in 1907 at 75 cents per square yard.

Competing companies claimed in the public press that the Uvalde Company did its work in 1907 at 83 cents per square yard at a loss. Another excuse for the advance in prices bid was the great cost in long hauls of materials. The President then divided the Borough into three sections, the northern, central and southern, in order to meet objection as to long hauls, the four companies having their plants in different sections of the Greater City, and again readvertised for bids on May 11, 1908, with the following results:

Northern Section—Engineer's Estimate of Amount of Work Required, 60,000 Square Yards, Including Binder Course.

Asphalt Construction Company, per square yard, \$2.05 (including \$2,800 for Portland cement).....	\$125,800 00
Barber Asphalt Paving Company, per square yard, \$1.56 (including \$3,012 for Portland cement).....	96,612 00
Sicilian Asphalt Paving Company, per square yard, \$1.55 (including \$2,600 for Portland cement).....	95,600 00
Uvalde Asphalt Paving Company, per square yard, \$1.48 (including \$2,712 for Portland cement).....	91,512 00

Central Section—Engineer's Estimate of Amount of Work Required, 45,000 Square Yards, Including Binder Course.

Barber Asphalt Paving Company, per square yard, \$1.56 (including \$3,012 for Portland cement).....	\$73,212 00
Sicilian Asphalt Paving Company, per square yard, \$1.52 (including \$2,600 for Portland cement).....	71,000 00
Uvalde Asphalt Paving Company, per square yard, \$1.48 (including \$2,712 for Portland cement).....	69,312 00

Southern Section—Engineer's Estimate of Amount of Work Required, 45,000 Square Yards, Including Binder Course.

Barber Asphalt Paving Company, per square yard, \$1.56 (including \$753 for Portland cement).....	\$70,953 00
Sicilian Asphalt Paving Company, per square yard, \$1.55 (including \$650 for Portland cement).....	70,400 00
Uvalde Asphalt Paving Company, per square yard, \$1.48 (including \$678 for Portland cement).....	67,278 00

The Uvalde Company was the lowest bidder and was awarded the contracts, amounting to a total of \$228,102.

The Borough President, in his application for \$25,000 to replenish the appropriation for maintenance of asphalt pavements, says:

"The contract for repaving and maintaining sheet asphalt pavements, which was recently entered into, is estimated at \$228,102. This is approximately \$80,000 in excess of last year's contract for similar work, owing to the increase in cost from 83 cents to \$1.48 per square yard."

The Chief Auditor of the office of the Borough President presented the following statement of the condition of the fund for Maintenance of Asphalt Pavements, Including Fireburns, 1908:

Expended on contracts to October 1, 1908.....	\$87,195 21
Outstanding on contracts.....	140,906 79
Expended for fireburns and unknown causes.....	15,586 54
Outstanding on orders.....	3,368 72
Reserve for increase in amounts on orders.....	2,000 00
	<hr/>
	\$249,057 26
	<hr/>
Balance in fund.....	\$942 74
	<hr/>

The total amount of work done by the Uvalde Asphalt Paving Company under its three contracts of May 20, 1908, up to October 1, according to the record of Chief Engineer Tillson, was:

82,878 square yards, at \$1.48 per square yard.....	\$122,659 44
Estimated cost for month of October.....	20,000 00
	<hr/>
	\$142,659 44

Thirty per cent. of the cost of work done is retained by the Finance Department under the contract, or \$68,430.60 of the total of \$228,102.

Chief Engineer Tillson stated to your Examiner that the original estimate of work to be done was 220,000 square yards for the year, May, 1908, to May, 1909, but that when the contract was given out at the advanced price, the yardage was proportionally reduced, in order to keep within the 1908 appropriation. He estimated that to maintain the number of streets out of guarantee would require \$50,000 more than allowed in 1908 for the purpose.

It is claimed by the Borough President that there is no existing contract for the repair of asphalt block pavement; that complaints have been presented by citizens demanding repairs, and that money is required to make repairs absolutely necessary in a number of streets before winter arrives.

The Chief Engineer stated that the amount required for repair of fireburns and damages from unknown causes for 1908 had been estimated on the basis of similar work done in 1907. Fireburns are repaired by the contractor where the period of maintenance has not expired, and at the contract price. Inspection is made in each instance, under the direction of the Chief Engineer, of fireburn work charged by the contractor. The Borough is divided into six inspection districts, patrolled by Inspectors, and the Engineer said that it was impossible now for a contractor to make repairs required under his contract and charge them to fireburns. As a matter of fact, no bills are now received from the asphalt company for fireburns on streets under guarantee of maintenance. He stated that on the day after election 40 Inspectors visited the different districts, and within two days would have reported at the office every fireburn in the streets of the Borough. The total expended for repair of damages by fireburns and unknown causes in 1907 was approximately \$50,000. This was a great reduction below 1906, and the result had been brought about by rigid inspection.

In view of the fact that of the \$21,898 remaining out of the 1908 appropriation, after providing for contract obligations, \$15,586.54 had been expended for repair of fireburns, \$3,368.72 was outstanding on orders, and \$2,000 was held as reserve for increase in amounts on orders, a total of \$20,955.26, I recommend that the request of the Borough President be granted to the extent that \$20,000 be allowed, instead of \$25,000, as requested.

I would further recommend that the Borough President be requested to have inserted in contracts for maintenance of highways in 1909, and thereafter, a stipulation providing that contracts shall expire on December 31 of each year.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted June 23, 1908, to the extent of twenty thousand dollars (\$20,000) to replenish the appropriation made to the President, Borough of Manhattan, for the year 1908, entitled Bureau of Highways—Maintenance of Asphalt Pavements, Including Fireburns; that for the purpose of providing means therefor, the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding twenty thou-

sand dollars (\$20,000), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented resolutions (5) of the Board of Education requesting the acquisition of the following sites for school purposes:

1. Broadway and Wallace street, North Woodside, Borough of Queens.
2. Onderdonk and Willoughby avenues and Starr street, Metropolitan, Borough of Queens.
3. Pierce and Rapelje avenues and Briell street, Long Island City, Borough of Queens.
4. Kolyer avenue and Lark street, Maspeth, Borough of Queens.
5. Addition to Public School 56, Richmond Hill, Borough of Queens.

Which were referred to the Comptroller.

The Secretary presented a communication from the Comptroller recommending transfers of appropriations as follows:

A. \$5,258.92, as requested by the Department of Street Cleaning, from accounts within the appropriation made to said Department for the year 1908, to other accounts within said appropriation.

DEPARTMENT OF STREET CLEANING,
NOS. 13 TO 21 PARK ROW,
NEW YORK, November 12, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment:

SIR—I respectfully request that the following transfers be made in the appropriation of the Department of Street Cleaning for the year 1908, Borough of Manhattan, to the appropriation of said Department for the year 1908, Borough of Manhattan: From General Administration, Salaries, Commissioner, Secretaries, Superintendents and Assistant Superintendents, to General Administration, Salaries, Bookkeepers, Clerks, Stenographers and Typewriters, Messengers, etc.

From General Administration, Contingencies, to Carting and Stable, Hired Horses and Carts, Borough of Manhattan.....

\$516 21

From General Administration, Contingencies, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

242 71

From Administration Contingencies, Borough of Manhattan, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

200 00

From Removal of Snow and Ice, Borough of Manhattan, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

400 00

From Removal of Snow and Ice, Borough of Manhattan, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

1,000 00

From Repairs and Replacements, Mechanical Department, Materials and Parts for Repairs, Tools and Supplies, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

400 00

From Repairs and Replacements, Mechanical Department, Repairs, otherwise than by Departmental Labor, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

600 00

From Sweeping, Street Cleaning Appliances, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

1,000 00

From Removal of Snow and Ice, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....

900 00

Total \$5,258 92

The reason for the above transfers is that the balances remaining in the various accounts in the Borough of Manhattan are insufficient to cover the business of the Department for the remainder of the year.

Respectfully,
FOSTER CROWELL, Commissioner.

The following resolution was offered:

Resolved, That the sum of five thousand two hundred and fifty-eight dollars and ninety-two cents (\$5,258.92) be and the same is hereby transferred from the appropriations made to the Department of Street Cleaning for the year 1908, entitled and as follows:

General Administration, Salaries, Commissioner, Secretaries, Superintendents and Assistant Superintendents.....

\$516 21

General Administration, Contingencies

442 71

Borough of Manhattan, Administration, Contingencies.....

400 00

Borough of Manhattan, Removal of Snow and Ice.....

1,000 00

Borough of The Bronx, Repairs and Replacements, Mechanical Department, Materials and Parts for Repairs, Tools and Supplies.....

1,000 00

Borough of The Bronx, Sweeping, Street Cleaning Appliances.....

1,000 00

Borough of The Bronx, Removal of Snow and Ice.....

900 00

\$5,258 92

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to said Department for the year 1908, entitled and as follows:

General Administration, Salaries, Bookkeepers, Clerks, Stenographers and Typewriters, Messengers, etc.....

\$516 21

Borough of Manhattan, Carting and Stable, Hired Horses and Carts....

242 71

Borough of Manhattan, Carting and Stable, Appliances and Supplies for Stables

4,500 00

\$5,258 92

—the amounts of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

B. \$5,715, as requested by the Department of Public Charities, from accounts within the appropriation made to said department, for the year 1908, to other accounts within said appropriation.

DEPARTMENT OF PUBLIC CHARITIES,
FOOT OF EAST TWENTY-SIXTH STREET,
November 12, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—I beg respectfully to request the transfer of thirteen hundred and fifteen dollars (\$1,315) from the appropriation to this Department for the year 1908,

entitled Department of Public Charities, Administration, Manhattan, Salaries, Storehouse and Bakery, the same being in excess of the amount required therefor, to the appropriations:

Manhattan, Salaries, New York City Home for Aged and Infirm.....	\$815 00
Manhattan, Salaries, Metropolitan Hospital Training School.....	500 00
	<u>\$1,315 00</u>

—to this Department for the year 1908, the same being insufficient.

Respectfully yours,
ROBT. W. HEBBERD, Commissioner.

DEPARTMENT OF PUBLIC CHARITIES,
FOOT OF EAST TWENTY-SIXTH STREET,
NEW YORK, November 12, 1908.

To the Honorable the Board of Estimate and Apportionment, No. 277 Broadway, New York, N. Y.:

GENTLEMEN—I beg respectfully to request the transfer of two hundred dollars (\$200) from the appropriation to this Department for the year 1908, entitled Department of Public Charities, Brooklyn, Salaries, Reception Hospital, Coney Island, the same being in excess of the amount required therefor, to the appropriation Department of Public Charities, Brooklyn, Salaries, Bradford Street Hospital, to this Department for the year 1908, the same being insufficient.

Respectfully yours,
ROBT. W. HEBBERD, Commissioner.

DEPARTMENT OF PUBLIC CHARITIES,
FOOT OF EAST TWENTY-SIXTH STREET,
November 12, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—I beg respectfully to request the transfer of forty-two hundred dollars (\$4,200) from the appropriations to this Department for the year 1908, entitled: Department of Public Charities, General Administration, Salaries, General Drug Department..... \$600 00 Department of Public Charities, Manhattan, Salaries, City Hospital..... 700 00 Department of Public Charities, Manhattan, Salaries, Metropolitan Hospital..... 2,900 00 \$4,200 00

—the same being in excess of the amounts required therefor, to the appropriation Department of Public Charities, Administration, Manhattan, Salaries, Bureau of Dependent Adults, to this Department for the year 1908, the same being insufficient.

Respectfully yours,
ROBT. W. HEBBERD, Commissioner.

The following resolution was offered:

Resolved, That the sum of five thousand seven hundred and fifteen dollars (\$5,715) be and the same is hereby transferred from the appropriation made to the Department of Public Charities for the year 1908, entitled and as follows:

Administration, Manhattan, Salaries, Storehouse and Bakery.....	\$1,315 00
Institutions, Brooklyn, Salaries, Reception Hospital, Coney Island.....	200 00
General Administration, Salaries, General Drug Department.....	600 00
Institutions, Manhattan, Salaries, City Hospital.....	700 00
Institutions, Manhattan, Salaries, Metropolitan Hospital.....	2,900 00
	<u>\$5,715 00</u>

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to said department for the year 1908, entitled and as follows:

Institutions, Manhattan, Salaries, New York City Home for Aged and Infirm	\$815 00
Institutions, Manhattan, Salaries, Metropolitan Hospital Training School.....	500 00
Institutions, Brooklyn, Salaries, Bradford Street Hospital.....	200 00
Administration, Manhattan, Salaries, Bureau of Dependent Adults.....	4,200 00
	<u>\$5,715 00</u>

—the amounts of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

C. \$500, as requested by the Board of Assessors, from the appropriation made to said Board, for the year 1908, entitled Salaries, Secretary, Clerks, etc., to the appropriation entitled Contingencies, for the same year.

OFFICE BOARD OF ASSESSORS,
No. 320 BROADWAY,
NEW YORK, November 10, 1908.

Hon. GEO. B. McCLELLAN, Chairman, Board of Estimate and Apportionment:

SIR—We hereby request a transfer of appropriations made to this office for the year 1908, as follows:

From Salaries, Secretary, Clerks, etc., to Contingencies, \$500.

This transfer is asked because there will be a deficiency in the Contingent account at the end of the year, due to the fact that we find it necessary to make certain expenditures in the way of maps, atlases and filing cabinets for the proper conduct of the office.

There is a proceeding pending before this Board in connection with changes of grades of streets approaching the new East River, or Williamsburg Bridge, in which many claims for damages have been filed, and in which it has become essential to the proper conduct of the cases that certain maps should be prepared for the use of the Board. These will cost about \$150.

We also require two new atlases, one of The Bronx and one of Manhattan, which will cost about \$154.

Necessary filing cabinets, etc., will cost about \$200.

The appropriation to this office for Contingencies for the year was but \$2,000, which will meet the current running expenses, but will not provide for the items mentioned above.

There will be an unexpended balance in the appropriation for Salaries, Secretary, Clerks, etc., from which the transfer is asked, of about \$2,000.

Respectfully,
ANTONIO ZUCCA,
PAUL WEIMANN,
JAMES H. KENNEDY,
Board of Assessors.

The following resolution was offered:

Resolved, That the sum of five hundred dollars (\$500) be and the same is hereby transferred from the appropriation made to the Board of Assessors for the year 1908, entitled Salaries, Secretary, Clerks, etc., the same being in excess of the amount required for the purposes thereof, to the appropriation made to said Board of Assessors for the year 1908, entitled Supplies and Contingencies, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

D. \$9,587.23, as requested by the Department of Education from accounts within the appropriation made to said Department, for the year 1908, to other accounts within said appropriation.

Resolved, That the Board of Estimate and Apportionment be and it is hereby respectfully requested to transfer the sum of twelve hundred and sixty-four dollars and sixty-one cents (\$1,264.61) from the Special School Fund for the year 1908 and from the item contained therein entitled Supplies, Borough of Richmond, which item is in excess of its requirements, to the item also contained within the Special School Fund for the year 1908, entitled Water, Borough of Richmond, which item is insufficient for its purposes.

A true copy of resolution adopted by the Board of Education November 11, 1908.

A. EMERSON PALMER, Secretary, Board of Education.

Resolved, That the Board of Estimate and Apportionment be and it is hereby respectfully requested to approve the following transfers:

From the Special School Fund for the year 1908 and from the items contained therein, entitled as follows:

Transportation, Borough of Richmond.....	\$2,000 00
Care of School Buildings and Grounds.....	6,322 62
	<u>\$8,322 62</u>

—which items are in excess of their requirements, to the items also contained within the Special School Fund for the year 1908, as follows:

Transportation, Borough of Manhattan.....	\$14 60
Transportation, Borough of The Bronx.....	2,358 60
Transportation, Borough of Brooklyn.....	507 20
Transportation, Borough of Queens.....	5,442 22

\$8,322 62

—which items are insufficient for their purposes.

A true copy of resolution adopted by the Board of Education November 11, 1908.

A. EMERSON PALMER, Secretary, Board of Education.

The following resolution was offered:

Resolved, That the sum of nine thousand five hundred and eighty-seven dollars and twenty-three cents (\$9,587.23) be and the same is hereby transferred from the appropriations made to the Department of Education for the year 1908, entitled and as follows:

Special School Fund.	
Borough of Richmond, Supplies.....	\$1,264 61
Borough of Richmond, Transportation.....	2,000 00
Board of Education, Care of School Buildings and Grounds.....	6,322 62
	<u>\$9,587 23</u>

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to said Departments for the year 1908, entitled and as follows:

Special School Fund.	
Borough of Richmond, Water.....	\$1,264 61
Borough of Manhattan, Transportation.....	14 60
Borough of The Bronx, Transportation.....	2,358 60
Borough of Brooklyn, Transportation.....	507 20
Borough of Queens, Transportation.....	5,442 22

\$9,587 23

—the amounts of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Secretary, Board of Trustees, College of The City of New York, requesting authority (pursuant to resolution of the Board of Estimate and Apportionment adopted December 6, 1907) to advertise for bids and award contract for the drainage of the college buildings, at a cost of \$20,000, together with report of the Comptroller recommending the granting of said request:

(On October 30, 1908, the communication from the Secretary, Board of Trustees, College of The City of New York, as above, was referred to the Comptroller.)

BOARD OF TRUSTEES, COLLEGE OF THE CITY OF NEW YORK,
ST. NICHOLAS TERRACE AND ONE HUNDRED AND THIRTY-NINTH STREET,
October 22, 1908.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment:

DEAR SIR—I enclose herewith a certified copy of a preamble and resolution adopted by the Board of Trustees of the College of The City of New York on September 30, 1908, relative to the drainage of the new buildings of the College.

Yours truly,

JAMES W. HYDE, Secretary, Board of Trustees.

Whereas, A Committee was appointed by the Board of Trustees of the College of The City of New York to take up the matter of the drainage of the buildings of the College, and said Committee, after communicating with Mr. Charles M. Jacobs, consulting engineer, and ascertaining that his fee for expert advice in regard to the matter of the drainage would be \$1,000, employed Mr. Charles Sooysmith as expert at a less fee, and Mr. Sooysmith in a lengthy report, filed by the Committee, having advised a certain system of drainage at an estimated cost of \$40,000; and

Whereas, The Committee having laid the recommendations of Mr. Sooysmith before the Board, and the Board, after obtaining a report from the architect in reference to the same, having submitted the whole matter to Mr. John F. O'Rourke, of the O'Rourke Engineering Construction Company, and Mr. O'Rourke, after due investigation and mature deliberation, recommended the boring of a tunnel through the face of the cliff of St. Nicholas Park on St. Nicholas avenue westward to Amsterdam avenue, at a sufficient level below the surface to drain from the seams the water which now runs

into the cellars of the college buildings, the estimated cost of which was found to be about \$25,000, and the plan and indorsement of Mr. O'Rourke having received the indorsement of the architect, the Board thereupon submitted the whole subject, together with all communications in regard to the same to the Comptroller, with the request that he submit the same to his staff of engineers and advise the Board of their recommendations; and

Whereas, The Board, on September 3, 1908, having received a communication from the Comptroller transmitting a copy of a report from the Chief Engineer of the Department of Finance, together with a copy of a report of Mr. Charles P. Berkey, geologist, and Mr. Berkey having recommended that the tunnel scheme proposed by Mr. O'Rourke be given careful consideration, stated that "unless there are weighty factors to be considered that are not taken into account in this discussion, the tunnel plan has most points in its favor"; and

Whereas, The report of the Chief Engineer closes with this paragraph, viz.:

"Therefore, while I cannot give a positive approval of Mr. O'Rourke's proposition, from all the information and data that I have been able to gather, I think the scheme has sufficient merit to warrant the City trying it. If it operates successfully, it will be a very effective and cheap solution of the trouble. The estimate of \$20,000 for the work I consider correct and not excessive. If lateral tunnels have to be constructed, as suggested by Mr. Berkey, \$10,000 or \$15,000 would have to be added to this estimate"; and

Whereas, The Board, after careful consideration of the whole matter, believes that the tunnel plan recommended by Mr. O'Rourke offers more toward the solution of the difficulty than any other; therefore be it

Resolved, That the Board of Estimate and Apportionment be and hereby is requested to grant permission to the Board of Trustees of the College of The City of New York to advertise in accordance with law for bids or proposals for the drainage of the college buildings by the plan known as the "tunnel system," and to let a contract at public letting for an amount not exceeding twenty thousand dollars (\$20,000), payable from the proceeds of Corporate Stock already authorized to be issued, under the title "College of The City of New York, New Site and Buildings."

A true copy of a preamble and resolution adopted by the Board of Trustees of the College of The City of New York on September 30, 1908.

JAS. W. HYDE, Secretary, Board of Trustees.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,]
COMPTROLLER'S OFFICE,]
November 10, 1908.]

Hon. HERMAN A. METZ, Comptroller:

SIR—At a meeting of the Board of Estimate and Apportionment, held October 30, 1908, a communication was presented from the Secretary, Board of Trustees, College of The City of New York, submitting preambles and resolution adopted by said Board, requesting authority, pursuant to resolution adopted December 6, 1907, by the Board of Estimate and Apportionment, to advertise for bids or proposals and award the contract for the drainage of the college buildings, at a cost of \$20,000, payable from Corporate Stock heretofore authorized.

On August 31, 1908, upon an informal request of the Secretary of the Board of Trustees of the College of The City of New York, I submitted a report in reference to the scheme of Mr. John O'Rourke, to drain the site of the College of The City of New York. In said report I outlined Mr. O'Rourke's suggestions and stated that I submitted this proposition to Mr. Charles P. Berkey, geologist. After giving a full report (copy of which I attach), Mr. Berkey concludes:

"I therefore recommend that the tunnel scheme be given careful consideration. Unless there are weighty factors to be considered that are not taken into account in this discussion, the tunnel plan has most points in its favor."

While Mr. Berkey favors the tunnel scheme, his conclusions are similar to the opinions of other Engineers that I have discussed the proposition with, that is, it is purely problematical if the proposed tunnel will give the results claimed by Mr. O'Rourke.

Therefore, while I cannot give a positive approval of Mr. O'Rourke's proposition, from all the information and data that I have been able to gather, I think the scheme has sufficient merit to warrant the City trying it. If it operates successfully, it will be a very effective and cheap solution of the trouble. The estimate of \$20,000 for the work I consider correct and not excessive.

In view of all the data and facts that I have obtained, I now recommend that the Board of Estimate and Apportionment, as requested by the Board of Trustees of the College of The City of New York, authorize said Board to advertise for bids or proposals and award a contract for the drainage of the college buildings at a cost of \$20,000, payable from Corporate Stock heretofore authorized to be issued.

Respectfully,

CHANDLER WITTINGTON, Chief Engineer.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Whereas, The Board of Estimate and Apportionment at a meeting held December 6, 1907, adopted a resolution directing all heads of Departments, etc., not to incur any new or additional indebtedness payable from funds provided by the issue of Corporate Stock heretofore authorized, without the further approval of this Board.

Resolved, That the request of the Board of Trustees of the College of The City of New York for authority to advertise for bids or proposals and award the contract for the drainage of the college buildings, at an estimated cost of twenty thousand dollars (\$20,000), be and the same is hereby approved.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Acting President of the Borough of Brooklyn, requesting a transfer of \$13,644 from various appropriations for 1908 for Salaries and Salaries and Wages within his Department to the account entitled Bureau of Public Buildings and Offices, Maintenance of Buildings and Offices, Salaries and Wages, 1908, and requesting that the matter be placed upon the Calendar.

THE CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN,
BROOKLYN, November 16, 1908.

The Honorable the Board of Estimate and Apportionment, New York City:

GENTLEMEN—Your Board has failed to allow a transfer of \$25,000, \$20,000 from the appropriation known as Maintenance of Buildings and Offices, Repairs, 1908, and \$5,000 from the appropriation known as Maintenance of Buildings and Offices, Maintenance and Renewal Supplies, 1908, to the appropriation known as Bureau of Public Buildings and Offices, Maintenance of Buildings, Salaries and Wages. The reason given for reporting against this transfer by the Comptroller was that it was a pernicious practice to allow a transfer from a supply account to a wage account. I have found recently that by skimping in other wage accounts I can afford a transfer from them to the account in the Bureau of Public Buildings and Offices, where the need is more urgent, of \$13,644. As the matter has already been threshed out, I can see no need of reference again to the Comptroller, and I accordingly submit form of resolution for adoption at the next meeting of the Board, and request that the matter be put on the Calendar for that meeting.

Yours truly,

T. R. FARRELL, Acting President.

The following resolution was offered:

Resolved, That the sum of thirteen thousand six hundred and forty-four dollars (\$13,644) be and the same is hereby transferred from the appropriations made to the President, Borough of Brooklyn, for the year 1908, entitled and as follows:

General Administration, Division of Superstructures, Salaries and Wages.	\$250 00
Bureau of Sewers, Salaries of Superintendent and Administrative Force..	10,000 00
Bureau of Public Buildings and Offices, Salaries of Superintendent and Administrative Force ..	394 00
Bureau of Buildings, Salaries and Wages.....	3,000 00
Total.....	\$13,644 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said President for the year 1908, entitled Bureau of Public Buildings and Offices, Maintenance of Buildings and Offices, Salaries and Wages, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$40,000 Special Revenue Bonds to meet a deficiency in the appropriation made to the President, Borough of Brooklyn, for the account entitled Bureau of Public Buildings and Offices, Salaries and Wages, for the year 1908 (referred to the Comptroller on October 30, 1908), together with report of the Comptroller, submitted for the consideration of the Board, also a supplemental report, dated November 17, 1908, recommending the issue of \$40,000 Special Revenue Bonds as requested.

The Comptroller stated in view of the fact that a transfer of \$13,644 had been allowed the President, Borough of Brooklyn, to reimburse the account entitled Bureau of Public Buildings and Offices, Maintenance of Buildings and Offices, Salaries and Wages, for the year 1908, said amount should be deducted from the \$40,000 issue of Special Revenue Bonds as above, and that an issue of \$26,356 Special Revenue Bonds would be sufficient for this purpose.

In the Board of Aldermen.

Resolved, That, in pursuance of the provisions of subdivision 8 of section 188 of the Greater New York Charter, the Board of Estimate and Apportionment be and it is hereby requested to authorize the Comptroller to issue Special Revenue Bonds to the amount of forty thousand dollars (\$40,000), the proceeds whereof to be applied by the President of the Borough of Brooklyn to supply a deficiency in the appropriation for Salaries and Wages, Bureau of Public Buildings and Offices, for the year 1908.

Adopted by the Board of Aldermen, October 13, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, October 27, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,]
COMPTROLLER'S OFFICE,]
November 9, 1908.]

Board of Estimate and Apportionment:

GENTLEMEN—I transmit herewith report of the Supervising Statistician and Examiner of the Department of Finance, in the matter of the request of the President of the Borough of Brooklyn, for an issue of \$40,000 Special Revenue Bonds for the replenishment of the maintenance account of the Bureau of Public Buildings and Offices in that Borough, which was approved by the Board of Aldermen and referred to me by the Board of Estimate and Apportionment. I send this report to you without my approval or disapproval, for the consideration of the Board of Estimate.

Respectfully yours,

H. A. METZ, Comptroller.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,]
November 6, 1908.]

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the request of the President of the Borough of Brooklyn for the authorization of an issue of Special Revenue Bonds to the amount of \$40,000 for the replenishment of the maintenance account of the Bureau of Public Buildings and Offices in that Borough, which was approved by the Board of Aldermen and referred to the Comptroller by the Board of Estimate and Apportionment, I beg to report as follows:

This request is different in character from the application for a transfer recently reported on by this Bureau, inasmuch as the present authorization by the Board of Aldermen is a direct appropriation for the purpose of making up a deficiency in the Salaries and Wages Account of the Bureau of Public Buildings and Offices in Brooklyn, and if approved by the Board of Estimate and Apportionment, the Special Revenue Bond authorization would take the same course as a Budget item, namely concurrence by both the Board of Estimate and Apportionment and the Board of Aldermen in the allowance.

At the request of your Examiner, the Bureau of Public Buildings and Offices of the Borough of Brooklyn, has furnished a schedule showing the number of employees and the amount of appropriation required to properly care for the buildings in its care for the last two months of 1908. A recapitulation of these statements is as follows:

Municipal Building	\$4,763 00
Kings County Court House.....	4,171 00
Hall of Records.....	4,588 00
Borough Hall	4,115 00
Five interior baths.....	11,575 00
Superintendent of Baths, comfort stations, bath store room.....	6,536 66
Wallabout Market	3,106 50
Jail—Mechanics	4,428 32
Small Courts.....	3,025 00
Total.....	\$46,308 48

The Budget allowance for this work for 1909 is \$282,295.98. The payroll on the basis of the working force just noted will be approximately \$278,400, which is well within the Budget rate for 1909. To bring about this condition, a representative of the Bureau of Public Buildings and Offices informs your Examiner that the following list of employees will be dropped:

3 Enginemen	\$822 00
6 Firemen	1,098 00
5 Watchmen, at \$150.....	750 00
10 Elevator Conductors, at \$150.....	450 00
10 Laborers, at \$125.....	1,250 00
13 Female Cleaners, at \$60.....	780 00
1 Plasterer, at \$83.33.....	166 66
1 Plumber's Helper, at \$2.50 per day.....	130 00
1 Decorator, at \$4 per day.....	208 00

1 Carpenter, at \$4 per day.....	175 00
18 Male Attendants	2,200 00
1 Foreman Laborer.....	200 00
1 Assistant Superintendent of Baths.....	250 00
11 Female Attendants	1,250 00
	<hr/>
	\$9,729 66

—reducing the annual payroll cost of this Bureau below the level of the month of September, 1908, by \$58,377.96.

In view of the fact that the request is for an issue of Special Revenue Bonds, which amounts to the same as a new appropriation, and in view of the fact that additional moneys will be required in order to keep open the public buildings in the Borough for the remainder of the year, and also in view of the apparent intention of the Borough President to administer the appropriation with some regard to economy, as noted by the reduction of his payroll cost to the amount of \$58,377.96, I would respectfully recommend the concurrence of the Board of Estimate and Apportionment in the authorization of the issue of Special Revenue Bonds requested

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 17, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—In connection with a communication of the President of the Borough of Brooklyn, under date of November 4, 1908, referred to me by the Board of Estimate and Apportionment at a meeting of November 6, 1908, in which the Borough President asks favorable action on a request for a transfer of \$25,000 to replenish salary accounts of the Bureau of Public Buildings and Offices, and for favorable action on an issue of \$40,000 Special Revenue Bonds likewise to replenish said account, I transmit herewith a memorandum of the Bureau of Municipal Investigation and Statistics thereon, which shows that both matters have received the attention of the Department of Finance.

On November 6, 1908, when I submitted to this Board the report of the Bureau of Municipal Investigation and Statistics recommending the approval of the authorization of \$40,000 Special Revenue Bonds, I submitted it with the understanding that it was not approved by me, but presented for discussion by the Board. I now recommend the approval of the authorization of \$40,000 Special Revenue Bonds for the replenishment of the account of the Bureau of Public Buildings and Offices, Salaries and Wages, in the office of the President of the Borough of Brooklyn.

I do not wish this to be in any way regarded as an indorsement by me of the mal-administration of the Borough President of Brooklyn in the expenditure of a year's salary appropriation in nine months and a half, but I am making this recommendation because if the money is not allowed the elevator service in the public buildings of the Borough of Brooklyn cannot be run, the buildings cannot be properly cleaned, and the public will be deprived of the use of the comfort stations and baths in which the City's money is now invested. I approve the application simply for the purpose of making possible the orderly administration of government in the Borough of Brooklyn and out of regard for the rights of the taxpayers, who otherwise would suffer from the failure of the Borough President to properly perform his duty.

The granting of a Special Revenue Bond issue for this purpose is in fact a new appropriation, and has not the vicious features represented in the transfer of \$25,000 which the Borough President has requested and which I have opposed.

Yours respectfully,

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen, adopted October 13, 1908, to the extent of twenty-six thousand, three hundred and fifty-six dollars (\$26,356), to meet a deficiency in the appropriation made to the President, Borough of Brooklyn, for the account entitled Bureau of Public Buildings and Offices, Maintenance of Buildings and Offices—Salaries and Wages; that for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8 of section 188 of the Greater New York Charter, to issue Special Revenue Bonds of The City of New York, to an amount not exceeding twenty-six thousand three hundred and fifty-six dollars (\$26,356), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented a report of the Comptroller, referring to a communication from the President of the Borough of Brooklyn submitting a statement concerning his request for a transfer of \$25,000 in the funds of the Bureau of Public Buildings and Offices for the year 1908, and affecting the account Repairs to the Kings County Court House.

Which was ordered on file.

(On November 6, 1908, the communication from the President, Borough of Brooklyn, above mentioned, was referred to the Comptroller.)

The Secretary presented a report of the Comptroller, referring to a communication from the President of the Borough of Brooklyn relative to his request for a transfer of \$25,000 in the funds of the Bureau of Public Buildings and Offices, for the year 1908, and to a resolution of the Board of Aldermen, requesting an issue of \$40,000 Special Revenue Bonds (subdivision 8, section 188 of the Charter) to meet a deficit in the appropriation made to the President of the Borough of Brooklyn, for the year 1908, entitled "Bureau of Public Buildings and Offices—Salaries and Wages."

Which was ordered on file.

(On November 6, 1908, the communication from the President of the Borough of Brooklyn, as above, was referred to the Comptroller.)

The Secretary presented the following communications from the Comptroller, recommending transfers of appropriations as follows:

A. \$11,473, as requested by the Department of Water Supply, Gas and Electricity, from accounts within the appropriation made to said department for the year 1908, to other accounts within said appropriation.

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY,
COMMISSIONER'S OFFICE, NOS. 13 TO 21 PARK ROW,
NEW YORK, November 17, 1908.

Mr. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, No. 279 Broadway, New York:

DEAR SIR—Referring to my request of November 2 for various transfers of appropriations made to this Department for the year 1908, I respectfully request that the Board of Estimate and Apportionment take action at its next meeting on two items particularly, as follows:

From—	
Boroughs of Manhattan and The Bronx, Administration, Salaries, Office of Chief Engineer.....	\$3,200 00
Borough of Brooklyn, Distribution, High Pressure Fire Service, Salaries and Wages.....	2,000 00
	<hr/>
	\$5,200 00

To—	
Distribution, High Pressure Fire Service, Manhattan, Salaries and Wages	5,200 00
	<hr/>

From—	
General Administration, Salaries and Wages.....	\$500 00
Collection and Storage, Croton Water System, Water Sheds, Aqueducts, etc., Salaries and Wages.....	5,773 12
	<hr/>
	\$6,273 12

To—	
Bureau of Electrical Inspection, Manhattan and The Bronx, Salaries and Wages	6,273 12
	<hr/>

Very respectfully,
JOHN H. O'BRIEN, Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 17, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the request of the Commissioner of the Department of Water Supply, Gas and Electricity for transfers as follows:

From—	
Boroughs of Manhattan and The Bronx, Administration, Salaries, Office of Chief Engineer.....	\$3,200 00
Borough of Brooklyn, Distribution, High Pressure Fire Service, Salaries and Wages.....	2,000 00
	<hr/>

To—	
Distribution, High Pressure Fire Service, Manhattan, Salaries and Wages	5,200 00
	<hr/>

From—	
General Administration, Salaries and Wages.....	\$500 00
Collection and Storage, Croton Water System, Water Sheds, Aqueducts, etc., Salaries and Wages.....	5,773 12
	<hr/>

To—	
Bureau of Electrical Inspection, Manhattan and The Bronx, Salaries and Wages	6,273 12
	<hr/>

—I beg to state that so far as the transfer is for the replenishment of the accounts of the Bureau of Electrical Inspection, Manhattan and The Bronx, I am informed by the Chief Engineer of Light and Power, under whom the Electrical Bureau has been placed, that the excess salary rate which requires the present transfer he found in existence when he recently took charge of the Bureau. If the salary cost is not continued on the present basis a contemplated reorganization of the Bureau will be made impossible until the beginning of the year.

The request for the transfer between the Manhattan and the Brooklyn office of the High Pressure Service is stated to be called for by the need of increased salary allowance for the Manhattan stations.

In view of the facts stated and generally because the transfers requested are from salaries to salaries, I respectfully recommend that they be granted.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of five thousand two hundred dollars (\$5,200) be and the same is hereby transferred from the appropriations made to the Department of Water Supply, Gas and Electricity for the year 1908, entitled and as follows:

Boroughs of Manhattan and The Bronx, Administration, Salaries, Office of Chief Engineer	\$3,200 00
Borough of Brooklyn, Distribution, High Pressure Fire Service, Salaries and Wages	2,000 00
	<hr/>

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said Department for the year 1908, entitled Distribution, High Pressure Fire Service, Manhattan, Salaries and Wages, the amount of said appropriation being insufficient; and be it further

Resolved, That the sum of six thousand two hundred and seventy-three dollars and twelve cents (\$6,273.12) be and the same is hereby transferred from the appropriations made to the Department of Water Supply, Gas and Electricity for the year 1908, entitled and as follows:

General Administration, Salaries and Wages.....	\$500 00
Collection and Storage, Croton Water System, Water Sheds, Aqueducts, etc., Salaries and Wages	5,773 12
	<hr/>
	\$6,273 12

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said Department for the year 1908, entitled Bureau of Electrical Inspection, Manhattan and The Bronx, Salaries and Wages, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

B. \$65,135, as requested by the Commissioner of the Fire Department within his appropriation for the year 1908.

FIRE DEPARTMENT—CITY OF NEW YORK,
NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET,
BOROUGH OF MANHATTAN, October 29, 1908.

Hon. GEORGE B. McCLELLAN, Mayor and Chairman, Board of Estimate and Apportionment:

SIR—I have the honor to request that the Board of Estimate and Apportionment authorize transfers from appropriations made to this Department for the current year,

which are in excess of the amounts required for the purposes thereof, to appropriations made to said Department for the same year, which are insufficient, as follows:

From—

Administration, Salaries, Fire Alarm Telegraph, Borough of The Bronx	\$7,800 00
Administration, Salaries, Fire Alarm Telegraph, Borough of Richmond	1,780 00
	<u><u>\$9,580 00</u></u>

To Administration, Salaries, Fire Alarm Telegraph, Borough of Manhattan	\$9,580 00
	<u><u>\$9,580 00</u></u>

From Administration, Salaries, Bureau of Chief of Department, Borough of Manhattan	\$4,700 00
	<u><u>\$4,700 00</u></u>

To—

General Administration, Salaries and Wages, Bureau of Combustibles, Boroughs of Manhattan, The Bronx and Richmond	\$3,025 00
General Administration, Boroughs of Manhattan, The Bronx and Richmond, Salaries and Wages, Bureau of Fire Marshal	1,675 00
	<u><u>\$4,700 00</u></u>

From Administration, Salaries, Engine and Hook and Ladder Companies, Borough of The Bronx	\$8,025 00
	<u><u>\$8,025 00</u></u>

To—	
General Administration, Boroughs of Manhattan, The Bronx and Richmond, Salaries and Wages, Headquarters	\$725 00
General Administration, Boroughs of Manhattan, The Bronx and Richmond, Salaries and Wages, Repair Shops	6,100 00
Administration, Salaries, Fire Alarm Telegraph, Borough of Manhattan	1,200 00
	<u><u>\$8,025 00</u></u>

From General Administration, Boroughs of Manhattan, The Bronx and Richmond, Salaries and Wages, Hospital and Training Stables	\$1,200 00
	<u><u>\$1,200 00</u></u>

To General Administration, Boroughs of Manhattan, The Bronx and Richmond, Salaries and Wages, Buildings Superintendent	\$1,200 00
	<u><u>\$1,200 00</u></u>

From General Administration, Boroughs of Brooklyn and Queens, Salaries and Wages, Headquarters	\$230 00
	<u><u>\$230 00</u></u>

To General Administration, Boroughs of Brooklyn and Queens, Salaries and Wages, Bureau of Fire Marshal	\$230 00
	<u><u>\$230 00</u></u>

From Administration, Salaries, Bureau of Chief of Department, Borough of Brooklyn	\$450 00
	<u><u>\$450 00</u></u>

To General Administration, Boroughs of Brooklyn and Queens, Salaries and Wages, Bureau of Fire Marshal	\$450 00
	<u><u>\$450 00</u></u>

From Administration, Salaries, Engine and Hook and Ladder Companies, Borough of Brooklyn	\$290 00
	<u><u>\$290 00</u></u>

To General Administration, Boroughs of Brooklyn and Queens, Salaries and Wages, Bureau of Fire Marshal	\$290 00
	<u><u>\$290 00</u></u>

From Administration, Salaries, Engine and Hook and Ladder Companies, Borough of Brooklyn	\$1,500 00
	<u><u>\$1,500 00</u></u>

To General Administration, Boroughs of Brooklyn and Queens, Salaries and Wages, Bureau of Combustibles	\$1,500 00
	<u><u>\$1,500 00</u></u>

From Administration, Salaries, Engine and Hook and Ladder Companies, Borough of Brooklyn	\$3,530 00
	<u><u>\$3,530 00</u></u>

To General Administration, Boroughs of Brooklyn and Queens, Salaries and Wages, Repair Shops	\$3,530 00
	<u><u>\$3,530 00</u></u>

From Administration, Salaries, Engine and Hook and Ladder Companies, Borough of Brooklyn	\$31,900 00
	<u><u>\$31,900 00</u></u>

To Administration, Salaries, Engine and Hook and Ladder Companies, Borough of Queens	\$31,900 00
	<u><u>\$31,900 00</u></u>

From Administration, Salaries, Bureau of Chief of Department, Borough of Brooklyn	\$3,300 00
	<u><u>\$3,300 00</u></u>

To Administration, Salaries, Bureau of Chief of Department, Borough of Queens	\$3,300 00
	<u><u>\$3,300 00</u></u>

From Administration, Salaries, Engine and Hook and Ladder Companies, Borough of Brooklyn	\$430 00
	<u><u>\$430 00</u></u>

To Administration, Salaries, Fire Alarm Telegraph, Boroughs of Brooklyn and Queens	\$430 00
	<u><u>\$430 00</u></u>

Respectfully,

NICHOLAS J. HAYES, Fire Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,

November 17, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In regard to an application made to the Board of Estimate and Apportionment by the Commissioner of the Fire Department for the transfer of funds aggregating \$65,135 from various appropriation accounts in his Department for 1908 to other accounts for the same year, which was referred to you for consideration, and by you to the Bureau of Municipal Investigation and Statistics for examination, I beg to report as follows:

The request made by the Commissioner is for the transfer of funds from salary accounts to salary accounts. As a result of an examination made by your representative of the condition of the accounts affected by the proposed transfers, I am of the opinion that the request of the Commissioner is a reasonable one, and I would respectfully suggest that you recommend its approval as per resolution attached hereto.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of sixty-five thousand one hundred and thirty-five dollars (\$65,135) be and the same is hereby transferred from appropriations made to the Fire Department for the year 1908, entitled and as follows:

Boroughs of Manhattan, The Bronx and Richmond—Salaries and Wages, Hospital and Training Stables	\$1,200 00
Borough of Manhattan—Salaries, Bureau of Chief of Department	4,700 00
Borough of The Bronx—Salaries, Fire Alarm Telegraph	7,800 00
Salaries, Engine and Hook and Ladder Companies	8,025 00
Borough of Richmond—Salaries, Fire Alarm Telegraph	1,780 00
Boroughs of Brooklyn and Queens—Salaries, Headquarters	230 00
Borough of Brooklyn—Salaries, Bureau of Chief of Department	3,750 00
Salaries, Engine and Hook and Ladder Companies	37,650 00
	<u><u>\$65,135 00</u></u>

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to said Department, for the year 1908, entitled and as follows:

Boroughs of Manhattan, The Bronx and Richmond—Salaries and Wages, Headquarters	\$725 00
Salaries and Wages, Bureau of Combustibles	3,025 00
Salaries and Wages, Bureau of Fire Marshal	1,675 00
Salaries and Wages, Repair Shops	6,100 00
Salaries and Wages, Buildings Superintendent	1,200 00

Borough of Manhattan—Salaries, Fire Alarm Telegraph	10,780 00
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Boroughs of Brooklyn and Queens—Salaries, Bureau of Combustibles	1,500 00
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Salaries, Bureau of Fire Marshal	970 00
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Salaries, Repair Shops	3,530 00
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Borough of Brooklyn—Salaries, Fire Alarm Telegraphs, Brooklyn and Queens	430 00
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Borough of Queens—Salaries, Bureau of Chief of Department	3,300 00
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Salaries, Engine and Hook and Ladder Companies	31,900 00
	<u><u>\$65,135 00</u></u>

—the amounts of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

C. \$28,800, as requested by the President of the Borough of The Bronx within his appropriation for the year 1908.

(On November 6, 1908, the request of said President for the transfer of \$58,850 within appropriations for 1908, was referred to the Comptroller.)

OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX,
MUNICIPAL BUILDING, CROTONA PARK,
November 5, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—Application is hereby made for the transfer of the sum of thirty-six hundred and fifty dollars (\$3,650), from the appropriation made to the President of the Borough of The Bronx for the year 1908, entitled as follows:

Bureau of Sewers—Sewers, Repairing and Cleaning, Payrolls and Supplies, Hired Teams, Horses and Carts	\$3,650 00
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—the same being in excess of the amount required for the purpose thereof, to the appropriation made to said President for the year 1908, entitled:

Bureau of Highways—Labor, Maintenance and Supplies, Hired Teams, Horses and Carts, Road Machines and Rollers	\$3,650 00
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—the amount of said appropriation being insufficient.

Respectfully,

LOUIS F. HAFFEN, President, Borough of The Bronx.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX,
MUNICIPAL BUILDING, CROTONA PARK,
November 5, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—Application is hereby made for the transfer of the sum of four thousand dollars (\$4,000) from the appropriation made to the President of the Borough of The Bronx for the year 1908, entitled and as follows:

Bureau of Sewers—Sewers, Repairing and Cleaning, Payrolls and Supplies, Equipment, Repairs, Renewals and Supplies, 1908	\$4,000 00
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—the same being in excess of the amount required for the purposes thereof, to the appropriations made to said President for the year 1908, entitled and as follows:

Bureau of Sewers—Sewers, Repairing and Cleaning, Payrolls and Supplies, Salaries and Wages	\$2,000 00
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Preliminary Surveys, Estimates, etc, Salaries and Wages	2,000 00
	<u><u>\$4,000 00</u></u>

—the amount of said appropriation being insufficient.

Respectfully,

LOUIS F. HAFFEN, President, Borough of The Bronx.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX,
MUNICIPAL BUILDING, CROTONA PARK,
November 5, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—Application is hereby made for the transfer of the sum of forty-five hundred dollars (\$4,500) from the appropriation made to the President of the Borough of The Bronx for the year 1908, entitled as follows:

Bureau of Public Baths, Salaries	\$4,500 00
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—the same being in excess of the amount required for the purposes thereof, to the appropriation made to said President for the year 1908, entitled:
 Bureau of Public Buildings and Offices, Salaries and Wages..... \$4,500 00
 —the amount of said appropriation being insufficient.

Respectfully,

LOUIS F. HAFFEN, President, Borough of The Bronx.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX,
 MUNICIPAL BUILDING, CROTONA PARK,
 November 5, 1908.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN—Application is hereby made for the transfer of the sum of forty-six thousand seven hundred dollars (\$46,700) from the appropriations made to the President of the Borough of The Bronx for the year 1908, entitled and as follows:

Bureau of Highways—

Removing Incumbrances, Salaries and Wages.....	\$4,100 00
Maintenance of Viaducts and Bridges, Salaries and Wages.....	2,500 00
Rock Soundings, Salaries and Wages.....	10,800 00
Labor, Maintenance and Supplies, Equipment, Repairs Renewals and Supplies.....	25,000 00
	\$42,400 00

Bureau of Sewers—

Boring Examinations, Salaries and Wages.....	\$750 00
Boring Examinations, Supplies and Incidental Expenses.....	700 00
Sewers, Repairing and Cleaning, Payrolls and Supplies, Incidental Expenses	350 00
	1,800 00

General Administration—

Salaries of the President, Commissioner of Public Works, etc.....	2,500 00
	\$46,700 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said President for the year 1908, entitled:
 Labor, Maintenance and Supplies, Salaries and Wages..... \$46,700 00

Respectfully,

LOUIS F. HAFFEN, President, Borough of The Bronx.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
 BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
 November 17, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—The Board of Estimate and Apportionment, at a meeting held on November 6, 1908, referred to the Comptroller for consideration and report four communications from the President of the Borough of The Bronx, requesting certain transfers of 1908, appropriation funds.

In view of the facts presented to your Examiner in connection therewith, I beg to recommend transfers to your Examiner in connection therewith, I beg to recommend transfers to the amount of \$28,800 out of the \$58,850 requested, as per the resolutions hereto attached. The remainder of the transfers requested, to the aggregate of \$30,050, represent other than salary to salary or supply to supply accounts, and are for this reason denied, in accordance with the rule of the Comptroller thereon.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of twenty-eight thousand eight hundred dollars (\$28,800) be and the same is hereby transferred from the appropriations made to the President, Borough of The Bronx, for the year 1908, entitled and as follows:

Bureau of Highways—

Removing Incumbrances, Salaries and Wages.....	\$4,100 00
Maintenance of Viaducts and Bridges, Salaries and Wages.....	2,500 00
Rock Soundings, Salaries and Wages.....	10,800 00
Bureau of Sewers, Boring Examinations, Salaries and Wages.....	750 00
General Administration, Salaries of the President, Commissioner of Public Works, etc.	2,500 00
Bureau of Public Baths, Salaries.....	4,500 00
Bureau of Sewers, Sewers, Repairing and Cleaning, Payrolls and Supplies, Hired Teams, Horses and Carts.....	3,650 00
	\$28,800 00

—the same being in excess of the amounts required for the purposes thereof, to the appropriations made to the said President for the year 1908, entitled and as follows:

Bureau of Highways, Labor, Maintenance and Supplies, Salaries and Wages	\$20,650 00
Bureau of Public Buildings and Offices, Salaries and Wages.....	4,500 00
Bureau of Highways, Labor, Maintenance and Supplies, Hired Teams, Horses and Carts, Road Machines and Rollers.....	3,650 00
	\$28,800 00

—the amounts of said appropriations being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following communication from the Department of Health requesting the issue of \$55,000 Revenue Bonds to meet deficiencies in appropriations for the year 1908 for the several Boroughs, together with report of the Comptroller recommending the issue of \$53,500 Revenue Bonds for this purpose:

(On October 16, 1908, said communication from the Health Department was referred to the Comptroller.)

DEPARTMENT OF HEALTH,
 CORNER FIFTY-FIFTH STREET AND SIXTH AVENUE,
 NEW YORK, October 13, 1908.

Hon. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, No. 280 Broadway:

SIR—Enclosed herewith you will find a copy of a resolution adopted by the Board of Health at its meeting held October 7, 1908, certifying to the Board of Estimate and Apportionment, under the provisions of chapter 535 of the Laws of 1893, the

necessity for the appropriation of \$55,000 to defray necessary expenses which will be required to be incurred by the Board of Health for the balance of the year 1908, to meet existing deficits in the appropriation for the year 1908 in the several Boroughs of The City of New York, which I am directed to respectfully request you to submit to the Board of Estimate and Apportionment at its next meeting for consideration.

Respectfully,

EUGENE W. SCHEFFER, Secretary.

DEPARTMENT OF HEALTH,
 CORNER FIFTY-FIFTH STREET AND SIXTH AVENUE,
 NEW YORK, October 13, 1908.

Hon. JOSEPH HAAG, Secretary, Board of Estimate and Apportionment, No. 280 Broadway:

SIR—At a meeting of the Board of Health of the Department of Health, held October 7, 1908, the following resolution was adopted:

Resolved, That the Board of Health, pursuant to the authority conferred by the provisions of chapter 535 of the Laws of 1893, hereby certifies to the Board of Estimate and Apportionment that the sum of \$55,000 should be appropriated for the year 1908, without delay, for the purpose of defraying the necessary expenses required to be incurred by the Board of Health for the preservation of the public health, as follows:

Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Manhattan, Contingencies.....	\$5,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, The Bronx, Salaries, Division of Medical Inspection, School and District.....	13,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Brooklyn, Salaries, Division of Medical Inspection, School and District.....	26,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Queens, Salaries, Office of Assistant School and District Medical Inspection.....	5,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Richmond, Salaries, Office of Assistant Sanitary Superintendent, including School and District Medical Inspection.....	6,000 00
	\$55,000 00

EUGENE W. SCHEFFER, Secretary.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
 BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
 November 17, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—At a meeting of the Board of Estimate and Apportionment, held October 16, 1908, a communication was received from the Secretary of the Board of Health transmitting copy of a resolution of said Board adopted October 7, 1908, certifying that additional appropriations in Revenue Bonds should be provided without delay for the following named accounts:

Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Manhattan, Contingencies.....	\$5,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, The Bronx, Salaries, Division of Medical Inspection, School and District.....	13,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Brooklyn, Salaries, Division of Medical Inspection, School and District.....	26,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Queens, Salaries, Office of Assistant Sanitary Superintendent, including School and District Medical Inspection.....	5,000 00
Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Richmond, Salaries, Office of Assistant Sanitary Superintendent, including School and District Medical Inspection.....	6,000 00
	\$55,000 00

The said communication was referred by the Board of Estimate and Apportionment to the Comptroller for consideration and report, and by you referred to the Bureau of Municipal Investigation and Statistics. As a result of the examination therein made I beg to report as follows:

As the application for \$5,000 to replenish the fund, Borough Administration of Sanitation and Prevention of Contagious Diseases, 1908, Manhattan, it appears that there was allowed \$24,560 for "Contingencies" in the Budget for 1908. On November 6, 1908, the sum of \$5,500 was transferred to this fund from another fund, making the total amount available \$30,060. Up to November 5, 1908, there had been charged against the fund \$31,753.08. The increase in the number of Milk Inspectors employed in the country districts in 1908, it is stated, necessitated additional outlay for traveling expenses of the Inspectors, with the result that \$25,000 has already been charged for this purpose to the "Contingencies" fund, or more than the Budget allowance for 1908.

Carfares of Sanitary and Milk Inspectors, disinfectors, etc., in the City, expressage, purchase of food samples, etc., amount to over \$600 a month. These bills have not yet been passed upon for October, and will become liabilities as well for November and December, aggregating about \$1,800. It is the opinion of your Examiner that \$3,500 will be sufficient to cover the anticipated deficiency in "Contingencies" for 1908, instead of \$5,000, as requested.

Examination of the accounts of the Department of Health shows that in the Division of School and District Medical Inspection of the Boroughs of Manhattan, The Bronx and Brooklyn, and the office of Assistant Sanitary Superintendent in the Boroughs of Queens and Richmond, there remained on November 1, 1908, the following balances in appropriations, the table also showing the estimated amounts required for the balance of the year 1908, with the probable deficit on December 31, 1908:

	Balance of Appropriation, November 1, 1908.	Required for Two Months' Salaries.	Probable Deficit, December 31, 1908.
Manhattan.....	\$45,919 94	\$46,185 00	\$265 06
The Bronx.....	.....	12,771 73	12,771 73
Brooklyn.....	16,150 43	44,245 00	28,094 57
Queens.....	3,255 78	10,063 33	6,807 55
Richmond.....	3,344 47	8,588 33	5,243 86
Total.....	\$68,670 62	\$121,853 39	\$53,182 77

The following statement shows the yearly salary cost on the basis of the payroll of October 31, 1908, as compared with the payroll of June 30, 1908, of Medical Inspectors at \$1,200, and Nurses at \$900 a year in the Division of School and District Medical Inspection in the Boroughs of Manhattan, The Bronx and Brooklyn, and in the office of the Assistant Sanitary Superintendent in the Boroughs of Queens and Richmond:

	Payroll, June 30, 1908.	Payroll, Oct. 31, 1908.
Manhattan.		
Medical Inspectors, at \$1,200.....	\$115,200 00	\$121,200 00
Nurses, at \$900.....	40,500 00	68,400 00

	Payroll, June 30, 1908.	Payroll, Oct. 31, 1908.
The Bronx.		
Medical Inspectors, at \$1,200.....	26,400 00	37,200 00
Nurses, at \$900.....	4,500 00	16,200 00
Brooklyn.		
Medical Inspectors, at \$1,200.....	85,200 00	151,200 00
Nurses, at \$900.....	19,800 00	76,500 00
Queens.		
Medical Inspectors, at \$1,200.....	10,800 00	27,600 00
Nurses, at \$900.....	3,600 00	17,100 00
Richmond.		
Medical Inspectors, at \$1,200.....	9,600 00	18,000 00
Nurses, at \$900.....	2,700 00	8,100 00
Total annual cost.....	318,300 00	\$541,500 00
		318,300 00
Increase in annual cost on basis of October 31, 1908, payroll		\$223,200 00

The President of the Board of Health stated to your Examiner that the Board decided that upon the opening of the school year in September a sufficient number of Medical Inspectors and Nurses should be appointed in addition to those usually employed to carry out the Board's plan of examination and treatment of children in the schools and tenements who were physically defective, and covering all the Boroughs. It was claimed, for instance, that sufficient attention had not been given to children in Brooklyn, and 118 additional Medical Inspectors and Nurses were placed in that Borough, or over one-half the number added in the five boroughs, as may be seen by the following list of appointments since June 30, 1908:

	Inspectors at \$1,200 a Year.	Nurses at \$900 a Year.
Division of School and District Medical Inspection—		
Manhattan	5	31
The Bronx	9	13
Brooklyn	55	63
Office of Sanitary Superintendent—		
Queens	14	15
Richmond	7	6
	90	128

The Division of School and District Medical Inspection, which also included in its functions care of contagious diseases cases, has been divided into the Divisions of District Medical Inspection and of Child Hygiene, the much larger number of the Medical Inspectors and Nurses being assigned to the Child Hygiene activity.

It is proposed to continue the present large force at work all over the Greater New York until the end of this year, and thus give a fair test to the work of the Division of Child Hygiene. Conditions will be found to vary in different sections. In districts composed of houses in which children are under the care of family physicians little attention will be required from the Department of Health Inspectors or Nurses, while in congested tenement districts much more care and regular supervision will be needed. By the first of next year district lines will be well defined, and the Department of Health will be fully informed as to the sections of the Greater City requiring particular attention. The Budget allowance for 1909 does not provide for the retention of the force of Inspectors and Nurses now on duty, and a number of those who have completed the work of general investigation of the condition of the children will be dropped from the payroll at the end of the year 1908.

The public demand for a continuance of the examination of children for the discovery of physical defects, who are not under the supervision of a private physician, makes it necessary that the present force of Inspectors and Nurses be retained until January 1, 1909, if the Division of Child Hygiene is to be enabled to do effective preliminary work. In the Budget for 1909 there has been allowed for this purpose an increase of \$75,000 over the Budget appropriation for 1908, and, with the added force thus provided for, the work will be prosecuted in 1909 in districts of the City which demand the greatest attention of the Department of Health.

In view of the facts as disclosed in the foregoing report I would respectfully suggest that the Comptroller recommend to the Board of Estimate and Apportionment the approval of the request of the Board of Health for the authorization of issues of Revenue Bonds, pursuant to the provisions of chapter 535 of the Laws of 1893, to meet 1908 appropriation deficiencies to the extent hereinbefore specified and to that end resolutions providing therefor have been prepared and will be found appended hereto.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That, pursuant to the provisions of chapter 535 of the Laws of 1893, and section 170 of the Greater New York Charter, and the requisition of the Board of Health, by resolution adopted October 7, 1908, the Comptroller be and is hereby authorized to issue Special Revenue Bonds of The City of New York, to the amount of three thousand five hundred dollars (\$3,500), the proceeds whereof to be applied to defraying the necessary expenses required to be incurred by the Board of Health for the preservation of the public health in the purchase of supplies, and expenditures for contingencies from the fund known as Borough Administration of Sanitation and Prevention of Contagious Diseases, Manhattan—Contingencies, of the Department of Health, for the year 1908.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following resolution was offered:

Resolved, That, pursuant to the provisions of chapter 535 of the Laws of 1893 and section 170 of the Greater New York Charter, and the requisition of the Board of Health, by resolution adopted October 7, 1908, the Comptroller be and hereby is authorized to issue Special Revenue Bonds of The City of New York to the amount of fifty thousand dollars (\$50,000), the proceeds whereof to be applied to defraying the necessary expenses required to be incurred by the Board of Health for the preservation of the public health in the payment of salaries under the following accounts of the Department of Health for the year 1908:

Salaries, Borough Administration of Sanitation and Prevention of Contagious Diseases, The Bronx, Division of Medical Inspection, School and District

Salaries, Borough Administration of Sanitation and Prevention of Contagious Diseases, Brooklyn Division of Medical Inspection, School and District	26,000 00
Salaries, Borough Administration of Sanitation and Prevention of Contagious Diseases, Queens, office of Assistant Sanitary Superintendent, Including School and District Medical Inspection.....	5,000 00
Salaries, Borough Administration of Sanitation and Prevention of Contagious Diseases, Richmond, office of Assistant Sanitary Superintendent, Including School and District Medical Inspection.....	6,000 00
	\$50,000 00

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Secretary presented the following resolution of the Board of Aldermen requesting an issue of \$24,864 Special Revenue Bonds to increase the compensation of Stablemen in the Department of Street Cleaning, from \$720 to \$760 per annum, as well as for extra pay for Sunday work (referred to the Comptroller on April 24, 1908), also communication from the Commissioner of Street Cleaning relative thereto (referred to the Comptroller on October 16, 1908) and report of the Comptroller recommending the issue of \$14,500 Special Revenue Bonds for this purpose.

In the Board of Aldermen.

Resolved, That the Board of Aldermen, in conformity to subdivision 8 of section 188 of the Greater New York Charter, hereby requests the Board of Estimate and Apportionment to authorize the issue of Special Revenue Bonds to the amount of \$24,864 to cover the expense of making an increase in the annual salary of Stablemen of the Department of Street Cleaning, from \$720 to \$760, as well as extra pay for Sunday work, to begin with January 1, 1908.

Adopted by the Board of Aldermen March 24, 1908, three-fourths of all the members voting in favor thereof.

Received from his Honor the Mayor, April 7, 1908, without his approval or disapproval thereof; therefore, as provided in section 40 of the Greater New York Charter, the same took effect as if he had approved it.

P. J. SCULLY, Clerk.

DEPARTMENT OF STREET CLEANING,
Nos. 13 to 21 PARK ROW,
NEW YORK, October 13, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment, City of New York:

SIR—There are two matters in relation to this Department which were submitted to your Board some time ago and which have been referred by you to the Comptroller, that I request your Board to act upon as soon as possible. One is a fund of twenty-four thousand five hundred dollars (\$24,500) for cleaning certain streets by this Department which had hitherto been cleaned by the Park Department and for which no provision was made in this year's Budget. The Board of Aldermen adopted a resolution authorizing the issue of Special Revenue Bonds for the purpose of this fund. This matter, I understand, was referred by your Board to the Comptroller September 18, 1908. The other is a fund of twenty-four thousand eight hundred and sixty-four dollars (\$24,864), for which also Revenue Bonds have been authorized by the Board of Aldermen to be issued for the payment of Stablemen of this Department. This matter also, as I understand, was referred to the Comptroller April 24, 1908.

Respectfully,

FOSTER CROWELL, Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,
November 17, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—Regarding the matter of the proposed issue of Special Revenue Bonds in the sum of \$24,864 to provide for the payment of increased compensation to Stablemen in the Department of Street Cleaning, I beg to report as follows:

On March 24, 1908, the Board of Aldermen adopted the following resolution:

Resolved, That the Board of Aldermen, in conformity to subdivision 8 of section 188 of the Greater New York Charter, hereby requests the Board of Estimate and Apportionment to authorize the issue of Special Revenue Bonds to the amount of \$24,864 to cover the expense of making an increase in the annual salary of Stablemen of the Department of Street Cleaning, from \$720 to \$760, as well as extra pay for Sunday work, to begin with January 1, 1908.

Upon this resolution being presented to the Board of Estimate and Apportionment it was referred to a Select Committee, consisting of the Comptroller and the President of the Board of Aldermen, and this Bureau was called upon to investigate and report upon the matter. In pursuance of the recommendations contained in such report the Board of Estimate and Apportionment on April 24, 1908, took the following action:

Resolved, That the Board of Estimate and Apportionment, in accordance with section 56 of the Greater New York Charter, hereby recommends to the Board of Aldermen that the salary of the position of Stableman in the Department of Street Cleaning be fixed at the rate of \$760 per annum, with extra compensation for Sunday work at the rate of 25 cents per hour."

On May 26, 1908, the Board of Aldermen concurred in this resolution, which action was approved on June 4, 1908. The Department of Street Cleaning thereupon, in anticipation of action by the Board of Estimate and Apportionment authorizing the required issue of Special Revenue Bonds, commenced to pay the increased compensation to Stablemen from its Budget appropriation, and has continued to do so until the present time.

A statement now received from the Bookkeeper of the Department of Street Cleaning shows that the amount required to pay the increased rate from the date at which the new grade was fixed to the end of the year is \$14,500. Provision has been made in the 1909 Budget for payment of this increased rate during the coming year, and it is now respectfully recommended that the Board of Estimate and Apportionment authorize an issue of Special Revenue Bonds in the sum of \$14,500 to provide for the payment of such increased rate from the date upon which the new grade was established to the end of the present year.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby approves of and concurs in the resolution of the Board of Aldermen adopted March 24, 1908, to the extent of fourteen thousand five hundred dollars (\$14,500), to provide means for the increase in salary of Stablemen in the Department of Street Cleaning from \$720 to \$760 per annum, as well as extra pay for Sunday work, from June 4, 1908, to December 31, 1908, and for the purpose of providing means therefor the Comptroller be and is hereby authorized, pursuant to the provisions of subdivision 8, section 188, of the Greater New York Charter, to issue Special Revenue Bonds of The City of New

York to the amount of fourteen thousand five hundred dollars (\$14,500), redeemable from the tax levy of the year succeeding the year of their issue.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The following financial matters not upon the calendar for this day were considered by unanimous consent:

The following transfers of appropriations were made upon the recommendation of the Comptroller:

\$375, as requested by the Sheriff, New York County, from various accounts for the year 1908 to the account entitled Incidental Expenses of the Sheriff's office and County Jail, including Supplies, for the same year.

SHERIFF'S OFFICE, COUNTY OF NEW YORK,
BARCLAY BUILDING, NO. 299 BROADWAY,
NEW YORK, November 16, 1908.

To the Honorable Board of Estimate and Apportionment, New York City:

GENTLEMEN—I respectfully request the transfer of three hundred dollars (\$300) from the appropriation for 1908, Support of Indigent Prisoners in County Jail, and seventy-five dollars (\$75) from the appropriation for 1908, Furniture, Keep of Horses, etc., to the appropriation for 1908, Incidental Expenses of the Sheriff's Office and County Jail, including Supplies, which is insufficient to meet the demands upon it.

Very respectfully,

THOMAS F. FOLEY, Sheriff.

The following resolution was offered:

Resolved, That the sum of three hundred and seventy-five dollars (\$375) be and the same is hereby transferred from the appropriation made to the Sheriff, New York County, for the year 1908, entitled and as follows:

Support of Indigent Prisoners in County Jail.....	\$300 00
Furniture, Keep of Horses, Repairs to Vans, Horseshoeing, etc.....	75 00
	<u>\$375 00</u>

—the same being in excess of the amounts required for the purposes thereof, to the appropriation made to said Sheriff, New York County, for the year 1908, entitled Incidental Expenses of the Sheriff's Office and County Jail, including Supplies, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

\$2,000, as requested by the Commissioner of Street Cleaning, from the account entitled Borough of The Bronx, Carting and Stable, Forage, Horseshoeing and Medicine, for the year 1908, to the account entitled Borough of Manhattan, Carting and Stable, Forage, Horseshoeing and Medicine, for the same year.

DEPARTMENT OF STREET CLEANING, }
November 12, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment:

SIR—I respectfully request that the following transfers be made in the appropriation of the Department of Street Cleaning for the year 1908, Borough of Manhattan, to the appropriation of said Department for the year 1908, Borough of Manhattan:

From General Administration, Salaries, Commissioner, Secretaries, Superintendents and Assistant Superintendents, to General Administration, Salaries, Bookkeepers, Clerks, Stenographers and Typewriters, Messengers, etc.	\$516 21
From General Administration, Contingencies, to Carting and Stable, Hired Horses and Carts, Borough of Manhattan.....	242 71
From General Administration, Contingencies, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan.....	200 00
From Administration, Contingencies, Borough of Manhattan, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan	400 00
From Removal of Snow and Ice, Borough of Manhattan, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan	1,000 00
From Repairs and Replacements, Mechanical Department, Materials and Parts for Repairs, Tools and Supplies, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan	400 00
From Repairs and Replacements, Mechanical Department, Repairs otherwise than by Departmental Labor, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan	600 30
From Sweeping, Street Cleaning Appliances, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan	1,000 00
From Removal of Snow and Ice, Borough of The Bronx, to Carting and Stable, Appliances and Supplies for Stables, Borough of Manhattan	900 00
Total	<u>\$2,258 92</u>

The reason for the above transfers is that the balances remaining in the various accounts in the Borough of Manhattan are insufficient to cover the business of the Department for the remainder of the year.

Respectfully,

(Signed) FOSTER CROWELL, Commissioner.

November 12, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman, Board of Estimate and Apportionment:

SIR—I respectfully request that the following transfer be made in the appropriation of the Department of Street Cleaning for the year 1908, Borough of The Bronx, to the appropriation of the said Department for the year 1908, Borough of Manhattan:

From Carting and Stable, Forage, Horseshoeing and Medicine, Borough of The Bronx, to Carting and Stable, Forage, Horseshoeing and Medicine, Borough of Manhattan, \$2,000.

The reason for the above transfer is that the balance remaining in the account of Forage, Horseshoeing and Medicine, Borough of Manhattan, is insufficient to cover the business of the Department for the remainder of the year.

Respectfully,

(Signed) FOSTER CROWELL, Commissioner.

DEPARTMENT OF FINANCE—CITY OF NEW YORK,
BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS,

November 19, 1908.

Hon. HERMAN A. METZ, Comptroller:

SIR—In the matter of the communication of Foster Crowell, Commissioner of the Department of Street Cleaning, under date of November 12, 1908, for transfer of

amount of \$2,000 from appropriation account Forage, Horseshoeing and Medicine, Borough of The Bronx, to same entitled appropriation for the Borough of Manhattan, I beg to report as follows:

In the course of an examination made by this Bureau in the consideration of the resolution adopted by the Board of Aldermen for an issue of Special Revenue Bonds to the amount of \$57,561.56 for the Department of Street Cleaning in the purchase of forage and expense of horseshoeing during the balance of the year 1908 it appeared that the said appropriation for the Borough of The Bronx was in excess of the requirements for said Borough to the amount of \$2,000.

Report made to you, under date of November 10, 1908, relative to the issuance of the said Special Revenue Bonds assumed that such amount, viz., \$2,000, was available for transfer to the Borough of Manhattan. I would therefore recommend that the request for transfer of amount \$2,000 from said appropriation account, Borough of The Bronx, to the same appropriation account, Borough of Manhattan, be granted.

Yours respectfully,

CHARLES S. HERVEY, Supervising Statistician and Examiner.

Approved:

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the sum of two thousand dollars (\$2,000) be and the same is hereby transferred from the appropriation made to the Department of Street Cleaning for the year 1908, entitled Borough of The Bronx, Carting and Stable, Forage, Horseshoeing and Medicine, the same being in excess of the amount required for the purposes thereof, to the appropriation made to said Department for the year 1908, entitled Borough of Manhattan, Carting and Stable, Forage, Horseshoeing and Medicine, the amount of said appropriation being insufficient.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Comptroller presented the following communication, recommending the rescission of resolution adopted July 8, 1907, authorizing the acquisition of a plot of land on the easterly side of Forest avenue, adjoining Public School 71, Borough of Queens, for school purposes, owing to a discrepancy in the description of the property:

CITY OF NEW YORK—DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE,
November 18, 1908.

To the Board of Estimate and Apportionment:

GENTLEMEN—This Board, at a meeting held July 8, 1907, adopted a resolution authorizing the Comptroller to enter into contracts for the acquisition of the plot of land, 50 feet by 143 feet 6 1/2 inches by 50 feet by 143 feet 5 inches, located on the easterly side of Forest avenue, adjoining Public School 71, in the Borough of Queens.

It has been reported to me that there is a difference in the dimensions of the lot as shown on the deed and on the maps, and it seems to me that there will have to be a survey made before the City can acquire the property, which will probably necessitate an amendment of the resolution. I think it advisable that the resolution adopted by the Board on July 8, 1907, be rescinded, and I will bring the matter again to the attention of the Board at a later date for the adoption of another resolution.

Respectfully submitted,

H. A. METZ, Comptroller.

The following resolution was offered:

Resolved, That the resolution adopted by the Board of Estimate and Apportionment July 8, 1907, which reads as follows:

“Resolved, That the Board of Estimate and Apportionment hereby approves of the action of the Board of Education in the matter of the selection for school purposes of the following described premises, located in the Borough of Queens:

“Beginning at a point on the easterly side of Forest avenue distant 200 feet northerly from the northerly line of Prospect place, and running thence easterly along lands of Public School 71 143 feet 6 1/2 inches; thence northerly and still along the lands of said school 50 feet; thence westerly 143 feet 5 inches to the easterly line of Forest avenue; thence southerly along the easterly line of Forest avenue 50 feet to the lands of Public School 71, the point or place of beginning, be the said several dimensions more or less, together with all the right, title and interest of the owners of said premises of, in and to the streets in front thereof to the centre thereof,

—and the Comptroller be and he hereby is authorized to enter into contracts for the acquisition of the above described property at private sale, at a price not exceeding seven thousand dollars (\$7,000), said contracts to be submitted to the Corporation Counsel for his approval as to form,”

—be and the same is hereby rescinded.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

The Comptroller presented a communication from the Commissioners of Accounts, requesting the establishment of the grade of position of Stenographer, with salary at the rate of \$1,800 per annum.

Which was referred to the Select Committee consisting of the Comptroller and President of the Board of Aldermen.

The President, Borough of The Bronx, presented a communication, requesting an issue of \$123,000 for salaries and expenses of the Topographical Bureau of the Borough of The Bronx, in preparing and completing maps of all territory within said Borough for eleven months, beginning February 1, 1909, and ending December 31, 1909.

Which was referred to the Comptroller.

The Comptroller presented a communication from the New York Team Owners' Association, urging the Board to grant a sufficient appropriation to repave with rough pavement such portions of the marginal street area on the North River, south of Fourteenth street, as are now in need of immediate repair.

Which was referred to the Commissioner of Docks and Ferries.

Pursuant to a motion adopted on November 6, 1908, the Board adjourned to meet Friday, December 4, 1908, at 10:30 o'clock in the forenoon.

JOSEPH HAAG, Secretary.

BOARD OF ESTIMATE AND APPORTIONMENT.

EXTRACT FROM

MINUTES, BOARD OF ESTIMATE AND APPORTIONMENT, CITY OF NEW YORK, DECEMBER 11, 1908.

New York City Interborough Railway Company.

A communication, dated November 24, 1908, was received from the Mayor's office, returning, duly approved by the Mayor, resolution adopted by this Board November 20, 1908, fixing this day as the date for public hearing on the applications of the New York City Interborough Railway Company, for an extension of time until December 27, 1909, in which to complete twenty-four miles of double track street railway, and for reduction in the payments required by the ordinance adopted by the Board of Aldermen March 16, 1903, and approved by the Mayor March 31, 1903, granting a franchise to said Company, and designating the "New York Tribune" and "New York Sun" as the daily newspapers in which notice of such hearing should be published, in addition to the publication in the CITY RECORD.

Which was ordered filed.

The public hearing on the applications of the New York City Interborough Railway Company, for an extension of time until December 27, 1909, in which to complete twenty-four miles of double track street surface railway, and for a reduction in the payments required by the ordinance adopted by the Board of Aldermen March 16, 1903, and approved by the Mayor March 31, 1903, granting a franchise to said Company, was opened.

The hearing was fixed for this day by resolution adopted November 20, 1908.

Affidavits of publication were received from the "New York Tribune," "New York Sun" and CITY RECORD.

No one appeared in opposition to the proposed grant.

Alfred A. Gardner, of Counsel, appeared in favor.

No one else desiring to be heard, the Chair declared the hearing closed.

The Secretary presented the following:

REPORT NO. F-136.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Appportionment:

SIR—The New York City Interborough Railway Company has petitioned the Board of Estimate and Appportionment asking to be relieved from certain of the obligations imposed upon it in a franchise granted in 1903 for building and operating surface railways in the Borough of The Bronx and for the use of bridges across the Harlem River, and also requesting an extension of time within which to complete the construction of twenty-four miles of its double-track railway covered by this same franchise, the extension asked for being until December 27, 1909.

This petition and the conditions which have prompted the company to make this application have been and still are the subject of investigation by the Division of Franchises, and it is impossible to present a full report upon the matter at this time, but inasmuch as the time limit designated in the contract for the construction of the lines will expire on December 27, 1908, it is recommended that the Board grant an extension of time until June 27, 1909, for the completion of the lines covered by the franchise.

I submit herewith a detailed report of the Engineer in charge of the Division of Franchises, which explains the matter more fully.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT, THE CITY OF NEW YORK,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
December 7, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—The New York City Interborough Railway Company has presented verified petitions, dated June 23, 1908, and November 12, 1908, to the Board of Estimate and Appportionment praying, respectively:

First. To be relieved from its obligations to make payments for the use of the bridges crossing the Harlem River, as specified in paragraph 4, section 2, of the franchise agreement under which it is constructing and operating its railway, as granted by the Board of Aldermen March 16, 1903, and approved by the Mayor March 31, 1903, and amended by resolution of the Board of Estimate and Appportionment adopted June 21, 1907, and approved by the Mayor June 24, 1907; and also to be relieved from the payments for the franchise as specified in said fourth paragraph of section 2, except such annual sums which shall be equal to three (3) per cent. of the company's gross annual receipts during the first term of five years, and five (5) per cent. of its gross annual receipts thereafter.

Second. For an extension of time in which to complete the construction of twenty-four miles of its double-track railway until December 27, 1909.

Upon the receipt by this Division of the application for reduction of payments to the City an examination was made of the entire franchise of the company, with a view to ascertaining precisely what portions of the railway were constructed, what portions were but partially constructed and the length upon which no construction work has been commenced. Observation was then made of the operations of the cars of the company over the various routes, and investigation made as to why partially constructed and isolated portions of the franchise were not completed and connected and put into operation, as some of these portions appeared to be in localities which would permit of operation financially advantageous to the company. The reports of the New York City Interborough Railway Company to the State Board of Railroad Commissioners and to the Public Service Commission for the years ending June 30, 1906, and June 30, 1907, were then examined, and compared with the financial statements accompanying the petition. The report of the company for the year ending June 30, 1908, was not examined, as it is not yet available for such comparison.

At this time complaint had been made to the Public Service Commission for the First District by Mr. Robert C. Wood, the original promoter and at present a stockholder of the company, to the effect that the company had not prosecuted the construction of its road with due diligence, and hearings on this complaint were being held from time to time. It was anticipated that much valuable matter relative to the consideration of the application would be brought out at these hearings.

This proved to be the case, and many important points were brought out which required investigation, which is now being continued.

The receipt by this Division of the second application, requesting an extension of time in which to complete the construction of its railway, necessitated further study of the entire matter from a more or less new point of view, as, of course, the receipts of the company from operation are dependent upon the length of railway operated. If good reasons could be advanced for the non-completion and consequent non-operation of portions of the railway, showing that such non-completion was due to causes over which the company had no control, it would be clear that the financial condition of the company was affected by its inability to construct portions of its railway.

The two petitions are, therefore, at present under consideration, interdependently, and I am not as yet prepared to submit a report to the Board. The investigation, however, has proceeded far enough to convince me that it would be advisable to include in the form of contract granting an extension of time certain terms and conditions which remain to be worked out in detail.

A resolution was adopted by the Board of Estimate and Appportionment on November 20, 1908, fixing Friday, December 11, 1908, as the date of public hearing upon these petitions, and some matters may then be brought out which will prove of value in the consideration of the applications. In view of the fact that the right expires by

limitation on December 27, 1908, I would recommend that the Board adopt a resolution extending the time for completion of the twenty-four miles of double-track railway for six months from December 27, 1908, or until June 27, 1909. During this time the Board will have ample opportunity to pass upon the proposed amended form of contract.

A resolution for adoption is herewith submitted.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The following was offered:

Whereas, The Board of Estimate and Appportionment of The City of New York did by resolution adopted June 21, 1907, and approved by the Mayor June 24, 1907, authorize the execution of a contract by the Mayor of The City of New York, on behalf of said City, consenting to certain changes of route of the New York City Interborough Railway Company, as granted by a resolution adopted by the Board of Aldermen on March 16, 1903, and approved by the Mayor on March 31, 1903; and

Whereas, On the 27th day of June, 1907, the Mayor did execute, in the name and on behalf of The City of New York, a contract consenting to such changes of route, which contract was dated the 25th day of June, 1907; and

Whereas, Section 1 of said contract provides for an extension of time in which to complete the construction of twenty-four miles of double-track street railway until December 27, 1908; and

Whereas, The New York City Interborough Railway Company, in a petition dated June 23, 1908, requests to be relieved from its obligations to make payments to the City for the use of bridges over the Harlem River, and to be relieved from its obligations to make annual payments to the City of certain minimum sums as percentages of its gross receipts, all as provided in the aforesaid resolutions and contract; and

Whereas, The New York City Interborough Railway Company, in a petition dated November 12, 1908, requests an extension of time until December 27, 1909, in which to complete the construction of twenty-four miles of double-track street railway; and

Whereas, This Board will not be in a position to determine definitely the advisability of granting the said petitions before the said contract will expire on December 27, 1908; now therefore be it

Resolved, That the Board of Estimate and Appportionment hereby grants, upon the conditions hereinafter set forth, an extension of time up to and including June 27, 1909, for the New York City Interborough Railway Company to complete the construction of twenty-four miles of its double-track street railway; and be it further

Resolved, That this extension of time shall not become operative unless and until the said New York City Interborough Railway Company shall duly execute an instrument in writing, to the satisfaction of the Board of Estimate and Appportionment, and file the same in the office of the said Board on or before December 26, 1908, wherein said company shall promise, covenant and agree that the consent of the Board of Estimate and Appportionment so given to the extension of time shall not in anywise change, alter or amend any of the terms, conditions and requirements fixed and contained in the consent of the Board of Aldermen, and in the contract amending the same, which said consent and contract shall remain in full force and effect, except as herein expressly modified.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx and Queens—15.

One Hundred and Forty-fifth Street Railway Company.

The public hearing on the application of the One Hundred and Forty-fifth Street Railway Company, for a franchise to construct, maintain and operate a double track street surface railway, upon and along West One Hundred and Forty-fifth street, from Lenox avenue to Broadway, Borough of Manhattan, was opened. (Such hearing is not the statutory hearing).

The hearing was fixed for this day by resolution adopted November 20, 1908, upon the receipt of a report from the Select Committee having the matter in charge, recommending that such hearing be had, and the petition was referred to the Chief Engineer to present a report upon the application on this day.

An affidavit of publication was received from the CITY RECORD.

No one appeared in opposition to, nor in favor of the proposed grant.

The Chair thereupon declared the hearing closed.

The Secretary presented the following:

REPORT NO. F-135.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 7, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Appportionment:

SIR—On November 20, 1908, the Board of Estimate and Appportionment arranged that a public hearing should be given on December 11 on the application of the One Hundred and Forty-fifth Street Railway Company for a franchise to operate a double-track railroad in West One Hundred and Forty-fifth street, between Lenox avenue and Broadway.

I understand that this was not a statutory hearing, but was designed to secure additional information with respect to the application. The general manager for the receivers of the Metropolitan Street Railway Company suggests that action be postponed until it could be definitely determined what course of procedure is practicable.

I beg to suggest, therefore, that after the public hearing the petition be referred back to the Chief Engineer of the Board, in order that the matter may be taken up with the company and a new report presented as soon as a definite understanding has been reached.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT—THE CITY OF NEW YORK,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
December 7, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—At the meeting of the Board of Estimate and Appportionment held November 20, 1908, a report was received from the Select Committee to which was referred, on January 25, 1907, the application of the One Hundred and Forty-fifth Street Railway Company, for a franchise to construct, maintain and operate a double track street surface railway upon and along West One Hundred and Forty-fifth street, from Lenox avenue to Broadway, Borough of Manhattan.

The report recommended that December 11, 1908, be fixed for a public hearing on the application, and that the Chief Engineer present a report upon the same at that time. The petition was referred to the Chief Engineer.

The hearing as fixed is not the statutory hearing, but, as I understand it, a hearing held for the purpose of securing any possible information relative to the application.

I took up the matter with Mr. Oren Root, General Manager for the Receivers of the Metropolitan Street Railway Company, as to the best manner of accomplishing what is desired, to wit: the perfecting of the franchise for this street, which has lapsed, and he advises me he will confer with the directors of the Sixth Avenue Railroad Company and the Eighth Avenue Railroad Company, with a view to obtaining favorable action, but, as it will require some time to obtain a decision, he suggests that further action be

postponed until it can be definitely determined what course of procedure it is practicable to follow.

Under date of December 5, 1908, I communicated with Mr. Root, advising him I would recommend that action be deferred, and the petition referred back to the Chief Engineer, and would be pleased to take the matter up whenever he is in a position so to do.

Under the circumstances, I would suggest that at the conclusion of the public hearing the petition be referred back to the Chief Engineer, and I shall present a report upon the application as soon as a definite understanding has been reached with the representatives of the railway company.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The application was then referred back to the Chief Engineer.

Third Avenue Railroad Company.

In the matter of the application of the Third Avenue Railroad Company for a franchise to construct, maintain and operate a street surface railway as an extension to its existing system upon Fort George avenue, Borough of Manhattan.

At the meeting of December 4, 1908, by resolution duly adopted, the terms and conditions proposed were tentatively approved, and the form of contract referred to the Corporation Counsel for his approval as to form, and to incorporate therein such matter as he deemed advisable to fully protect the interests of the City.

The Secretary presented the following:

CITY OF NEW YORK—LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNSEL,
NEW YORK, December 7, 1908.

Board of Estimate and Apportionment:

GENTLEMEN—I have received from you the following communication, dated December 4, 1908:

"I transmit herewith certified copy of resolution this day adopted by the Board of Estimate and Apportionment, tentatively approving the terms and conditions for the grant of a franchise to the Third Avenue Railroad Company, to construct, maintain and operate a street surface railway as an extension to its existing system, upon and along Fort George avenue, Borough of Manhattan, as proposed in the form of contract transmitted with the report, dated December 2, 1908, from the Engineer in charge of the Division of Franchises to the Chief Engineer.

"You will note that you are requested to approve such contract as to form and to incorporate therein such matter as you may deem advisable to fully protect the interests of the City.

"I also enclose herewith copy of the report of the Engineer in charge of the Division of Franchises to the Chief Engineer, hereinbefore mentioned."

I return herewith the form of contract contained in the said report, approved by me as to form

Respectfully yours,

G. L. STERLING, Acting Corporation Counsel.

THIRD AVENUE RAILROAD COMPANY,
SIXTY-FIFTH STREET AND THIRD AVENUE,
NEW YORK, December 5, 1908.

The Board of Estimate and Apportionment, No. 277 Broadway, New York City:

DEAR SIRS—Last summer I made an application to your Honorable Body for a franchise to build a loop at the end of Amsterdam avenue. This application was made purely in the public interest, as there is a stub-end at that point, and in the summer time there is a great and not very orderly crowd, which a loop would enable us to handle much more comfortably and expeditiously. Since the date of that application I have had sundry conversations with representatives of your Honorable Body, the result of which is that I am now applying for a temporary franchise to build a loop, and I have arranged with the Engineer of your Board upon terms which are satisfactory to him.

It will be a great convenience to me if I can get the permission to do the work called for by this franchise at once. I am about to install in service on the Third avenue line 150 pay-as-you-enter cars of a new type, and if this loop can be constructed so that the cars can go around it and thus keep one head in front and avoid the reversing of the direction of the cars, as at present, it will be a great saving of expense to the railroad company and enable us to put one fare box on each car, instead of two, and generally facilitate the operation of the road.

For this purpose I venture to suggest that if the form of contract agreed upon between your Engineer and myself meets the approval of the Board of Estimate and Apportionment and the Corporation Counsel, that your Honorable Body should pass a resolution directing the Borough President to issue a permit for the opening of the street at once, so that this convenience may be afforded to the railroad by the time the new cars are put into operation, early in January, and as I have contractors at work relaying the whole track on upper Amsterdam avenue, there will be a considerable saving of time and money if I can get a permit to proceed at once.

I repeat what I said to you at the time I appeared before you last summer, that this loop for which I ask a franchise cannot produce a single additional nickel for the corporation, and I am asking permission to build it, and am prepared to go to the expense of building it, solely for the public interest.

Yours truly,

F. W. WHITRIDGE, Receiver.

REPORT NO. F-103.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The Board of Estimate and Apportionment at its meeting on December 4, 1908, tentatively approved the terms and conditions proposed in a contract with the Third Avenue Railroad Company for a franchise for an extension of its existing line on Fort George avenue. The Corporation Counsel has since approved the contract as to form, the matter now being presented to the Board for entry upon its minutes and to fix a date for the final public hearing.

The Receiver of the company has, under date of December 5, 1908, requested the Board, if it can consistently do so, to arrange that he receive a permit for the opening of the street for the purpose of commencing construction in order that the service may be inaugurated as soon as possible, with the understanding that should the contract for any reason fail of final execution, any tracks which might be laid would be removed and the street restored.

As there has been entire agreement with the Receiver of the company as to the terms and conditions, I would suggest that if the Board approves the contract in its present form, it request the President of the Borough of Manhattan to issue a permit for immediate construction.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT—THE CITY OF NEW YORK,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
November 8, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—At a meeting of the Board of Estimate and Apportionment, held December 4, 1908, a report and proposed form of contract was presented upon the amended application of the Third Avenue Railroad Company for a franchise to construct, maintain and operate a street surface railway, as an extension to its existing system, upon Fort George avenue, Borough of Manhattan, and a resolution was adopted tentatively approving the terms and conditions proposed and referring the proposed contract to the Corporation Counsel for approval as to form. The form of contract has been approved by the Corporation Counsel, and the next step in the procedure is for the Board to enter the same upon its minutes and fix a date for the final public hearing on the application.

It was recommended in my report, presented at the last meeting, that a resolution be adopted requesting the Borough President to issue a permit for opening

the street for the purpose of constructing this railway, on condition that the company file with him a stipulation binding itself to remove the tracks at any time upon his order, should the Board fail to grant the franchise applied for. This recommendation was made in order to facilitate the construction of the extension and have the same in operation at about the date when the company expects to install a number of pay-as-you-enter cars upon its Third avenue line, it being pointed out in the report that the construction of this loop will greatly facilitate operation of these cars. No action, however, was taken upon this recommendation.

Mr. F. W. Whitridge, Receiver for the Third Avenue Railroad Company, in a communication addressed to the Board under date of December 5, 1908, states:

"It will be a great convenience to me if I can get permission to do the work called for by this franchise at once. I am about to install in service on the Third avenue line one hundred and fifty pay-as-you-enter cars of a new type, and if this loop can be constructed so that the cars can go around it and thus keep one head in front and avoid the reversing of the direction of the cars, as at present, it will be a great saving of expense to the railroad company and enable us to put one fare box on each car instead of two, and generally facilitate the operation of the road."

Mr. Whitridge in this communication requests that the Board adopt a resolution requesting the Borough President to issue a permit for the opening of the street in question, in order that the extension may be constructed early in January, at which time he expects to put into operation these new cars, and also states that inasmuch as contractors are at present relaying the existing track on the upper end of Amsterdam avenue, the issuance of such permit will enable him to have the loop constructed at a considerable saving of both time and money.

In view of the above, it is recommended that the President of the Borough of Manhattan be requested to issue the necessary permits for the construction of this extension. It is also recommended that Friday, January 22, 1909, be fixed as the date for the final public hearing, and the Mayor requested to designate the newspapers in which the proposed form of contract and notice of such public hearing shall be published according to the provisions of law.

Resolutions for adoption containing these recommendations are transmitted herewith.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The following was offered:

Whereas, The Third Avenue Railroad Company has, under date of June 2, 1908, made application to this Board for the grant of the right, privilege and franchise to construct, maintain and operate a double track street surface railway as an extension to its existing line upon and along Fort George avenue, from Amsterdam avenue to Audubon avenue, in the Borough of Manhattan; and

Whereas, Section 92 of the Railroad Law and sections 72, 73 and 74 of the Greater New York Charter, as amended by chapters 629 and 630 of the Laws of 1905, provide for the manner and procedure of making such grants; and

Whereas, In pursuance of such laws, this Board adopted a resolution on June 5, 1908, fixing the date for public hearing thereon as June 26, 1908, at which citizens were entitled to appear and be heard, and publication was had for at least fourteen (14) days in the "New York Times" and the "New York Tribune," newspapers designated by the Mayor, and in the CITY RECORD, for ten (10) days immediately prior to the date of the hearing, and the public hearing was duly held on such day; and

Whereas, This Board has made inquiry as to the money value of the franchise or right applied for, and proposed to be granted to the Third Avenue Railroad Company, and the adequacy of the compensation proposed to be paid therefor; now therefore it is

Resolved, That the following form of the resolution for the grant of the franchise or right applied for by the Third Avenue Railroad Company, containing the form of proposed contract for the grant of such franchise or right, be hereby introduced and entered in the minutes of this Board, as follows:

Resolved, That the Board of Estimate and Apportionment hereby grants to the Third Avenue Railroad Company the franchise or right fully set out and described in the following form of proposed contract for the grant thereof, embodying all of the terms and conditions, including the provisions as to rates, fares and charges upon and subject to the terms and conditions in said proposed form of contract contained, and that the Mayor of The City of New York be and he hereby is authorized to execute and deliver such contract in the name and on behalf of The City of New York, as follows, to wit:

This Contract, made this day of , 1909, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the Third Avenue Railroad Company (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the terms and conditions hereinafter set forth, the right and privilege to construct, maintain and operate a double track extension to its present street surface railway, with the necessary wires and equipment for the purpose of conveying passengers in the Borough of Manhattan, City of New York, upon the following route:

Beginning and connecting with the existing double track street surface railway on Amsterdam avenue at or near the intersection of said avenue with Fort George avenue; thence northerly, westerly and southerly in, upon and along said Fort George avenue as it winds and turns to its intersection with Audubon avenue, with a loop terminal at said intersection, to be constructed within the present roadway of said Fort George avenue. The said route, with switches, crossovers and terminal loop hereby authorized are shown upon a map entitled:

"Amended map showing proposed railway of the Third Avenue Railroad Company in the Borough of Manhattan, City of New York, to accompany petition to the Board of Estimate and Apportionment of June 2, 1908,"—and signed by F. W. Whitridge, Receiver, Edward A. Maher, General Manager, and T. F. Mullany, Chief Engineer, dated New York, November 27, 1908, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed; provided, that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description, and the provisions of this contract, may be permitted by resolution of the Board.

Sec. 2. The grant of this privilege is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within thirty (30) days from the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time, the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for a term not exceeding three (3) years, provided that if the Company shall make application to the Board, then the Board may extend the term of said right and privilege upon the same terms and conditions herein fixed for a further period not exceeding two (2) years.

Third—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of three hundred dollars (\$300) in cash within thirty (30) days after the date on which this contract is signed by the Mayor.

(b) During the term of this grant, whether for a term of three years or an extension of such term for a further period of two years on appli-

cation of the Company, as herein provided, an annual sum which shall in no case be less than one thousand one hundred dollars (\$1,100), and which shall be equal to three (3) per cent. of its gross annual receipts if such percentage shall exceed the sum of one thousand one hundred dollars (\$1,100).

The gross receipts mentioned above shall be that portion of the gross earnings of the Company from all sources as shall bear the same ratio to its whole gross earnings as the length of the route hereby authorized shall bear to the entire length of the railway of the Company in operation.

The payment of such minimum sums shall begin from the date on which this contract is signed by the Mayor.

Such minimum annual sums shall be paid into the Treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the Comptroller of the City on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the manner of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Fourth—Upon the termination of this contract or extension thereof as herein provided, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract within the streets and highways shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of its tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fifth—The annual charges or payment shall continue throughout the whole term of this contract, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract, and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh—Nothing in this contract shall be deemed to effect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways.

The use of said railway, which shall be constructed by the Company under this contract, including the tracks, wires and other equipment, or any structures, in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway and structures and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Eighth—Said railway shall be operated by underground electric power substantially similar to the system of underground electric power now used by the street surface railways in the Borough of Manhattan, provided that any other power may be used, except locomotive steam power or horse power, which may be lawfully used, approved by the Board and consented to by the abutting property owners, in accordance with the provisions of law and by the Public Service Commission for the First District of the State of New York.

Ninth—No wires for the transmission of power shall be permitted unless they be placed in conduits underneath or along the side of the railway. When such conduits are constructed the Company shall provide two conduits not less than 3 inches in diameter each, for the exclusive use of the City. The Company hereby agrees that such conduits shall be used only by the Company and the City, as above.

Tenth—The Company shall commence construction of the railway herein authorized within thirty (30) days from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within three (3) months from the date of obtaining such consents or such decision, otherwise this right shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City, as hereinafter provided, shall thereupon be forfeited to the City; provided, that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided, further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and provided, further, that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall, in writing, consent that the Board, either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Eleventh—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City.

Twelfth—Said railway shall be constructed and operated in the latest improved manner of street railway construction and operation, and the railway and property of the Company shall be maintained in good condition throughout the term of this contract.

Thirteenth—The rate of fare for any passenger upon such railway shall not exceed 5 cents, and the Company shall not charge any passenger more than 5 cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or of any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized during the term of this contract all members of the Police and Fire Departments of the City, when such employees are in full uniform.

Fourteenth—No cars shall be operated upon the railway hereby authorized, other than passenger cars, and cars necessary for the repair or maintenance of the railway, and no freight or express cars shall be operated upon the tracks of said railway; and the tracks hereby authorized shall not be used for the storage of cars.

Fifteenth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Sixteenth—The Company shall attach to each car run over the said railway proper fenders and wheel guards, in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Seventeenth—All cars which are operated on said railway shall be heated during the cold weather, in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Eighteenth—The Company, so long as it shall continue to use any of the tracks upon the streets and avenues in which said railway shall be constructed, shall cause to be watered, at least three times every twenty-four hours when the temperature is above 35 degrees Fahrenheit, the entire width of the streets and avenues, except when the width of such streets and avenues shall exceed 60 feet between curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets and avenues in a satisfactory manner.

Nineteenth—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Twentieth—The Company shall at all times keep the streets, avenues or highways upon which the said railway is constructed, between its tracks, the rails of its tracks, and for a distance of two feet beyond the rails on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the Commissioner of Street Cleaning, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Twenty-first—As long as the said railway, or any portion thereof, remains in any street, avenue or highway, the Company shall have and keep in permanent repair that portion of the surface of the street, avenue or highway in which said railway is constructed, between its tracks, the rails of its tracks, and for a distance of two feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue or highway, and in that event the Company shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewal or altered pavement.

Twenty-second—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets, required on account of the construction or operation of the railway, shall be made at the sole cost of the Company, and in such manner as the proper City officials may prescribe.

Twenty-third—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of Manhattan and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Twenty-fourth—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public works in the streets, whether the same is done by the City directly or by a contractor for the City, the Company shall, at its own expense, protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of Manhattan.

Twenty-fifth—Should the grades or lines of the streets, avenues or highways in which the franchise is hereby granted be changed at any time during the term of this contract, the Company shall change its tracks to conform with such new grades and lines, and during the construction of any public improvement upon said streets, avenues or highways the Company shall take care of and protect the track and appurtenances at its own expense; all to be done subject to the direction of the President of the Borough of Manhattan.

Twenty-sixth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.
2. The amount paid in as by last report.
3. The total amount of capital stock paid in.
4. The funded debt by last report.
5. The total amount of funded debt.
6. The floating debt as by last report.
7. The total amount of floating debt.
8. The total amount of funded and floating debt.
9. The average rate per annum of interest on funded debt.
10. Statement of dividends paid during the year.
11. The total amount expended for same.
12. The names of the directors elected at the last meeting of the corporation held for such purpose.
13. Location, value and amount paid for real estate owned by the Company as by last report.
14. Location, value and amount paid for real estate now owned by the Company.
15. Number of passengers carried during the year.
16. Total receipts of Company for each class of business.
17. Amounts paid by the Company for damage to persons or property on account of construction and operation.
18. Total expenses for operation, including, salaries, and such other information in regard to the business of the Company as may be required by the Board.

Twenty-seventh—The Company shall at all times keep accurate books of account of the gross earnings from all sources within the limits of the City, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company, for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twenty-eighth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity. Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear action may be taken by the Board forthwith.

Twenty-ninth—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structures and equipment as herein provided in good condition throughout the whole term of this contract, the Board may give

notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time the Company shall, for each day thereafter during which the default or defect remains, pay to the City the sum of two hundred and fifty dollars (\$250), as fixed or liquidated damages, or the Board, in case such structures or equipment which may affect the surface of the streets shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided.

Thirtieth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-first—This grant is upon the express condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of The City of New York the sum of two thousand five hundred dollars (\$2,500), either in money or securities, to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway, and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel-guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel-guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall in writing notify the Company, through its President, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of two thousand five hundred dollars (\$2,500), and in default thereof this contract shall be canceled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-second—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-third—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Thirty-fourth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned shall be transferred by law to any other board, authority, officer or officers, then and in such case such other board, authority, officer or officers, shall have all the powers, rights and duties herein reserved to or prescribed for the Board or other authorities, officer or officers.

Sec. 3. This grant is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 4. The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK.
By....., Mayor.

[CORPORATE SEAL.]

Attest:

....., City Clerk.

THE THIRD AVENUE RAILROAD COMPANY.

[SEAL.]

Attest:

....., Secretary.

(Here add acknowledgments.)

Resolved, That the results of the inquiry made by this Board as to the money value of the franchise or right proposed to be granted and the adequacy of the compensation proposed to be paid therefor, and of the terms and conditions, including the provision as to rates, fares and charges, are as hereinbefore specified and fully set forth in and by the foregoing form of proposed contract for the grant of such franchise or right.

Resolved, That these preambles and resolutions, including the said resolution for the grant of a franchise or right applied for by the Third Avenue Railroad Company, and the said form of proposed contract for the grant of such franchise or right containing said results of such inquiry, after the same shall be entered in the minutes of the Board, shall be published for at least twenty (20) days immediately prior to Friday, January 22, 1909, in the CITY RECORD, and at least twice during the ten days immediately prior to Friday, January 22, 1909, in two daily newspapers to be designated by the Mayor therefor and published in The City of New York, at the expense of the Third Avenue Railroad Company, together with the following notice, to wit:

Notice is hereby given that the Board of Estimate and Apportionment, before authorizing any contract for the grant of the franchise or right applied for by the Third Avenue Railroad Company, and fully set forth and described in the foregoing form of proposed contract for the grant of such franchise or right, and before adopting any resolution authorizing any such contract, will, at a meeting of said Board, to be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on Friday, January 22, 1909, at 10:30 o'clock a.m., hold a public hearing thereon, at which citizens shall be entitled to appear and be heard.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx and Queens—15.

The following was offered:

Whereas, The Third Avenue Railroad Company has petitioned this Board for the right, privilege or franchise to construct a double track street surface railway in Fort George avenue, from near its intersection of Amsterdam avenue to the intersection with Audubon avenue, as an extension to its existing railway in Amsterdam avenue; and

Whereas, The company, through its receiver, has agreed to accept a franchise on certain terms and conditions, which proposed form of contract has this day been submitted to the Board by its Chief Engineer; and

Whereas, It is in the interests of the traveling public that such construction should be completed at as early a date as possible; now therefore be it

Resolved, That the President of the Borough of Manhattan be and he is hereby requested in his discretion to issue a temporary permit to the said Third Avenue Railroad Company to open the portion of Fort George avenue included in the route described in such form of contract, for the purpose of constructing a double-track street surface railway, with a loop terminal at the intersection of Fort George avenue and Audubon avenue, provided that the company shall execute and file with the President of the Borough of Manhattan an instrument in writing whereby the said company shall agree to remove the tracks of such railway, at its own cost and expense, and restore the street to its original condition, should the Board fail to grant said franchise within six months from the date of said permit, or deny the application of the company for such franchise, or should said permit be terminated for any reason at any time within said six months by the President of the Borough of Manhattan.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx and Queens—15.

New York and Queens County Railway Company; Brooklyn, Queens County and Suburban Railroad Company.

In the matter of the applications of the New York and Queens County Railway Company and the Brooklyn, Queens County and Suburban Railroad Company, for franchises to construct, maintain and operate extensions to their existing lines; in the case of the New York and Queens County Railway Company, two extensions, one from Flushing to Whitestone, and one from Ingleside to Bayside, and in the case of the Brooklyn, Queens County and Suburban Railroad Company an extension upon and along Metropolitan avenue, from Dry Harbor road to Jamaica avenue, all in the Borough of Queens.

At the meeting of November 20, 1908, reports were received from the two Select Committees having these matters in charge, recommending franchises be granted to both companies on certain terms and conditions, and the Chief Engineer was directed, in each instance, to prepare a contract in accordance with the recommendations of the Select Committee.

The Secretary presented the following:

DOUGLASTON CIVIC ASSOCIATION.
DOUGLASTON, N. Y., December 2, 1908.

To the Board of Estimate and Apportionment of The City of New York:

GENTLEMEN—A recent protest from the Douglaston Civic Association, brought to the attention of the Board the fact that, in granting the New York and Queens County Railway Company a franchise, as asked by them, would prevent the New York and North Shore Traction Company from giving us transportation to Flushing.

We wish to express our thanks for your prompt action in correcting this.

While so doing, we call your attention to the following facts given us by our attorney:

At your request I send you the following statement, showing the differences in some respects between the franchise given to the New York and Queens County Railroad Company by the Department of Franchise, and accepted by it, and the franchise which has been recommended by the Select Committee of the Board of Estimate and Apportionment.

You will notice that these changes are of great importance, and all to the advantage of the railroad company.

The first change is in the third paragraph of the franchise. In the original franchise for the extension to Whitestone, a cash deposit of \$5,000 is required. This is changed to \$500. In the second paragraph of the same section the original franchise required that the percentage to be paid to the City shall be "during the first five years after the granting of the franchise."

In the new franchise the percentage does not begin to accrue until after the commencement of the operation of the railroad. This, of course, means that the longer they delay the operation of the railway, the longer the time when they are freed from the payment of percentage. Another point about this section is that a minimum amount of percentage is fixed by the first franchise which provision is eliminated in the second.

You will notice that in the original franchise the percentages are provided on an increasing scale for twenty-five years. In the new franchise for the first three years the percentage is 5 per cent. of gross receipts. For the second five years the percentage is 5 per cent. of gross receipts, and there the matter stops. For the next fifteen years the percentage and gross receipts cannot exceed 5 per cent.

In the original franchise the company was to pay five thousand dollars for the extension to Bayside; in the new franchise this is reduced to five hundred.

The percentages on this extension are treated the same as the others, and the minimum amounts to be paid are eliminated, and at the end of ten years the amount of gross receipts cannot be increased.

You will notice also in this section the omission of the following clause: "The payment of such minimum sums shall begin from the day on which the contract is signed by the Mayor." In fact you will see on comparing the franchises, that nearly all of the third section is omitted in the latter one, which deals with the sums of money to be paid to the City. I have, however, indicated the principal omissions.

In the fourth section, in the omission of the words "or upon the termination of the rights hereby granted for any other cause," the tracks and equipments of the company cannot become the property of the City until the termination of the contract. This means that if the contract is terminated by the failure of the company to act up to its agreement, the City cannot take over its property in the streets. In the fourth section of the first franchise the second clause is omitted. Its omission deprives the City of the right to purchase the property of the company not in the streets at its fair value.

The most important omission as affecting the New York and North Shore Traction Company, is in the entire omission in the new franchise of what was section seven in the old. This omission allows the Queens County Railway Company to have an exclusive franchise on Chestnut street, in Flushing, and allows no other company to use the same tracks if tracks were laid in that street, or to lay other tracks. By the Railroad Law one company may run over the tracks of another for one thousand feet and no more. If the seventh section is omitted in the new franchise, it shuts the other company out of Flushing, because on account of the lay of the land, Chestnut street is the only street that it can use. In its extension to Flushing the Queens County Railway runs on Chestnut street, from Whitestone avenue to Murray lane, about 4,500 feet. The New York and North Shore Traction Company, in going to Bayside, runs on Chestnut street, from Whitestone avenue to Thirteenth street,

the street beyond Murray lane. Of course you can see that there is nothing conflicting in the routes, and the omission of that clause, I may state, will render the granting of the other franchise now before the Board of no value whatever. In fact, to put the matter in a few words, if that seventh clause of the old franchise is not put back, Douglaston or Little Neck will be without trolley service as far as the other company is concerned.

The second clause of the eighth section is omitted in the new franchise. This omission will prevent the City from requiring the company to put its wires underground in the future.

The ninth section is omitted in the new franchise. This will relieve the company from putting its wires for the transmission of power under ground in the future.

The tenth section of the old franchise is changed so that, whereas in that franchise the company must commence construction within six months from the date upon which the consent of the property owners or the decision of the Appellate Division is obtained, the new franchise provides that the company shall begin construction within the time prescribed by the Railroad Law, which is one year after such consent is obtained.

Section thirteen of the first franchise is omitted. This provision provides for a five cent fare on the extensions in question, or any branch line of the company. The same section requires the company to carry Firemen and Policemen free. The omission of the third clause of section thirteen takes from the City authorities the right to say what shall be a reasonable amount to charge for carrying freight, such as express matter.

The twenty-third clause is omitted in the new franchise. This clause requires the company at its own expense to widen any road that was too narrow for its railway under the direction of the Borough President.

Section 24 of the first franchise is omitted. This omission releases the Company from giving data from which a proper percentage of its gross earnings, etc., can be ascertained.

Sections 28 and 29 are omitted, which provide a ready means for the Comptroller to force a remedy upon a breach in the conditions of the franchise.

In section 31 most of the second clause is omitted, an omission which leaves the Comptroller to have recourse to a lawsuit in order to procure the performance of the provisions of the franchise.

In section 34 the fourth clause is omitted, by which in the original franchise the Company promises, covenants and agrees to perform and abide by all the terms and conditions of the franchise.

There are several other changes and omissions that are decidedly in favor of the Company and to the detriment of the City, but the changes and omissions which I have pointed out will be no doubt enough to cause some surprise when it is remembered that the first franchise was accepted by the Company, and must have therefore been satisfactory, and yet when referred to a committee the City voluntarily gives up so many important provisions which are for its benefit, and words the franchise so as to shut out all competition in Flushing to the Queens County Railroad.

Is it advisable or necessary that your Board grant a franchise upon such terms?

Is it not a precedent which can be used by parties seeking a trolley franchise in the future?

We think it is, and respectfully ask you to insist upon the New York and Queens County Railway accepting your original standard franchise as offered September 12, 1907, and accepted by them (with two exceptions).

Yours very truly,
W. W. KENERSON, Chairman, Committee on Transportation.

WHITESTONE IMPROVEMENT ASSOCIATION, }
WHITESTONE, N. Y., December 3, 1908. }

To the Board of Estimate and Apportionment of The City of New York:

GENTLEMEN—The attention of this association has been called to the proposed form of contract, as recommended to the Board, for a grant of a franchise to the New York and Queens County Railway Company for extensions to Whitestone and Bayside. This association, as you are aware, has been most anxious that the Board should take early action upon this application, and has, by every means in its power, tried to secure, upon fair terms, a franchise to the New York and Queens County Railway Company.

As it appears by the minutes of your Board, a recent protest from the Douglaston Civic Association brought to the attention of the Committee the fact that the proposed grant would, if made, entirely prevent the New York and North Shore Traction Company from building its proposed line from Flushing to the City line, unless it secured the consent of the New York and Queens County Railway Company, as a part of both routes were to be used in common. The Select Committee therefore recommended to your Board that the proposed franchise to the New York and Queens County Railway Company be referred back to the Chief Engineer in order that the same clause in relation to the common use of tracks for a distance of six thousand feet be incorporated in this grant. The very fact that such a clause should have been omitted from the contract to the New York and Queens County Railway Company has led this association to investigate the contract further, and we now find that there are many clauses omitted from this contract which we feel should be incorporated therein, to assure the people that this road will be built within a reasonable time and that their interests will be properly protected.

It therefore appears to this association that the Board should return to the original contract, as proposed by the Chief Engineer in the report submitted by him under date of September 12, 1907, excepting therefrom the two provisions:

First—In regard to the payment of back percentages, for which we are informed the City has commenced suit, and for which an offer of settlement has been made by the Company; and

Second—The omission of the clause relating to the relinquishment of unused franchises, as we are informed in this case the City has ample power to apply to the Attorney General for the annulment of these grants under the Railroad Law.

We, therefore, earnestly protest against taking any further action at this time upon the present form of grant to the New York and Queens County Railway Company until it shall have been amended and the Company shall have accepted the terms as contained in the original report heretofore referred to.

Very truly yours,
FRANK E. KNAB, President.

THE UNITED CIVIC ASSOCIATIONS
OF THE BOROUGH OF QUEENS, NEW YORK CITY, }
NEW YORK, December 5, 1908. }

To the Board of Estimate and Apportionment, City:

GENTLEMEN—Since the application of the New York and Queens County Railroad for an extension from Flushing to Bayside and to Whitestone a new factor has come in the field.

We believe it will be for the interest of the people if you take advantage of this fact and insist upon the New York and Queens County Railroad accepting a standard franchise.

Yours very truly,
WM. W. KENERSON,
FRANK KNAB,
Special Committee on Railroad Franchises.

WINGATE & CULLEN, ATTORNEYS AND COUNSELLORS, }
No. 20 NASSAU STREET,
NEW YORK, December 5, 1908. }

To the Board of Estimate and Apportionment of The City of New York, No. 277
Broadway, New York City, N. Y.:

DEAR SIRS—On behalf of the various property owners owning property on Metropolitan avenue, Queens County, as shown upon the annexed list, we desire to protest against the signing of the contract proposed to be entered into between The City of New York and Brooklyn, Queens County and Suburban Railroad Company, in regard to a franchise to operate a trolley road on Metropolitan avenue, Queens County.

We have already appeared and protested before your Board in regard to the illegality of the granting of any franchise on Metropolitan avenue, on the ground that the same is a macadamized street in the County of Queens, and therefore under the statutes of this State now in force, no trolley road can be operated on it.

The Corporation Counsel has seen fit to advise your Board that our contention as to the law is not correct; and we assume that you are obliged to follow the advice of the Corporation Counsel.

We, however, believe that our contention is correct, and we are prepared, if the franchise is granted and the Railroad attempts to build or operate a trolley line under your contract, to apply to the Supreme Court for an injunction, and let the Court determine whether or not our contention is correct.

We have made diligent efforts to agree with Mr. Winter, Colonel Williams and the engineers of the Railroad in regard to the location of a route which would do away with the question of operating in front of our clients' property, and have offered to the road a right-of-way, free of any expense, through private property.

The change of the route as proposed by us makes the difference to be traveled less than a thousand feet, and the difference in time eleven seconds.

We protest strenuously against the execution of the proposed contract:

First—Upon the ground that no public necessity for the road in question has been shown.

Second—That no valid franchise can be issued to operate on Metropolitan avenue.

Third—That valuable property rights will be injured and destroyed, when the road can be operated, if any public necessity exists, through private property without expense to the Railroad, which will do away with any damage to the abutting property.

None of the property owners whom we represent have consented to the operation of the road. The Railroad Company does not have the majority of consents of the abutting property owners. Some of the consents which we have examined and know about, are more than twenty years old and are issued for horse car lines and steam railroads, and at the present time, upon information furnished us by our clients, we believe that the Brooklyn, Queens County and Suburban Railroad Company has not the consents of a majority in number or a majority in amount of the assessed valuation of the property abutting upon the proposed trolley route.

Respectfully yours,

WINGATE & CULLEN.

In the Matter of the Objections to the Application of the Brooklyn, Queens County and Suburban Railroad Company.

List of property owners on Metropolitan avenue who have not consented to the granting of the franchise and who protest against it:

Owners—	North Side, from West to East.	Assessed Valuations.
Wetmore	\$5,500 00	
Man	5,500 00	
Man	38,000 00	
Seib	10,000 00	
Youngs	7,000 00	
North	6,500 00	
Man	55,000 00	
Man	3,300 00	
Hoeft	7,000 00	
Man	8,000 00	
Richmond Hill Realty Company	18,800 00	
Turton	1,500 00	
		\$165,600 00

South Side.	
Man	\$25,000 00
Covert	9,500 00
Man	9,400 00
Wicke	14,200 00
Man	7,300 00
Zoellner	*2,700 00
Sinclair	*3,000 00
Turton	5,500 00
Lynch	2,700 00
Turton	2,700 00
Evergreen Realty Company	5,000 00
Man	4,600 00
	91,600 00
Total.	\$257,200 00

FIRE DEPARTMENT—CITY OF NEW YORK,
NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET,
BOROUGH OF MANHATTAN, December 7, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, and Chairman, Board of Estimate and Apportionment:

SIR—A communication, dated the 5th inst., has been received here to-day from Mr. W. W. Kenerson, Chairman, Transportation Committee of the United Civic Associations of the Borough of Queens, stating that section 13 of the proposed form of contract between The City of New York and the New York and Queens County Railway Company, in the matter of the application of said company to construct, maintain and operate street surface railway extension to its existing system from Flushing to Whitestone, and from Flushing to Bayside, Borough of Queens, is to be eliminated, a paragraph of said section reading as follows:

"The Company shall carry free upon the railway hereby authorized, during the term of this contract, all members of the Police and Fire Departments of the City, when such employees are in full uniform."

If the effect of the proposed elimination should be to compel members of the uniformed force of this Department to pay fare when traveling in uniform on said railway from and to their homes, or on official business, I have the honor to request that the Board of Estimate and Apportionment take no action that will have this result.

Respectfully,

PATRICK A. WHITNEY,
Deputy and Acting Fire Commissioner.

REPORTS Nos. F-51, F-68.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—At the meeting of the Board of Estimate and Apportionment held on November 20 last, two reports were received from Select Committees of the Board, one on the application of the New York and Queens County Railway Company for extensions to Whitestone and Bayside, and the other on the application of the Brooklyn, Queens County and Suburban Railroad Company for an extension on Metropolitan avenue, both in the Borough of Queens. These reports recommended certain changes in the forms of contract, and both were referred to the Chief Engineer in order that the changes recommended might be made. This has been done and both contracts are herewith submitted for entry upon the minutes as required and in order that final hearings may be arranged for January 22, 1909.

In looking over the contracts as now prepared in connection with five other applications for franchises, the difference in the seven contracts is so conspicuous that I have requested the Engineer in charge of the Division of Franchises to prepare a tabular statement contrasting the contract provisions section by section so that the variations will be made more apparent. The five other contracts referred to are those of the Bronx Traction Company, for an extension on Clason Point road, in the Borough of The Bronx.

Union Railway Company, for an extension over the bridge across the Harlem River at Two Hundred and Seventh street.

Union Railway Company, for an extension in Pelham avenue to Bronx Park.

Third Avenue Railroad Company, for an extension at Fort George, in the Borough of Manhattan; and the

New York and North Shore Traction Company, for a new line between Flushing and the City line, in the Borough of Queens.

These five contracts are substantially in the same form, which was that prepared by the Corporation Counsel and heretofore followed by the Board. The comparisons in the tabular statement which has been prepared are made with two of these five contracts, namely, that of the New York and North Shore Traction Company, which

*\$8,000 house nearly completed on this plot.

+\$15,000 house nearly completed on this plot.

is located in the Borough of Queens, and that of the Bronx Traction Company for Clason Point road extension, which traverses a territory more sparsely settled than any of the other routes which have been mentioned. The terms and conditions for the Bayside and Whitestone extensions of the New York and Queens County Railway Company and for the Metropolitan avenue extension of the Brooklyn, Queens County and Suburban Railroad Company differ so materially that they would appear to be franchises of a different class, yet the length of term is as great or greater than in the other five, and the other privileges granted are fully as extensive.

If each application for a franchise is to be considered without regard for other applications, and if the terms and conditions are to be made the most lenient which the applicants can possibly secure, there will inevitably be a great rivalry on the part of different applicants to secure the most favorable terms. Each will hold back to avail itself of a precedent established in a contract with some other corporation, and I cannot but believe that the results would be unfortunate. If the recent franchise policy has been a mistaken one, it would doubtless be wise to modify it. If it is wise and just, it is doubtless desirable to adhere to it and make it as nearly uniform as special circumstances will permit. If owing to the great difficulty, if not the impossibility, of the City or a public service corporation anticipating the development which will take place in the territory traversed by a new line, the standard terms and conditions are believed to be too onerous, it might be well to devise a modified form of contract but for a shorter period of time, so that when the time comes for a renewal a more accurate estimate of the value of the privilege may be arrived at. In view of the fact that the season is now so far advanced that construction will probably be impossible until the spring, and in view of the fact that three separate civic associations have submitted to the Board written protests against the form of contract now proposed for the Bayside and Whitestone extensions, and that a protest has also been received from Messrs. Wingate & Cullen against the granting of the franchise for Metropolitan avenue, with a statement that they will endeavor to stop construction by court proceedings, it would seem wise to give the question of variations in the form of contract and in the terms and conditions most careful consideration, and, if the Board so decides, request the Corporation Counsel to prepare a modified form of contract covering a shorter period which might be used where the applicant company does not feel justified in accepting the present standard form even though the period covered by the franchise be longer.

The matter is submitted to the Board for its consideration, together with a report of the Engineer in charge of the Division of Franchises and the tabular statement referred to, while at the same time the contracts are presented to the Board with the modifications recommended by the Select Committees, in accordance with the instructions given on November 20 last.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
December 8, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—At the meeting of the Board of Estimate and Apportionment held November 20, 1908, two reports were received from Select Committees in reference to two applications for franchises, to wit:

First—That of the New York and Queens County Railway Company for extensions to Whitestone and Bayside, and

Second—That of the Brooklyn, Queens County and Suburban Railroad Company for an extension on Metropolitan avenue, both in the Borough of Queens.

You were directed by these reports to make certain changes in the proposed form of contract for the grant of a franchise to each of these companies, and to prepare the necessary resolutions for presentation to the Board.

In accordance with such instructions, I have caused the necessary changes to be made in the proposed forms of contract previously before the Board, and have prepared the resolutions, and they are now in such form that the contracts may be placed upon the minutes for the requisite thirty days, and the hearings fixed for Friday, January 22, 1908. Prior to such hearing the forms of contract must be advertised at least twice in two daily newspapers, to be designated by the Mayor, and in the CITY RECORD for twenty days continuously before January 22.

In connection with the reports of the two Select Committees on these applications, as above, and especially that part of the report in relation to the New York and Queens County application, wherein it is stated that the Committee had previously approved of a form of contract under a misapprehension, it seems to me that the attention of the Committee and the other members of the Board should be called to certain other features in both of these proposed forms of contract, which, I believe, are worthy of serious consideration before further action is taken by the Board.

The franchises and the proposed forms of contract to govern the grant are presented to the Board individually, and the Board does not have the opportunity of considering these matters collectively and of comparing one grant with another, as is the case with this Division. In consequence, with only one contract before either the Board or the Select Committee, terms have been proposed which have a direct bearing upon the terms proposed for a second or third franchise, but are not fixed in accordance with either of the others, and in consequence a decided inequality exists.

There are at present seven franchises for street surface railways which have been tentatively approved by the Board, and are now in various stages of the procedure required by law before being finally passed. They are as follows:

First. Bronx Traction Company—Extension on Clasons Point road, The Bronx.

Second. Union Railway Company of New York City—Extension across bridge at Two Hundred and Seventh street into the Borough of Manhattan.

Third. Union Railway Company—Extension in Pelham avenue to Bronx Park, The Bronx.

Fourth. Third Avenue Railroad Company—Extension at Fort George, Manhattan.

Fifth. New York and North Shore Traction Company—New line between Flushing and the City line, Queens.

The sixth and seventh being those mentioned above.

The first five are in the standard form, or nearly such form as was prepared for the Board at its request by the Law Department, and they have been respectively approved by the Corporation Counsel, and contain those several conditions which most

nearly, in the opinion of the Corporation Counsel, will fully protect the interests of the City. These five have likewise been accepted by the applicants as satisfactory, and in each instance more than a nominal sum is required as an initial payment, as well as minimum annual payments based upon earnings, the initial payment in each case being based upon the length of the term of the grant.

The two forms of grant to the New York and Queens County Railway and the Brooklyn, Queens County and Suburban Railroad Company are, however, in an entirely different form, and contain only nominal initial payments, in one case \$500, and in the other case \$100, for grants for the maximum term of fifty years provided by the Charter.

In order that the members of the Board may more easily observe the differences and inequalities of these franchises I have selected two of the standard form, to wit, that to the Bronx Traction Company and that to the New York and North Shore Traction Company, to be compared with the two now under discussion, and have prepared a table showing the conditions imposed on each of these companies under the respective grants now before the Board. I have selected the Bronx Traction Company and the New York and North Shore Traction Company, the latter being in the same Borough as the two now before the Board, and which appear to me to be as near parallel cases as can be obtained. I need not go further to point out the differences between them, as they can be easily observed from the table, but I wish to call your particular attention to the fact that the work of the Board, and incidentally of this Division, will be made much easier if the standard form in all cases is adhered to. The compensation, motive power and conditions attending the motive power, and a few special conditions necessary for each grant, would then be all that would have to be determined upon any application, the framework of the contract being exactly the same as regards conditions to each. This, I believe, was the intention of the Board when it first received from the Legislature the franchise granting power, and it was at that time advised by the Corporation Counsel that all grants should be in the general form which he submitted at the time, varying it only as was necessary in regard to the matters mentioned above.

This is further supported by the fact that the Law Department, in its opinion printed in the minutes of October 6, 1908, in regard to the approval of the form of proposed contract to the New York and Queens County Railway Company, which form is the one which you have now been directed to amend in one particular, stated as follows:

"In response to the direction contained in such resolution" (referring to resolution transmitting the form of contract to him) "to incorporate in the contract such matter as I deem advisable to fully protect the interests of the City, I beg to advise you that I have already furnished your Board with an opinion, dated June 23, 1908, in which I made many suggestions, and the contract as printed in the minutes of your Board of June 26, 1908, contains all my recommendations, and has my approval as to form. In passing on the new form of contract, as prepared by the Select Committee, I will not repeat such recommendations, and have examined such contract only to see if all the conditions imposed by the Railroad Law and the Greater New York Charter have been complied with."

From which you will see that he failed to give this present form his unqualified approval, and merely passed upon the fact that it was in the form which was not illegal.

It seems also that the citizens of the district who were most insistent in their demands that the franchise be granted when the report was before the Select Committee have now had the proposed form of contract critically examined by an attorney, and they have filed with the Board protests against making the grant in any form other than that upon which franchises have heretofore been granted. These protests are from:

First—The United Civic Association of the Borough of Queens.

Second—The Whitestone Improvement Association, and,

Third—The Douglaston Civic Association,

—and are all united in requesting the Board to withhold action on account of the form of the franchise, which they claim does not properly protect the interests of the people.

In view of the fact that the action of the Select Committee, as I am informed, was largely taken upon the demand of the representatives of these Civic Associations that increased transportation facilities should be granted, it would seem now when they have severally reversed their position, and do not desire a grant made unless upon the most favorable terms to the City, that action should be delayed and the matter referred back to the Chief Engineer to reopen negotiations with the railway company.

In the case of the Brooklyn, Queens County and Suburban grant for Metropolitan avenue, there is a protest before the Board from Messrs. Wingate and Cullen, representing twelve owners on the north side of Metropolitan avenue owning property assessed at \$165,600, and eleven owners on the south side, representing property of the assessed value of \$91,600, and which protest states that if the Board makes the grant, an application will immediately be made to the Supreme Court for an injunction restraining the construction of the road, the same being illegal. These owners, as I am informed, would withdraw their protest with the line of the road slightly changed, as once proposed, and it would, therefore, seem in this case, in view of such threatened action, that an attempt should be made to secure a change in this route by consultation between the railway company and this office, for if the matter goes into court it will probably be a long time before the grant can be utilized, and in the meantime, as provided in the Railroad Law, the company will secure such extensions of time as will completely defeat the intent of the contract.

In view of the foregoing, I am also of the opinion that this question is of sufficient importance to warrant the Board in withholding for the present any further action upon the two forms of contract which are presented with this report, and to submit the matter of a standard form again to the Law Department, in order that the Corporation Counsel may pass upon the several forms when having them all before him.

No hardship can result from withholding action for thirty days, or even sixty days, on either of the applicants, for the winter season is now upon us and no construction work can be undertaken by the time that these grants could be made, if acted upon at the meeting on Friday.

I would, therefore, strongly recommend that no action be taken until the members of the Board can inform themselves as to the differences in the several contracts, and can secure the further advice of the Corporation Counsel in regard to a standard form.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

Bronx Traction.

New York and North Shore.

New York and Queens County (Whitestone).

Brooklyn, Queens County and Suburban.

Sec. I. Grant to Company. Switches, etc., which are consistent permitted by resolution.....	Same.....	Grant to Company. Necessary switches authorized without resolution, inconsistent, as map does not show them.....	Grant to company. Same as Bronx Traction.
Passengers only	Persons and express matter; no freight.....	Persons and property.....	Persons and property.
Sec. II. 1st. Consents to be obtained in six months, or apply to court within one month.....	Same.....	Consents to be obtained within six months, or application to court within two months thereafter.....	Same as New York and Queens.
Sec. II. 2d. Grant 15 years, with renewal 20 years.....	Grant 25 years, with renewal 25 years.....	Grant 25 years, with renewal 25 years.....	Grant 25 years, with renewal 25 years.
Sec. II. 3d. Compensation: Initial sum, \$3,500. First 5 years, 3 per cent. of gross receipts, with minimum of \$375. Second 5 years, 5 per cent.; minimum, \$687. Third 5 years, 5 per cent.; minimum, \$756.....	Initial sum, \$7,000. First 5 years, 3 per cent.; minimum, \$2,200. Second 5 years, 5 per cent.; minimum, \$4,000. Third 5 years, 5 per cent.; minimum, \$4,500. Fourth 5 years, 6 per cent.; minimum, \$5,500. Fifth 5 years, 6 per cent.; minimum, \$6,200.....	Initial sum, \$500. First 5 years, 3 per cent; no minimum. Thereafter 5 per cent; no minimum.....	Initial sum, \$100. First 5 years, 3 per cent.; no minimum. Thereafter, 5 per cent.; no minimum.
Payments date from signing of contract by Mayor	Payments date from signing of contract by Mayor.....	Payments are from after commencement of operation.....	Same as New York and Queens.
Payments not considered a tax.....	Same.....	Other requirements as to manner of payments omitted.....	Other requirements as to manner of payments omitted.

Bronx Traction.	New York and North Shore.	New York and Queens County (Whitestone).	Brooklyn, Queens County and Suburban.
Sec. II. 4th. All tracks to be removed or become property of City, and street to be restored.....	Same.....	Same	Same.
Sec. II. 5th. Payments to continue during grant.....	Same.....	Same	Same.
Sec. II. 6th. Rights not to be assigned.....	Same.....	Same	Same.
Sec. II. 7th. Right not exclusive; provision for use of tracks by other companies.....	Same for distance of 6,000 feet.....	Same provision now inserted as in New York and North Shore by order Select Committee.....	No provision made for use of tracks by other companies. Practically an exclusive grant. Same.
Sec. II. 8th. Overhead operation permitted.....	Same.....	Same	No such provision.
Sec. II. 9th. Road to be completed in one year after obtaining consents; extension of 6 months allowed, and, if not completed, security forfeited	Wires to be placed underground on 6 months' notice. (9th).....	No such provision.....	No such provision.
Sec. II. 10th. Under control of proper authorities.....	Road to be completed within 18 months, and extension of 6 months allowed, and, if not completed, security forfeited. (10th).....	Construction to be commenced within time prescribed by Railroad Law, and completed December 31, 1909, or grant ceases, but security not forfeited.....	Same as New York and Queens.
Sec. II. 11th. Upon failure on part of Company to comply with direction of Board to add equipment, etc., grant ceases.....	Same (11th).....	Same; Company to make application to Commissioner of Water Supply to string electrical conductors.....	Same as Bronx Traction Company.
Sec. II. 12th. Five-cent fare. Police and firemen in uniform, free. Rates for carrying property shall be reasonable and may be fixed by Board	Same (12th).....	Property to be maintained in good condition throughout contract. No penalty.....	Same as New York and Queens.
Sec. II. 13th. No freight cars; only passenger and express, and cars for maintenance of railway, to be operated	Same (13th)..... Clause in re property omitted, as only express matter permitted.	No such provision.....	No such provision.
Sec. II. 14th. Cars to be operated on not more than 30 minutes, except first 5 years; operation between 1 and 5 not compulsory unless Board so decides	Same (14th).....	No such provision.....	No such provision.
Sec. II. 15th. Wheel guards, fenders, etc., to be attached...	Same (15th).....	Same, except hours are 12 to 5 (12th).....	No such provision.
Sec. II. 16th. Cars to be heated.....	Same (16th).....	Same (13th)	Same (12th).
Sec. II. 17th. Company to water 60 feet of roadway.....	Same (17th).....	Same (14th)	Same (13th).
Sec. II. 18th. Cars to be well lighted.....	Same (18th).....	Company to water entire roadway (15th).....	No such provision.
Sec. II. 19th. Two feet beyond the rails to be kept clear of ice and snow, or enter into agreement with Street Cleaning Commissioner.....	Same (19th).....	Same (16th)	Same (14th).
Sec. II. 20th. Company to keep paved between tracks, etc. City may change material and Company is bound to replace pavement.....	Agreement with Borough President	Authorities may make such regulations as to removal of ice and snow as convenience requires (17th).....	Same as New York and Queens (15th).
Sec. II. 21st. Alteration in sewerage required on account of railway to be at expense of Company....	Same (21st).....	Company to make repairs when required by local authorities and in such manner as they prescribe. Repairs may be made at expense of corporation after 30 days, and authorities may make regulations as to speed, use of tracks and removal of ice and snow (17th).....	Same as New York and Queens (15th).
Sec. II. 22d. Permits to be obtained from Borough President and Commissioner of Water Supply...	Same (22d).....	Same (18th)	Same (16th).
Sec. II. 23d. Company to comply with rules of Water Department for preventing destruction by electrolysis	Same (23d).....	No such provision. Only partly included in 10th as above..	No such provision. Only partly included in 10th, as above.
Sec. II. 24th. Right not in preference or hindrance to public work	Same (28th).....	No such provision, except as in 10th as above.....	No such provision, except as in 10th, as above.
Sec. II. 25th. Company to change tracks at own expense to conform with new grades or lines.....	Same.....	No such provision.....	No such provision.
Sec. II. 26th. Special to this grant, Company to remove tracks from public place upon one year's notice	Company to widen roadway if insufficient (25th)..... Company to operate on private right of way or cede strip to City (26th). If bridges are of insufficient width, Company to construct new bridges at own expense to carry widened roadway (27th)..... No compensation to be awarded for right to have railway tracks should City come into possession of property (29th).....	Same provision as Bronx Traction Company (19th).....	Same provision as Bronx Traction Company (17th).
Sec. II. 27th. Company to submit report to Board of capital stock, funded debt, floating debt, etc.....	Same (30th).....	No such provision.....	No such provision.
Sec. II. 28th. Company to keep accurate books of account. Report to Comptroller.....	Same (31st).....	Same (20th)	Same (18th).
Sec. II. 29th. Contract may be forfeited by suit or by resolution of Board.....	Same (32d).....	No such provision.....	No such provision.
Sec. II. 30th. Company to give efficient public service and penalty of \$100 per day for each day of violation	Same (33d)..... Penalty, \$250.....	No such provision.....	No such provision.
Sec. II. 31st. Company assumes all liability.....	Same (34th).....	Same (21st)	Same (19th).
Sec. II. 32d. Security deposit, \$6,000. Penalty for failure to heat and light cars, fenders and wheel guards, \$50 per day, and \$10 for cars not properly heated, etc.....	Security deposit, \$10,000; otherwise the same.....	Security deposit, \$10,000, and penalties of \$50 and \$10 per day. Procedure for imposition and collection of penalties omitted. Failure of Company to make good drafts upon security fund does not cancel contract (22d and 23d).....	Bond, \$10,000; penalties, \$50 and \$10. No procedure. In the event of forfeiture of franchise for failure to complete construction bond returned to Company (20th and 21st). No penalty for not building the road.
Sec. II. 33d. Grant subject to right of property owners or others	Same (36th).....	Same (23d in part).....	Same (21st), in part.
Sec. II. 34th. Definition of words "Notice" and "Direction"	Same (37th).....	Same. Company agrees notice in CITY RECORD is sufficient. (24th)	Same as New York and Queens County (22d).
Sec. II. 35th. If powers of Board transferred, successor has powers	Same (38th).....	Same (25th)	Same (23d).
Sec. III. Provisions of Railroad Law and ordinance affecting surface railways, not inconsistent, to be complied with.....	Same.....	Article 4 of Railroad Law to be complied with (26th).....	Same as New York and Queens County (24th).
Sec. IV. Company agrees to abide by all terms, conditions and requirements of contract.....	Same.....	No such provision.....	No such provision.

Discussion ensued, after which the Comptroller offered the following resolution in reference to the grant to the Brooklyn, Queens County and Suburban Railroad Company:

Whereas, The Brooklyn, Queens County and Suburban Railroad Company has, under date of September 19, 1907, made application to this Board for a grant of the right, privilege and franchise to construct, maintain and operate an extension to its existing street surface railway system upon and along Metropolitan avenue, from Dry Harbor road to Jamaica Plank road, in the Borough of Queens; and

Whereas, Section 92 of the Railroad Law and sections 72, 73 and 74 of the Greater New York Charter, as amended by chapters 629 and 630 of the Laws of 1905, provide for the manner and procedure of making such grants; and

Whereas, In pursuance of such laws, this Board adopted a resolution on October 18, 1907, fixing the date for public hearing thereon as November 15, 1907, at which citizens were entitled to appear and be heard, and publication was had for at least

fourteen (14) days in the "Brooklyn Daily Eagle" and the "Brooklyn Citizen," newspapers designated by the Mayor, and in the CITY RECORD for ten days immediately prior to the date of hearing, and the public hearing was duly held on such day; and

Whereas, At a meeting of this Board held June 26, 1908, the Select Committee to whom the matter had been referred, submitted a report containing proposed conditions and a form of contract, and a resolution was adopted fixing September 18, 1908, as the date for the final public hearing; and

Whereas, At the meeting of the Board held September 18, 1908, a communication was received from the Company objecting to certain of the terms and conditions contained in the form of contract reported by the Select Committee, and an opinion was received from the Corporation Counsel stating that the matter should be referred back to the Select Committee, and such reference was accordingly made; and

Whereas, At a meeting of the Board held November 20, 1908, a further report was presented from said Select Committee recommending certain amendments in the

form of contract previously presented, and the Chief Engineer was thereupon directed to prepare a contract in accordance with such recommendations, which amended form of contract has this day been received; and.

Whereas, This Board has made inquiry as to the money value of the franchise or right applied for and proposed to be granted to the Brooklyn, Queens County and Suburban Railroad Company and the adequacy of the compensation proposed to be paid therefor; now therefore it is

Resolved, That the following form of the resolution for the grant of the franchise or right applied for by the Brooklyn, Queens County and Suburban Railroad Company, containing the form of proposed contract for the grant of such franchise or right, be hereby introduced and entered in the minutes of this Board, as follows, to wit:

Resolved, That the Board of Estimate and Apportionment hereby grants to the Brooklyn, Queens County and Suburban Railroad Company the franchise or right fully set out and described in the following form of proposed contract for the grant thereof, embodying all of the terms and conditions, including the provisions as to rates, fares and charges, upon and subject to the terms and conditions in said proposed form of contract contained, and that the Mayor of The City of New York be and he hereby is authorized to execute and deliver such contract in the name and on behalf of The City of New York, as follows, to wit:

This Contract, made this day of 1909, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board); and the Brooklyn, Queens County and Suburban Railroad Company, incorporated for the purpose of building, maintaining and operating a railroad (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the right and privilege to construct, maintain and operate a double track extension to its present street surface railroad by the overhead electric system similar to that now used by the Company in the Borough of Queens, with the necessary wires and equipment, for public use in the conveyance of persons and property in the Borough of Queens, in The City of New York, upon the following route:

Commencing at the intersection of Metropolitan avenue and Dry Harbor road, thence easterly in and upon Metropolitan avenue to a point where the said Metropolitan avenue intersects the Jamaica plank road, in the Village of Jamaica, together with the right to connect the aforesaid tracks with the existing tracks of the petitioner on Jamaica plank road.

The said route and connections hereby authorized are more particularly shown upon a map entitled:

"Map showing the proposed extension in the routes of the Brooklyn, Queens County and Suburban Railroad, in the Borough of Queens, to accompany petition to the Board of Estimate and Apportionment, dated September 19, 1909."

—signed and approved by T. S. Williams, Vice-President, and W. S. Menden, Chief Engineer, which map is attached hereto, is made a part of this contract, is to be construed with the text thereof, and is to be substantially followed, provided that deviations therefrom and additional switches, crossovers and spurs which are consistent with the foregoing description, and the other provisions of this franchise may be permitted by resolution of the Board of Estimate and Apportionment.

Sec. 2. The grant of this privilege is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property, bounded on said streets and avenues, to the construction and operation of said railroad shall be obtained by the Company within six months of the signing of this contract by the Mayor and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained, the Company shall within two months thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railroad ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate a double track street surface railroad, as herein described, shall be held and enjoyed by the Company, its successors or assigns, for the term of twenty-five (25) years from the date when this contract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty-five (25) years, upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year prior to the termination of the original term of this contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty-five (25) years shall be reasonable, and either the City (by the Board) or the Company shall be bound upon request of the other, to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If, in any case, the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the company, each paying one-half thereof.

Third—The Company, its successors or assigns, shall pay to the City for this privilege the following sums of money:

The sum of one hundred dollars (\$100) in cash within thirty days after the date on which this contract is signed by the Mayor.

During the first five (5) years after the commencement of operation of the extension herein provided for, annually on November 1, three (3) per cent. of its gross receipts for and during the year ending September 30 next preceding, and after the expiration of such five (5) years make a like annual payment into the treasury of the City of five (5) per cent. of its gross receipts. The company shall pay such percentages only upon such portion of its gross receipts as shall bear the same proportion to its whole gross receipts as the length of such extension shall bear to the entire length of its line.

Fourth—Upon the termination of this original contract, or if the same be renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the company before such termination, the tracks and equipment of the company constructed pursuant

to this contract within the streets and highways of the City shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the company shall, upon thirty (30) days' notice in writing from the Board, remove any and all of its tracks and other equipment constructed pursuant to this contract, and the said streets and highways shall be restored to their original condition at the sole cost and expense of the company.

Fifth—The annual charges or payment shall continue throughout the whole term of the contract hereby granted, whether original or renewal, notwithstanding any clause in any statute or in the Charter of any other railroad company providing for payments for railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the company, its successors or assigns, or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations or otherwise, without the consent of the City, acting by the Board, or its successors in authority, evidenced by an instrument under seal, anything herein contained to the contrary notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways, and the right to make the requisite and necessary connections with the tracks of the company, its successors or assigns, which shall be constructed under this contract.

Eighth—The railway to be constructed under this contract may be operated by overhead electric power substantially similar to the overhead electric traction now in use by street surface railways in the Borough of Queens, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board, and consented to by owners of property, in accordance with the provisions of law, and by the Public Service Commission for the First District of the State of New York.

Ninth—The Company shall begin construction of the extension herein authorized within the time prescribed by the Railroad Law of the State of New York, and such extension shall be completed and shall be in operation on or before December 31, 1909; otherwise this grant shall cease and determine.

Tenth—The said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided in the Charter of the City; and the Company agrees to make application to the Commissioner of Water Supply, Gas and Electricity for permission to string and maintain its electrical conductors in the streets covered by this grant.

Eleventh—The said railway shall be constructed and operated in the latest improved manner of street railway construction and operation, and the railway and property of the Company shall be maintained in good condition throughout the term of this contract.

Twelfth—The Company shall attach to each car run over the said railway proper fenders and wheel-guards in conformity with such laws and ordinances as are now in force, or may hereafter, during the terms of this contract, be enacted or adopted by the State or City authorities.

Thirteenth—All cars which are operated on said railway shall be heated during the cold weather in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Fourteenth—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Fifteenth—The Company, so long as it shall continue to use any of its tracks in any street or highway covered by this grant, shall have and keep in permanent repair that portion of such street or highway between its tracks and the rails of its tracks and two feet in width outside of its tracks, under the supervision of the proper local authorities and whenever required by them to do so and in such manner as they may prescribe. In case of neglect by the Company to make pavements or repairs after the expiration of thirty days' notice to do so, or within thirty days after the publication of such notice in the CITY RECORD, the local authorities may make the same at the expense of such corporation and such authorities may make such reasonable regulations and ordinances as to the rate of speed, mode of use of tracks and removal of ice and snow as the interest or convenience of the public may require.

Sixteenth—Any alteration which may be required to the sewerage or drainage system, or to any subsurface structures, pipes, conduits, etc., laid in the streets, on account of the construction or operation of the railway, shall be made at the sole cost of the Company and in such manner as the proper City officials may prescribe.

Seventeenth—Should the grades or lines of the streets in which franchises herein granted be changed at any time during the term of this contract, the Company shall, at its own expense, change its tracks to conform with such new grades and lines, and during the construction of any public improvement upon said street the Company shall take care of and protect the track at its own expense, all to be done subject to the direction of the President of the Borough of Queens.

Eighteenth—The Company shall at all times keep accurate books of account of the gross earnings from the privileges granted under this contract. The Company shall, on or before November 1 of each year, make a verified report to the Comptroller of The City of New York of the business done by the Company for the year ending September 30 next preceding, as he may prescribe. Such report shall contain a statement of the gross receipts from operation of the railway, together with such other information and in such detail as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Nineteenth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railroad authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company, giving the Company notice and the right to intervene in any action or proceeding wherein such damages may be sought.

Twentieth—This grant is upon the express condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall file with the Comptroller of The City of New York a bond in the sum of ten thousand dollars (\$10,000) with a surety or sureties to be approved by him, which bond shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual percentages for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railroad; and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the heating, lighting and lighting of cars, fenders, wheel-guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of

violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel guards, in case of the violation of the provisions relating to those matters. In the event of the forfeiture of the franchise for failure to complete the construction of the said extension and operate same on or before December 31, 1909, as herein provided, the said bond shall be returned to the Company.

Twenty-first—No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City. The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Twenty-second—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing. The Company agrees that notice printed in the CITY RECORD shall constitute sufficient notice within the meaning of this contract.

Twenty-third—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned shall be transferred by law to any other board, authority, officer or officers, then and in such case such other board, authority, officer or officers shall have all the powers, rights and duties herein reserved to or prescribed for the board or other authorities, officer or officers.

Twenty-fourth—This grant is also upon the further and express condition that the provisions of Article IV. of the Railroad Law applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the streets and highways and the surface railroads operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed, and the party of the second part by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed the day and year first above written.

THE CITY OF NEW YORK,

[CORPORATE SEAL.]

By..... Mayor.

Attest:

..... City Clerk.

BROOKLYN, QUEENS COUNTY AND SUBURBAN RAILROAD COMPANY,

[SEAL.]

By..... President.

Attest:

..... Secretary.

(Here add acknowledgments.)

Resolved, That the results of the inquiry made by this Board as to the money value of the franchise or right proposed to be granted and the adequacy of the compensation proposed to be paid therefor, and of the terms and conditions, including the provision as to rates, fares and charges, are as hereinbefore specified and fully set forth in and by the foregoing form of proposed contract for the grant of such franchise or right.

Resolved, That these preambles and resolutions, including the said resolution for the grant of a franchise or right applied for by the Brooklyn, Queens County and Suburban Railroad Company and the said form of proposed contract for the grant of such franchise or right containing said results of such inquiry, after the same shall be entered in the minutes of this Board, shall be published for at least twenty (20) days immediately prior to Friday, January 22, 1909, in the CITY RECORD and at least twice during the ten days immediately prior to Friday, January 22, 1909, in two daily newspapers to be designated by the Mayor therefor and published in The City of New York, at the expense of the Brooklyn, Queens County and Suburban Railroad Company, together with the following notice, to wit:

Notice is hereby given that the Board of Estimate and Apportionment, before authorizing any contract for the grant of the franchise or right applied for by the Brooklyn, Queens County and Suburban Railroad Company, and fully set forth and described in the foregoing form of proposed contract for the grant of such franchise or right, and before adopting any resolution authorizing any such contract, will, at a meeting of said Board, to be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on Friday, January 22, 1909, at 10:30 o'clock, a. m., hold a public hearing thereon, at which citizens shall be entitled to appear and be heard.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx and Queens—15.

The Comptroller moved that the report presented by the Chief Engineer be referred to the Corporation Counsel to advise the Board relative to a standard form of franchise which should be used in all cases.

Which motion was adopted.

New York and Port Chester Railroad Company.

In the matter of the application of the New York and Port Chester Railroad Company for an extension of time for one year from December 26, 1908, in which to comply with the provisions of section 2, Twenty-eighth, of the contract granting a franchise to said company, requiring the expenditure of at least eight hundred thousand dollars (\$800,000) within two years after the date of the signing of the contract, upon the actual construction of its railroad between the northerly line of The City of New York and Westchester avenue, at or near One Hundred and Sixty-seventh street, Borough of The Bronx.

This application was presented to the Board at its meeting of December 4, 1908, when it was referred to the Chief Engineer, and it is printed in full in the minutes of that date.

The Secretary presented the following:

REPORT No. F-78.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—On December 4, 1908, the New York and Port Chester Railroad Company presented to the Board of Estimate and Apportionment a petition for an extension of time within which to expend \$800,000 on the construction of its road as provided by its contract with the City. The limit of time for this expenditure was fixed in the contract as June 11, 1908, but the Board has already granted an extension until December 26, 1908. This extension was granted at the earnest request of the company in order that it might have an opportunity to perfect its right to build on the line of the New York, Westchester and Boston Railroad, and when the Board recently granted a petition for a change in the line of the New York, Westchester and Boston Railroad and for a modification of its contract with the City, it was distinctly stated

that the Port Chester franchise would expire by limitation on December 26. A further extension is now applied for, but in view of the statements already made by counsel for the company, it is difficult to understand the reason for this application.

I beg to submit herewith a report of the Engineer in charge of the Division of Franchises, which describes the situation in considerable detail, and also a resolution for adoption by the Board should it decline to grant the extension, to declare the franchise forfeited, and to fix a date for a final hearing as required by the contract. The matter is submitted to the Board without further comment for its consideration.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
December 8, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—At the meeting of the Board of Estimate and Apportionment held December 4, 1908, there was presented a petition of the New York and Port Chester Railroad Company, to extend the time within which an expenditure of at least eight hundred thousand dollars (\$800,000) upon the construction of its road, as provided in paragraph 28 of the contract, for a period of one year from December 26, 1908.

The contract of the New York and Port Chester Railroad Company will expire on the above date, on account of the non-fulfillment of the provision above cited, unless the same is extended. This time originally expired on June 11, 1908, but the Board of Estimate and Apportionment, at its meeting of June 26, extended the time for six months from such date, as it was claimed that the validity of the charter of the New York, Westchester and Boston had not as yet been passed upon by the Court of Appeals, and in consequence, if the New York and Port Chester, which was then and is now owned by the same interests, to wit, the New Haven Railroad, had forfeited its right, and the Westchester charter should have been declared invalid, the New Haven Company would be unable to continue its work.

Since this time, the Court of Appeals has handed down a decision favorable to the charter of the New York, Westchester and Boston Railway Company, and the Board, at its meeting of November 20, passed upon the petition of that company for a change of route and modification of its original franchise in a number of respects.

When this petition was under consideration by the Select Committee, the question arose as to the rights of the Port Chester Company, which might be in conflict, should the two grants continue to exist, leaving the New Haven Company to select which it should use, or whether it would elect to use a part of each.

Mr. George S. Graham, in arguing for the petition of the Westchester Company, stated specifically that the Port Chester grant would die on the 26th day of December, 1908, and, in consequence, no such situation would arise as had been suggested.

The Port Chester grant is not now in any different position than it was in June of this year, when I reported to you in full upon this matter, under date of June 19 (see minutes of June 26), and recommended that the petition for the extension then applied for be denied. There has not been expended, to my knowledge, since this time a single dollar upon the Port Chester road, and even if the time was extended for one year, as proposed, I do not believe that it is the intention of the company to use this grant, as it was intended by them for the purpose of merging it with the New York, Westchester and Boston, which is the road the New Haven Company has intimated that it was its intention to construct.

There is only one point now remaining to be determined before the rights of the Westchester Company will be perfected, and that is its pending petition before the Public Service Commission for the First District for a certificate of necessity. Hearings have been held on this matter, and a decision of the Commission may be shortly expected.

If the Board of Estimate and Apportionment fails to extend the time of the Port Chester Company, as requested in this petition, the matter before the Public Service Commission will then be simplified, for it is a question argued before that Commission whether it should grant a certificate of necessity to the Westchester while the Port Chester is still in existence and has such certificate of necessity from the former Board of Railroad Commissioners.

In consequence, I see no reason why the Board should further extend the time, as petitioned for, and would recommend that the petition be denied, and that the procedure provided for in Section 2, Twenty-eighth, be followed and the company be notified that it is the intention of the Board of Estimate and Apportionment to take action at the meeting to be held on Friday, January 22, and that the company will be allowed a hearing on that day, as further provided in the said clause, and that the Secretary be directed to formally serve notice of the same on the company.

A resolution in this form is submitted herewith, and also one for action at the meeting of January 22.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

Proposed Resolutions for December 11.

Resolved, That the petition of the New York and Port Chester Railroad Company verified December 2, 1908, for an extension of one year from December 26, 1908, in which to comply with the provisions of Section 2, Twenty-eighth, of the contract dated May 31, 1906, be and the same is hereby denied; and be it further

Resolved, That the New York and Port Chester Railroad Company be, and it is hereby notified, under and pursuant to Section 2, Twenty-eighth, of the contract dated May 31, 1906, by and between the said railroad company and The City of New York, that it is the intention of the Board of Estimate and Apportionment to take action at the meeting of this Board on January 22, 1909, in the Old Council Chamber, Room 16, City Hall, Borough of Manhattan, at 10:30 o'clock in the forenoon, on the report and resolution this day received from the Chief Engineer declaring the franchise granted to said company by the aforesaid contract has ceased and determined, and said contract is null and void, and all moneys paid into the City Treasury in accordance with the terms and conditions of said contract, or deposited with the Comptroller for the faithful performance of said terms and conditions, are forfeited; and be it further

Resolved, That the Secretary of this Board be and he is hereby directed to forward to the New York and Port Chester Railroad Company a copy of these resolutions and a copy of the resolution mentioned herein and this day received from the Chief Engineer, and notify the company, in writing, that on the aforesaid date, at said time and place, it will be allowed a hearing before final action is taken.

Proposed Resolution for January 22, 1909.

Whereas, The Board of Estimate and Apportionment did, by resolution adopted by said Board May 18, 1906, and approved by the Mayor May 31, 1906, grant to the New York and Port Chester Railroad Company the right to cross certain streets and highways, and to construct, maintain and operate a railroad in the Borough of The Bronx, in The City of New York; and

Whereas, A formal contract was entered into between the City and the railroad company, which was dated May 31, 1906, and executed by the Mayor of The City of New York, on behalf of the City, on the 11th day of June, 1906; and

Whereas, Section 2, Twenty-eighth, provides for the expenditure of at least eight hundred thousand dollars (\$800,000) within two years after the date of the signing of the contract, upon the actual construction of said railroad, between the northerly line of The City of New York and Westchester avenue, at or near One Hundred and Sixty-seventh street; and

Whereas, Said paragraph further provides that if, in the opinion of the Board of Estimate and Apportionment, an expenditure of the said sum, within the time given, is not proven, then the said Board may declare that the grant has ceased and determined; and

Whereas, The company has failed to prove an expenditure of the said sum, and has made no statement that it has expended any sum of money upon the construction of said railroad; now, therefore, be it

Resolved, That the Board of Estimate and Apportionment of The City of New York hereby declares that the grant to the New York and Port Chester Railroad Company, as authorized by this Board by resolution adopted May 18, 1906, and approved by the Mayor May 31, 1906, has ceased and determined, and that the contract dated May 31, 1906, be and the same is hereby null and void; and be it further

Resolved, That all sums heretofore paid into the City Treasury on account of the said grant and all sums heretofore deposited with the Comptroller for the faithful performance of the conditions of the said grant be and the same are hereby forfeited.

The Comptroller suggested that the time be extended six months, and the President of the Borough of The Bronx moved to amend by extending the time until July 1, 1909, which amendment was accepted.

The following was offered:

Whereas, This Board did, on May 18, 1906, adopt a resolution authorizing the Mayor to execute, in the name and on behalf of the City, a contract between the New York and Port Chester Railroad Company and The City of New York, granting to the company the right to cross certain streets and highways, and to construct, maintain and operate a railroad in the Borough of The Bronx, in The City of New York, upon certain conditions therein fully set forth; and

Whereas, On the 11th day of June, 1906, the Mayor did execute, in the name and on behalf of The City of New York, a contract granting to the company such right, which contract was dated the 31st day of May, 1906; and

Whereas, The New York and Port Chester Railroad Company, in a petition dated June 3, 1908, requested an extension of time until June 11, 1910, in which to comply with the provisions of Section 2, Twenty-eighth, to wit: That the company should actually spend, or cause to be expended, the sum of at least eight hundred thousand dollars (\$800,000) within two years after the date of the signing of the contract, upon the actual construction of its railroad between the northerly line of The City of New York and Westchester avenue, at or near One Hundred and Sixty-seventh street; and

Whereas, By resolution adopted June 5, 1908, and approved by the Mayor June 8, 1908, the New York and Port Chester Railroad Company was granted an extension of time up to and including June 26, 1908, in which to comply with the provisions of Section 2, Twenty-eighth of the contract dated May 31, 1906; and

Whereas, By resolution adopted June 26, 1908, and approved by the Mayor June 30, 1908, the New York and Port Chester Railroad Company was granted an extension of time up to and including December 26, 1908, in which to comply with the provisions of Section 2, Twenty-eighth, of the contract dated May 31, 1906; and

Whereas, The New York and Port Chester Railroad Company, in a petition verified December 2, 1908, requests an extension of time until December 26, 1909, in which to comply with the provisions of Section 2, Twenty-eighth, as above recited, of the contract dated May 31, 1906; now, therefore, be it

Resolved, That the Board of Estimate and Apportionment hereby grants upon the conditions hereinafter set forth an extension of time up to and including July 1, 1909, for the New York and Port Chester Railroad Company to comply with the provisions of Section 2, Twenty-eighth, as aforesaid; and be it further

Resolved, That this extension of time shall not become operative until said New York and Port Chester Railroad Company shall duly execute an instrument in writing to the satisfaction of the Board of Estimate and Apportionment, and file the same in the office of the said Board within thirty (30) days from the date of the adoption of these resolutions, wherein said company shall promise, covenant and agree that the consent of the Board of Estimate and Apportionment, so given to the extension of time, shall not in any wise change, alter or amend any of the terms, conditions and requirements in the contract fixed and contained, which said contract shall remain in full force and effect, except as herein expressly modified.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

New York Central and Hudson River Railroad Company.

The Secretary presented the following:

CITY OF NEW YORK,
OFFICE OF THE PRESIDENT OF THE BOROUGH OF MANHATTAN,
CITY HALL, November 27, 1908.

HARRY P. NICHOLS, Esq., Engineer in Charge, Division of Franchises, Board of Estimate and Apportionment:

DEAR SIR—Inclosed you will find application from the New York Central Railroad Company for permission to construct a temporary canopy over Depew place, between the Grand Central Station and Lexington avenue, in the manner shown on accompanying plan. Also reports from the Commissioner of Public Works and the Chief Engineer of Highways in regard thereto.

This is a matter upon which action by the Board of Estimate and Apportionment appears to be necessary.

Very truly yours,
BERNARD DOWNING, Secretary.

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY,
GRAND CENTRAL STATION,
NEW YORK, November 17, 1908.

Hon. JOHN CLOUGHEN, Commissioner of Public Works, No. 13 Park Row, New York City:

DEAR SIR—I inclose herewith two cloth-backed blue prints which show method of construction of a temporary canopy over Depew place, between Grand Central Depot and Lexington avenue temporary station, in order to afford protection from rain, snow, etc., for passengers having to go between the two depots; together with large blue print of the vicinity on which we have indicated in red that part of Forty-third street which will be covered by this arrangement; and hereby respectfully request permission for use of the street.

You, of course, are familiar with the extensive improvements we are making at our Grand Central terminal, during the course of which it is necessary for us to provide certain temporary facilities in order to properly take care of our patrons. The canopy in question will probably be required for two years, by which time the permanent structures will have so far progressed as to permit of the taking down of this temporary arrangement.

We have also filed with the Building Department two of the small prints, requesting permission to erect the canopy, and as soon as permits are received from your Department (as well as the Building Department) we will at once proceed with the construction in order to have the canopy ready before bad weather sets in.

Believe me,

Very truly yours,
A. H. SMITH.

REPORT No. F-139.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 7, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The New York Central and Hudson River Railroad Company has, through its vice-president and general manager, Mr. A. H. Smith, applied to the Board of Estimate and Apportionment for the right to erect a temporary canopy over a portion of Depew place, between the present Grand Central Station and the new temporary station on Lexington avenue.

The greater part of this canopy is located on that portion of Depew place which was discontinued and closed and sold to the railroad company, and only a small area of approximately 211 square feet is on the present legally open street. It is expected that when the improvements are completed the canopy will be entirely removed.

There seems no objection to granting this temporary right, and a resolution to that effect is herewith submitted, together with the report of the Engineer in charge of the Division of Franchises. The compensation suggested is at the same rate as

that shown for other rights of this kind, and amounts to \$191 per annum, with a security deposit of \$200.

Respectfully,
NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY, }
December 4, 1908. }

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—Under date of November 27, 1908, the Secretary to the President of the Borough of Manhattan forwarded a communication to this office, inclosing an application signed by A. H. Smith, Vice-President and General Manager of the New York Central and Hudson River Railroad Company, for permission to construct a temporary canopy over Depew place, between the Grand Central Depot and the Lexington avenue temporary station of said railroad.

The petition recites that the construction of such canopy is necessary to afford protection to passengers going between the two depots, from rain, snow, etc., and its construction is also due to the extensive improvements being made at the Grand Central terminal. The canopy will be required for probably two years, by which time the permanent structure will have so far progressed as to permit the taking down of this temporary arrangement.

With the communication from the Secretary to the President of the Borough of Manhattan is also a communication from the Commissioner of Public Works, transmitting report from the Chief Engineer of the Bureau of Highways, stating he has investigated the matter and finds that a very small portion of the canopy will project over the roadway, and he recommends that the permission be granted.

Chapter 425 of the Laws of 1903, as amended by chapter 639 of the Laws of 1904, enabled the Board of Estimate and Apportionment to grant certain rights, under certain conditions, to the New York Central and Hudson River Railroad Company, in connection with improving the terminal facilities at the Grand Central Station. Plans and profiles were submitted by the railroad company, and approved by the Board of Estimate and Apportionment on June 19, 1903, December 4, 1903, April 28, 1905, and July 8, 1907.

By resolution adopted by the Board of Estimate and Apportionment June 23, 1905 (Financial Minutes, pages 1352 to 1357), certain lands, including the fee of Depew place, from the northerly line of Forty-third street to the southerly line of Forty-fifth street, were conveyed to the New York Central and Hudson River Railroad Company for the uses and purposes in accordance with the provisions of chapter 425 of the Laws of 1903, as amended by chapter 639 of the Laws of 1904. The resolution further provided that, after adoption, it should be presented to the Commissioners of the Sinking Fund for approval, and that the deed should be prepared by the Corporation Counsel, submitted to the Comptroller for approval, and presented to the Mayor for signature. Said resolution was approved by the Commissioners of the Sinking Fund June 26, 1905 (Minutes, page 687).

The plan, dated August 12, 1907, of the Grand Central terminal improvements approved by the Board of Estimate and Apportionment July 8, 1908, and signed P. E. McGowan, Acting Mayor, and John H. McCooey, Acting Comptroller, shows Depew place discontinued and closed from the north side of Forty-third street to the south side of Forty-fifth street.

The portion of the proposed canopy which extends over the roadway, the fee of which is vested in the City, is a triangular piece, comprising in area approximately 211 square feet. The remainder of the canopy is over that portion of former Depew place, the fee of which is now in the applicant. Upon the basis of compensation heretofore used by the Board—that is, 8 per cent. of the assessed valuation—the compensation for this privilege would be one hundred and ninety-one dollars (\$191) per annum. As the structure is upon the surface of the street, and could be easily removed, should occasion warrant the same, I believe that a security deposit of two hundred dollars (\$200) would amply protect the interests of the City, being sufficient to cover the compensation reserved for one year.

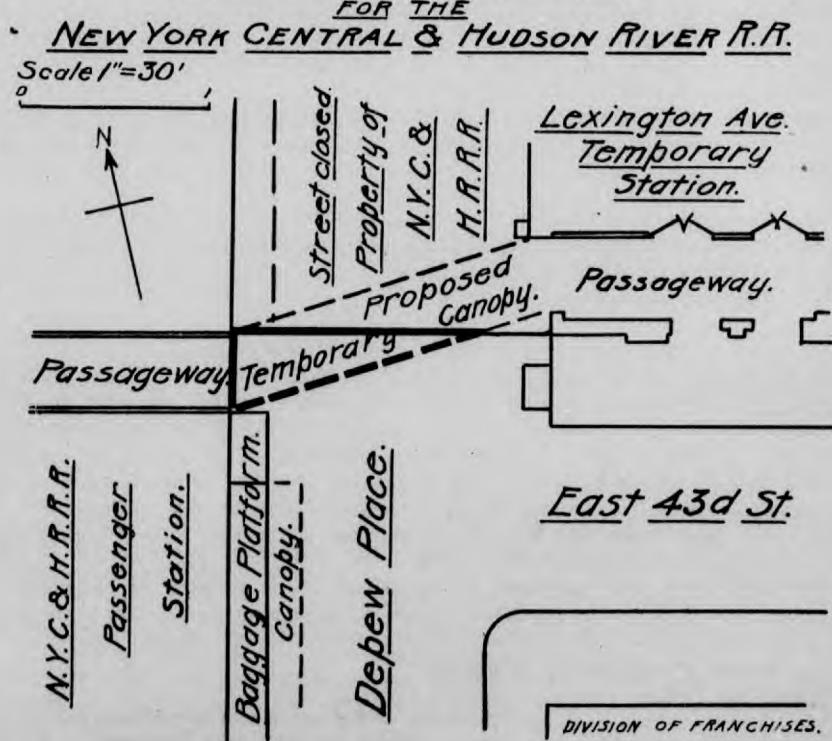
I have no objections to offer to the proposed consent, and would recommend that same be granted during the pleasure of the Board, but not to extend beyond a period of two years from the date of the approval of the resolution by the Mayor, and the compensation and security deposit be as heretofore stated.

A resolution in the usual form is transmitted herewith.

Respectfully,
HARRY P. NICHOLS, Engineer in Charge.

PLAN OF
PROPOSED CANOPY

FOR THE
NEW YORK CENTRAL & HUDSON RIVER R.R.



The following was offered:

Whereas, The New York Central and Hudson River Railroad Company has presented an application, dated November 17, 1908, to the Board of Estimate and Apportionment for its consent to the construction, maintenance and use of a canopy over Depew place, between Forty-third and Forty-fourth streets, in the Borough of Manhattan, said canopy to connect the waiting room of the company on the westerly side of Depew place with the Lexington avenue temporary station of the company on the easterly side of said street, and to be used as a passageway between both buildings; now therefore be it

Resolved, That the consent of the Corporation of the City of New York be and the same is hereby given to the New York Central and Hudson River Railroad

Company, the owner of certain property on both sides of Depew place, between Forty-third and Forty-fourth streets, Borough of Manhattan, City of New York, to construct, maintain and use a canopy across said Depew place, connecting the said properties, as shown on the plan accompanying the application, and entitled:

"Section B-B, N. Y. C. & H. R. R. Leased and operated lines. Temporary canopy, Depew Place, Grand Central Terminal Improvement, New York City."

—dated October 15, 1908, and signed Geo. A. Harwood, Chief Engr., Elec. Zone Imp., a copy of which is annexed hereto and made a part hereof, upon the following terms and conditions:

1. Said consent shall continue only during the pleasure of the Board of Estimate and Apportionment, or its successors in authority, and shall be revocable upon sixty (60) days' notice, in writing, to said grantee, its successors or assigns, but in no case shall it extend beyond a term of two (2) years from the date of approval by the Mayor, and thereupon all rights of the said New York Central and Hudson River Railroad Company in or over said Depew place, by virtue of this consent, shall cease and determine.

2. The said New York Central and Hudson River Railroad Company, its successors and assigns, shall pay into the treasury of The City of New York, as compensation for the privilege hereby granted, the annual sum of one hundred and ninety-one dollars (\$191). Such payments shall be made in advance on November 1 of each year, provided, however, that the first payment to be made within thirty (30) days after the approval of this consent by the Mayor shall be only that proportion of one hundred and ninety-one dollars (\$191) as the time between the approval of this consent by the Mayor and November 1 following bears to the whole year; such compensation shall not be considered in any manner in the nature of a tax, but shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid under any ordinance of The City of New York, or by any law of the State of New York.

3. Upon the removal of the said grantee from either one or both of the buildings connected by the canopy, or upon revocation or termination of this consent, the said grantee, its successors or assigns, shall, at its own cost, cause the canopy and all its appurtenances to be removed from the limits of the street, if required so to do by The City of New York, through its duly authorized representatives. If the canopy to be constructed by the said grantee under this consent shall not be required to be removed, it is agreed that the said canopy shall become the property of The City of New York.

4. The consent hereby given is for the exclusive use of the grantee and shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any person or corporation whatsoever, either by the acts of said grantee, its successors or assigns, or by operation of law, without the consent in writing of The City of New York, acting by the Board of Estimate and Apportionment, or its successors in authority.

5. The said grantee shall pay the entire cost of:

- (a) The construction and maintainance of the canopy.
- (b) The protection of all surface or subsurface construction in Depew place which may be disturbed by construction of the canopy.
- (c) The replacing or restoring of the pavement in said street, which may be disturbed during the construction of said canopy.
- (d) Each and every item of the increased cost of any future structure caused by the presence of said canopy under this consent.
- (e) The inspection of all work during the construction or removal of the canopy, which may be required by any Department of The City of New York having jurisdiction over such construction.

Before the construction shall be begun, the grantee shall obtain permits to do the work from the President of the Borough of Manhattan, and the said grantee shall perform all the duties which may be imposed as conditions of such permits, provided such conditions are not inconsistent with the provisions of this consent. The grantee shall submit to such official working plans, which shall include and show in detail the method of construction of said canopy, and the mode of protection or changes in all structures required by the construction of said canopy.

7. The grantee, its successors or assigns, shall allow to The City of New York a right of way under or over any part of the canopy constructed under the consent hereby granted, for any and all structures which are now or may be hereafter placed by The City of New York in that portion of the above named street occupied by said canopy.

8. Said canopy shall be constructed, maintained and used subject to the supervision and control of the proper authorities of The City of New York, and said canopy shall be open at all times to the inspection of all the authorities who have jurisdiction in such matters under the Charter of The City of New York.

9. Said canopy shall be for the use of pedestrians only, and as a means of communication between the aforementioned buildings, and for no other purpose, and no stand or stall for the sale of newspapers or other commodities, or signs, advertising bills, or placards of any description, or material of any kind, character or description shall be allowed either upon the inside or the outside of the said canopy, where the same extends over property now in the possession of, or which may be hereafter acquired by The City of New York.

10. The grant of this privilege is given subject to whatever right, title or interest the owners of the abutting property or any other person or persons may have in and to the streets where the canopy is to be constructed, and the said grantee shall be liable for all damage to persons or property, including the street, by reason of the construction or maintenance of said canopy, and it is a condition of this consent that The City of New York assumes no liability to either person or property on account of this consent.

11. This consent is granted on the further and express condition that all laws or ordinances now in force, or which may hereafter be adopted, shall be strictly complied with.

12. The said grantee, its successors or assigns, shall commence the construction of said canopy under this consent and complete the same on or before June 1, 1909, otherwise this consent shall be forfeited forthwith, and without any proceeding, either at law or otherwise, for that purpose, provided, however, that such time may be extended by the Board of Estimate and Apportionment for a period not exceeding six months beyond the date specified.

13. This consent is upon the express condition that within thirty (30) days after its approval by the Mayor, and before anything is done in exercise of the rights conferred hereby, the said grantee shall deposit with the Comptroller of The City of New York the sum of two hundred dollars (\$200), either in money or in securities to be approved by him, which fund shall be security for the performance of the terms and conditions of this consent, especially those which relate to the payment of the annual charge.

In case of default in the payment of the annual charge, The City of New York shall collect the same, with interest, from such fund after ten (10) days' notice in writing to the said grantee.

In case of any drafts so made upon the security fund, the said grantee shall, upon thirty (30) days' notice in writing, pay to the Comptroller of The City of New York a sum of money sufficient to restore the said fund to the original amount of two hundred dollars (\$200), and in default of the payment thereof the consent hereby given may be canceled and annulled, at the option of the Board of Estimate and Apportionment of The City of New York, acting on behalf of said City. No action or proceedings or rights under the provisions of this section shall affect any other legal rights, remedies or causes of action belonging to The City of New York.

14. Said grantee shall give notice to the President of the Borough of Manhattan, in writing, of its intention to begin the construction of the work hereby authorized, at least forty-eight (48) hours before such construction commences. The grantee shall also give to the Board of Estimate and Apportionment notice in writing of the date on which the work is commenced, and also the date on which the same is completed.

15. This consent shall not become operative until said grantee shall duly execute an instrument in writing, wherein said grantee shall promise, covenant and agree on its part to conform to, abide by and perform all the terms, conditions and requirements in this consent fixed and contained, and file the same with the Board of Estimate and Apportionment of The City of New York within thirty (30) days after the approval of this consent by the Mayor.

And the said grantee shall promise, covenant and agree in said instrument to hold The City of New York harmless from all damages to persons and property which may result from the construction, maintenance or use of the canopy hereby authorized.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

New York Institution for the Instruction of the Deaf and Dumb.

The Secretary presented the following:

NEW YORK INSTITUTION FOR THE INSTRUCTION OF THE DEAF AND DUMB,
FORT WASHINGTON AVENUE AND ONE HUNDRED AND SIXTY-THIRD STREET,
NEW YORK, October 21, 1908.

Board of Estimate and Apportionment, City of New York:

GENTLEMEN—I hereby make application for permission to remove pipes on Fort Washington avenue, below One Hundred and Sixty-fifth street, in order that we may be relieved of the annual charge heretofore paid to the City for the privilege.

I would state the reason for the above is that we have sold the property east of Fort Washington avenue, and, therefore have no more use for the pipe privilege.

Yours very truly,

Enoch Henry Currier, Principal.

REPORT NO. F-140.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 8, 1908.

Hon. George B. McClellan, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—On April 23, 1895, the Board of Aldermen adopted a resolution granting to the New York Institution for the Instruction of the Deaf and Dumb permission to lay and maintain three iron steam pipes across Fort Washington avenue, south of One Hundred and Sixty-fifth street, the compensation for the privilege to be determined by the Commissioners of the Sinking Fund. The institution has now presented a petition to the Board asking for permission to remove the pipes and to be relieved from the payment of its annual charges, it having sold the property.

I beg to submit herewith a detailed report from the Engineer in charge of the Division of Franchises, from which it will appear that the charges imposed have been paid up to June 26, 1908, and that the pipes have been removed and the street restored.

It is recommended that the formal permission to remove the pipes and surrender the right be granted as of November 11, 1908, upon the payment of the charges between June 26, 1908, and November 11, 1908.

Respectfully,

Nelson P. Lewis, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY,
December 7, 1908.

Mr. Nelson P. Lewis, Chief Engineer:

SIR—The New York Institution for the Instruction of the Deaf and Dumb has presented a petition dated October 21, 1908, to the Board of Estimate and Apportionment for permission to remove three pipes under and across Fort Washington avenue, southerly from One Hundred and Sixty-fifth street, in the Borough of Manhattan, in order that it may be relieved from the payment of the annual charge heretofore paid to the City for the privilege.

The petition recites that the institution has sold its property on the easterly side of Fort Washington avenue, and there is, therefore, no further use for the pipes in question.

It would appear that these pipes in question were laid under the authority of a resolution adopted by the Board of Aldermen on April 23, 1895, and approved by the Mayor May 2, 1895, granting consent to the installation, maintenance and use of three iron steam pipes ranging from one and a half inches to four inches in diameter across Fort Washington avenue, south of the southerly line of One Hundred and Sixty-fifth street. This resolution provided that compensation for the privilege should be determined by the Commissioners of the Sinking Fund. On June 12, 1895, the Commissioners of the Sinking Fund adopted a resolution fixing the annual charge for this privilege, and providing also that the trustees of the institution should give a satisfactory bond for the faithful performance of all the conditions prescribed by the Commissioner of Public Works, and by the resolution of the Board of Aldermen.

Upon the receipt of the petition by this Division for investigation and report, communications were addressed to the President of the Borough and to the Commissioner of Water Supply, Gas and Electricity, in accordance with the procedure in similar cases, advising those officials of the petition and stating that upon receipt by the Board of certifications from them, that the pipes had been removed and the street restored to its original condition and that there was no reason why the bond filed by the petitioner should not be canceled, a favorable report would be presented.

A communication was also addressed to the Comptroller requesting to be advised as to the date to which payment had been made to the City for the privilege of maintaining these pipes, and if the bond required by the resolution of the Sinking Fund was on file in the Department of Finance. In reply, I have been informed the compensation was paid up to June 26, 1908, but the bond was not filed in the Department of Finance.

Communications have also been received from the President of the Borough and from the Commissioner of Water Supply, Gas and Electricity, stating that the pipes have been removed and the streets satisfactorily restored and that there is no reason why the bond should not be canceled.

As the bond was not filed with the Department of Finance, and as the petitioner has made no mention of such bond, there appears to be no necessity for action towards canceling the same.

The pipes having been removed on November 11 and the surface of the street satisfactorily restored, I would recommend that the resolution authorizing maintenance and use of these pipes be revoked upon payment by the petitioner to the City for the privilege for the period from June 26, 1908, to November 11, 1908, the date of removal of the pipes. This revocation should not take effect until such payment has been made and until the petitioner has executed an instrument in writing releasing

The City of New York from any and all claims held or alleged to be held against the City under the terms and conditions of said consent, and surrendering and waiving any right in the City's streets under and by virtue of said consent, and file the same with the Board of Estimate and Apportionment.

A resolution for adoption is herewith transmitted.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The following was offered:

Whereas, By resolution adopted by the Board of Aldermen April 23, 1895, and approved by the Mayor May 2, 1895, the consent of the corporation of The City of New York was given to the New York Institution for the Instruction of the Deaf and Dumb, to install, maintain and use three iron steam pipes ranging from one and a half inches to four inches in diameter, across Fort Washington avenue, in the Borough of Manhattan, south of the southerly line of One Hundred and Sixty-fifth street, and it was made a condition of the said resolution that compensation for this privilege should be fixed by the Commissioners of the Sinking Fund, and

Whereas, In accordance with said resolution, the Commissioners of the Sinking Fund on June 12, 1895, adopted a resolution fixing said compensation at eighty-four dollars (\$84) per annum, and providing that said grantee should file a satisfactory bond for the faithful performance of the terms and conditions of the consent, and

Whereas, The said New York Institution for the Instruction of the Deaf and Dumb did lay down pipes in compliance with the terms of said consent, and has maintained the same since that time, and

Whereas, The New York Institution for the Instruction of the Deaf and Dumb in a petition to the Board of Estimate and Apportionment dated October 21, 1908, requested to be relieved from the payment of the annual charge for said privilege, and

Whereas, The offices of the President of the Borough of Manhattan and the Department of Water Supply, Gas and Electricity have stated that the work of removing the pipes was completed to their satisfaction on November 11, 1908, and that the street has been restored to its original condition, and

Whereas, The New York Institution for the Instruction of the Deaf and Dumb has paid the annual compensation for the aforesaid privilege to June 26, 1908; now, therefore, be it

Resolved, That the aforesaid resolution be and the same is hereby rescinded, and be it further

Resolved, That this resolution shall not become effective unless and until the New York Institution for the Instruction of the Deaf and Dumb shall make payment to the Comptroller of The City of New York for the privilege from June 26, 1908, to November 11, 1908, and shall also execute an instrument in writing releasing The City of New York from any and all claims of any kind, character or description whatsoever, held or claimed to be held under the terms and conditions of the aforesaid consent, and agreeing to quitclaim, waive and surrender any or all rights and privileges in and upon said Fort Washington avenue, held or claimed to be held under and by virtue of said consent, and file the same with the Board of Estimate and Apportionment.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

New York and Queens County Railway Company.

The Secretary presented the following:

To the Honorable the Board of Estimate and Apportionment of The City of New York:

The petition of the New York and Queens County Railway Company respectfully shows:

1. Your petitioner is a street surface railway corporation duly organized and existing under the laws of the State of New York, and owns and is engaged in operating a street surface railway upon divers streets and avenues in the Borough of Queens, City of New York.

2. On the 4th day of December, 1908, your petitioner, pursuant to section 90 of the Railroad Law, filed in the office of the Secretary of State a certificate of extension of its road, and on the 3d day of December, 1908, duly filed a duplicate original certificate of extension in the office of the County Clerk of Queens County, a copy of which extension is hereto annexed.

3. For the purpose of constructing and operating said extension or branch of its present road, your petitioner desires to obtain from your Honorable Board, and hereby respectfully applies for its consent to and a grant of the right, privilege and franchise for the construction, maintenance and operation of a double track street surface railway as an extension or branch of its existing railway for public use in the conveyance of persons and property for compensation, in, upon, along and over the surface of certain streets, avenues and highways and public places in the Borough and County of Queens, City and State of New York, of which the following is a description:

Beginning at and connecting with its present tracks on Debevoise or Second avenue, at the junction of said avenue with Pierce avenue; thence southerly in, upon, along and over said Debevoise or Second avenue, to and connecting with the tracks now operated by this company upon Jackson avenue, crossing such other streets, avenues, highways and public places as may be encountered in said route, and with such connections, turnouts, switches, crossovers, stands, poles, wires and equipment as may be necessary for the construction and operation of said railway by the overhead system of electricity, or by any other motive power that may be lawfully employed upon the same.

4. That said corporation proposes to operate said extension or branch by the overhead system of electricity substantially similar to that now in use upon its other lines, or by any other motive power that may be lawfully employed.

Wherefore, your petitioner prays that public notice hereof and of the time and place when and where this application will be first considered, be given as required by law, and that the desired consent be granted in accordance with the provisions of the Greater New York Charter.

Dated, December 4, 1908.

NEW YORK AND QUEENS COUNTY RAILWAY COMPANY.

By W. O. Wood, Vice-President.

Attest:

H. M. FISHER, Secretary.

State of New York, County of Queens, ss.:

W. O. Wood, being duly sworn, deposes and says that he is the Vice-President of the New York and Queens County Railway Company, the petitioner named in the foregoing petition; that he has read the foregoing petition and knows the contents thereof and that the same is true of his own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, he believes it to be true.

Sworn to before me this 4th day of December, 1908.

A. G. PEACOCK, Notary Public, Kings County,
Certificate filed in Queens County.

REPORT NO. F-141.

BOARD OF ESTIMATE AND APPORTIONMENT,
OFFICE OF THE CHIEF ENGINEER,
December 8, 1908.

Hon. GEORGE B. McCLELLAN, Mayor, Chairman of the Board of Estimate and Apportionment:

SIR—The New York and Queens County Railway Company, under date of December 4, 1908, applied for the consent of the Board of Estimate and Apportionment

to construct a double-track extension of its existing lines, in the Borough of Queens, on Debevoise, or Second, avenue, from Pierce avenue to Jackson avenue.

This action is taken in order that the operation of the company's cars may not be interfered with by the traffic which it is expected will cross the Queensboro Bridge. In previous reports from this office it has been recommended that the company be requested to make application for this extension.

It is recommended that January 8 be fixed as a date for the preliminary public hearing, and at that time a report will be submitted, with suggestions for a proposed form of contract.

Respectfully,

NELSON P. LEWIS, Chief Engineer.

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY, }
December 8, 1908.

Mr. NELSON P. LEWIS, Chief Engineer:

SIR—A petition under date of December 4, 1908, has been received from the New York and Queens County Railway Company, requesting the consent of the Board of Estimate and Apportionment to the construction of a double track extension to its existing lines in the Borough of Queens, on Debevoise or Second avenue, from Pierce avenue to Jackson avenue, and connecting with the tracks now operated by the company on said avenues.

In the report under date of June 6, 1908, upon the application of this company for a franchise to operate an extension upon the Queensboro (Blackwells Island) Bridge and its approaches, it was pointed out that the operation of the Dutch Kills line could be greatly improved by substituting for the portion of that line on Pierce and Lockwood avenues, and Academy and Jane streets, the route as now applied for. The report further stated that the Dutch Kills line, as at present operated, crosses the traffic to and from the Queensboro (Blackwells Island) Bridge, and would seriously interfere with the efficient operation of the bridge and delay the operation of the cars at the bridge entrance. A proposed resolution was attached to this report, requesting the company to present a petition to the Board of Estimate and Apportionment not later than June 19, 1908, for the right to alter or change the route of its so-called Dutch Kills line, from the intersection of Jane street and Jackson avenue to the intersection of Pierce and Debevoise avenues, to a position in Debevoise avenue, between Pierce avenue and Jackson avenue. No action, however, was taken by the Board on the proposed resolution, and the report and proposed form of contract were referred to a Select Committee, which has not yet reported.

The company has now elected to apply for the Debevoise avenue route as an extension to its existing system, rather than as a change of route.

I will take up the proposed extension with the officials of the company at an early date, and will be prepared to submit a report with suggestions as to the proposed form of contract on January 8, 1909. It is, therefore, recommended that such date be fixed as the date for the preliminary public hearing, and that the Mayor be requested to designate two newspapers in which publication of the hearing shall be advertised according to law.

A resolution containing these recommendations is transmitted herewith.

Respectfully,

HARRY P. NICHOLS, Engineer in Charge.

The following was offered:

Whereas, The foregoing petition from the New York, and Queens County Railway Company, dated December 4, 1908, was presented to the Board of Estimate and Apportionment at a meeting held December 11, 1908.

Resolved, That in pursuance of law, this Board sets Friday, the 8th day of January, 1909, at 10:30 o'clock in the forenoon, and Room 16, in the City Hall, Borough of Manhattan, as the time and place when and where such petition shall be first considered, and a public hearing be had thereon, at which citizens shall be entitled to appear and be heard; and be it further

Resolved, That the Secretary is directed to cause such petition and these resolutions to be published for at least fourteen (14) days in two daily newspapers in The City of New York, to be designated by the Mayor, and for at least ten (10) days in the CITY RECORD immediately prior to such date of public hearing. The expense of such publication to be borne by the petitioner.

Which was adopted by the following vote:

Affirmative—The Mayor, the Comptroller, the President of the Board of Aldermen and the Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—16.

Bristol-Myers Company.

A communication, dated November 17, 1908, was received from the Mayor's office returning, duly approved by the Mayor, resolution adopted by this Board November 13, 1908, granting permission to the Bristol-Myers Company to change the location and increase the width of the proposed tunnel under and across Clifton place, between Grand and Classon avenues, Borough of Brooklyn, connecting the buildings of the company on opposite sides of said street, to be used to contain steam pipes and electric conduits and as a passageway for employees and for transferring goods between said buildings, the construction of which tunnel was authorized by resolution adopted by this Board September 18, 1908, and approved by the Mayor September 22, 1908.

Which was ordered filed.

Bronx Traction Company; Union Railway Company of New York City.

A communication, dated November 20, 1908, was received from the Mayor's office designating the "New York Sun" and the "New York Tribune" as the daily newspapers in which the notices of public hearing and the form of contracts granting franchises to the Bronx Traction Company and the Union Railway Company of New York City, in the Borough of The Bronx, should be published previous to the final hearing on December 18, 1908.

Which was ordered filed.

New York, Westchester and Boston Railway Company.

A communication, dated December 1, 1908, was received from the Mayor's office returning, duly approved by the Mayor, resolution adopted by this Board November 20, 1908, consenting to a change in the line of the route of the New York, Westchester and Boston Railway Company, in the Borough of The Bronx, and to certain modifications of the ordinance approved by the Mayor August 2, 1904, granting a franchise to said company.

Which was ordered filed.

Union Railway Company of New York City.

The Secretary presented the following:

In the Board of Aldermen.

Whereas, In response to a resolution adopted by this Board of Aldermen October 13, 1908, the Corporation Counsel rendered an opinion that the Union Railway Company had no right or grant to operate cars on New White Plains avenue, in the Borough of The Bronx; and

Whereas, It is alleged that the promoters of said company were instrumental in accelerating the improvement of White Plains avenue to further their own special interest at the expense of the taxpayers assessed for said improvement; and

Whereas, It is a matter of record that but one taxpayer signed the petition to acquire title to land for said improvement, which proves conclusively that there was no general demand at the time for the improvement by the taxpayers; therefore be it

Resolved, That the Board of Estimate and Apportionment be requested to instruct the Division of Franchises to ascertain the value of the past, present and future use of said street by said railroad company. And the sum determined upon shall be collected through proceeding to be begun at once by the Corporation Counsel; and be it further

Resolved, That the amount so collected be applied to a reduction of the assessment for regulating and grading White Plains avenue, and that no further grants be allowed said company until the matter of White Plains avenue is settled satisfactorily to the City authorities and the taxpayers affected.

Adopted by the Board of Aldermen December 1, 1908, a majority of all the members elected voting in favor thereof.

P. J. SCULLY, Clerk.

Which was referred to the Chief Engineer.

The following matters, not on the calendar for this day, were considered by unanimous consent:

Proposed Amendments to Charter and Rapid Transit Law.

The Chair submitted a report from the Engineer in charge of the Division of Franchises to the Chief Engineer, upon the communication which was presented to the Board at its meeting of October 16, 1908 (financial minutes), from the Chairman of the New York Charter Commission, requesting the views of the Board of Estimate and Apportionment in regard to the time limitations of franchises, contracts and leases to railroads and other public utility corporations, made pursuant to the City Charter and the Rapid Transit Law, as follows:

BOARD OF ESTIMATE AND APPORTIONMENT,
DIVISION OF FRANCHISES, ROOM 801, NO. 277 BROADWAY, }
December 11, 1908.

Mr. NELSON P. LEWIS, *Chief Engineer:*

SIR—Under date of October 6, Mr. William M. Ivins, as Chairman of the New York Charter Commission, appointed by the Governor pursuant to chapter 114, Laws of 1908, addressed to the Board a communication which was presented at the meeting held on October 16, 1908, and referred to the Chief Engineer.

It is stated in this communication that section 73 of the Charter, which section provides among other things the maximum term of grants for franchises which may be made by the Board of Estimate and Apportionment, is now under consideration by the New York Charter Commission and is to be redrafted to make its provisions clear and undoubtable, but before such redrafting takes place, there are two questions of economic policy involved of particular gravity and importance which must be decided. Attention is called to the provision as to the term of grants as limited by the Charter and the Rapid Transit Law, and to the contention which has been made by some, that the limits now placed upon the term of grants constitutes a bar to the investment of private capital in the construction of new rapid transit railroads, which, taken with the present inability of the City to construct rapid transit railroads because of the state of the City debt, effectually precludes the development of the rapid transit railroad system, and therewith the growth of the City.

The following questions are propounded:

First—"Should the provision with regard to tunnel roads providing for the grant of perpetual franchises be repealed?"

Second—"Should the term of other grants be for a longer period than now provided by the Charter and Rapid Transit Law, and if so, for what period?"

The Chairman states that if substantial changes are to be made in the law in regard to the term of franchises, that such changes should be made only after consultation with the Board of Estimate and Apportionment, as the elected officers of the City, and the Public Service Commission, as successor to the Board of Rapid Transit Railroad Commissioners, representing both the State and the City.

I wish to say at the outset, that I approach the subject of the term or time limit of franchises with considerable hesitancy. To my mind it is one of the most if not the most important of the provisions of law relating to the use of public property by public utility corporations. A franchise without time limit is, generally speaking, a trespass upon the rights of posterity, but on the other hand, the term must be sufficient to make the enterprise attractive enough to insure the investment of capital, otherwise the growth of the City will be retarded. Between these two limits, the term of grant should be fixed by law.

I have, therefore, in the following: First, outlined briefly the provisions, as I understand them, of the City Charter and of the Rapid Transit Law in regard to the limitation of the term of the different grants which may be made pursuant to those laws by the Board of Estimate and Apportionment, and by the Public Service Commission, as successor to the former Board of Rapid Transit Railroad Commissioners, with the approval of the Board of Estimate and Apportionment. Second, illustrated the working of such limitations as affecting grants made during the existence of the laws, and have drawn such conclusions therefrom upon which to base answers to the questions asked by the Chairman of the New York Charter Commission, as seem warranted.

PROVISIONS OF THE CITY CHARTER AND RAPID TRANSIT LAW.

City Charter.

The statement is made in the communication that section 73 permits a grant for tunnel railroads in perpetuity, and judging from that statement, I take it that the first question quoted above is meant to apply only to section 73 of the Charter. I am unable to find, however, any such provision in the City Charter, but on the contrary, section 73 limits the grants of such franchises to a fifty-year term, with the privilege of renewal or renewals not exceeding in the aggregate twenty-five years. There is, therefore, either an error in the communication or I have not properly interpreted the meaning of the Charter provisions.

Section 242 of the Charter, as amended by chapter 629 of the Laws of 1905, gives to the Board of Estimate the exclusive power in behalf of the City to grant to persons or corporations franchises for the use of any street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier and public ground or waters within or belonging to the City, whether under or over the surface thereof, excepting in the cases where franchises, rights or contracts shall be granted or authorized pursuant to the Rapid Transit Law.

Section 73 of the Charter provides for the limitation and conditions of the grants and franchises which may be made by the Board of Estimate and Apportionment. This section provides that no franchise or right to use the streets, avenues, water, etc., of the City shall be granted by any Board or officer of the City under the authority of the Charter to any person or corporation for a longer period than twenty-five years, except as therein provided, but such grant may, at the option of the City, provide for the giving to the grantee the right upon a fair revaluation or revaluations to a renewal or renewals not exceeding in the aggregate twenty-five years. The exceptions are grants made for tunnel railroads and grants made pursuant to the Rapid Transit Law.

The Board of Estimate and Apportionment is authorized to grant a franchise or right to any railroad corporation to use any of said streets, avenues, waters, etc., for the construction and operation of a tunnel railroad underneath the surface thereof for any period not exceeding fifty years, with provision for renewals upon a fair revaluation or revaluations not exceeding in the aggregate twenty-five years.

It is evident that the City Charter vests the Board of Estimate and Apportionment with exclusive power to grant franchises for general public utilities in any of the streets or public places of the City to any firm or corporation, except in so far as the Public Service Commission is empowered to grant certain railway franchises specifically described in the Rapid Transit Law, such power being, however, subject always to the approval of the Board of Estimate and Apportionment. It is necessary, therefore, in order to understand to what railway franchises section 73 of the Charter applies, to analyze the provisions of the Rapid Transit Law which authorizes the Public Service Commission to make these grants and thus to ascertain the franchises exempted from the provisions of section 73 of the Charter by being made subject to said Rapid Transit Act.

Rapid Transit Law.

The grants or franchises authorized by this law as amended may, for the purpose of this discussion, be divided into two classes. In the first class may be included all franchises for railways to be constructed entirely at the expense of the company receiving the franchise. The authority for such grants is found in sections 32, 32-A

and 38-A. In the second class are all franchises for rapid transit railways constructed upon routes at the City's expense, laid out in the manner provided in sections 4 and 5, and leased pursuant to sections 34, 34-A, 34-B or 34-F.

1. *Franchises Granted Pursuant to Sections 32, 32-A and 38-A—Section 32 as it now stands is the result of amendments by chapters 472 and 606 of the Laws of 1906. This section had previously been amended by chapter 584 of the Laws of 1902 and by 519 of the Laws of 1895, both of which amendments increased the powers of the former Board of Rapid Transit Railroad Commissioners. The section as now amended empowers the Public Service Commission, subject to the approval of the Board of Estimate and Apportionment, to grant franchises for an unlimited term, but provides that the grant shall require payment to the City of an annual rental to be fixed for a period of not more than twenty-five years from the beginning of operation, and shall provide for the readjustment of the amount of the rental from time to time at intervals not greater than twenty-five years each.*

The companies to which such franchises may be granted and the purposes for which they may be used, as set forth in section 32, are as follows:

First—

Companies:

Any railroad corporation now or hereafter incorporated.

Purpose:

*For the purpose of constructing and operating a tunnel railroad or railroads from an adjoining State under the North or Hudson or Harlem Rivers to a terminus within the City or under the North or Hudson River, and thence transversely across and *under* the surface of the Borough of Manhattan, and thence under the East River by the shortest practical route; such railroad or railroads to be connected with some trunk line railroad or railroads whose terminus or termini are in this or an adjoining State, thereby forming a continuous line for the carriage of passengers and property between a point or points without such adjoining State and a point or points within the City.*

Second—

Companies:

(a) A railroad corporation owning or actually operating a trunk line railroad whose terminus or termini are within the City.

(b) A railroad corporation owning or actually operating, or required to own or actually operate by a certificate of the Board of Rapid Transit Railroad Commissioners, a railroad wholly or partly within the City, and engaged or intended to be engaged in interstate commerce in connection with a trunk line railroad, and which shall have or be required by such certificate to have, a terminus or termini in the City.

Purposes:

(a) To construct and operate a railroad or railroads from such terminus or termini by the shortest practical route to and under or over the East River or the North or Hudson River or the Harlem River to any point in this or an adjoining State.

(b) To connect such terminus or termini with the railroad or terminus of any other such railroad or trunk line railroad in this State.

(c) To straighten or improve the grade or alignment of any such railroad.

(d) To directly connect any points thereon.

This section apparently applies only to railroads which are to be built either above or under the surface of the streets. The section authorizes the Commissioners:

*A. To fix and determine the route or routes by which any such railroad corporation may so establish and construct or extend its lines into or within the City, and may authorize such railroad corporation to construct and operate any such railroad or connecting railroad *under* any streets, avenues, etc.*

*B. To authorize any such railroad or connecting railroad which is or which may be required to be by the terms of a certificate received from the Board of Rapid Transit Railroad Commissioners to be operated or used as a part of an interstate trunk line, to construct and operate the same *over and across* any such streets, avenues, etc., but not *over and lengthwise* of any streets, avenues, etc.*

Section 32A was added to the Rapid Transit Law by chapter 472 of the Laws of 1908, and authorizes the Public Service Commission, subject to the approval of the Board of Estimate and Apportionment, to grant certain franchises for limited terms, the conditions of which must require the company receiving the same to pay to the City an annual rental. The term of the franchise must not exceed in any case twenty-five years, and if the privilege of renewal is granted, there must be a readjustment of compensation at least once every ten years thereafter, but the aggregate of the renewal terms shall not exceed twenty years.

The companies to which franchises, pursuant to section 32A, may be granted and the purposes for which they may be used are as follows:

Companies:

Any person, firm or corporation owning, leasing, constructing or actually operating a railroad wholly or in part within the limits of the City, and any person, firm or corporation constructing or operating a railroad or railroads constructed or contracted for pursuant to section 34.

Purposes:

(a) To connect with other railways or the stations thereof or with ferries or to extend his or its lines within the city upon a route or routes fixed by the Commission.

(b) To lay an additional track or tracks on, above, under or contiguous to a portion or the whole of the route or routes of his or its railway or railways within such city, and to acquire terminal or other facilities necessary for the accommodation of the travelling public on any street or place except the place known as Battery Park on which such railway shall be located.

(c) To lay his or its tracks and operate his or its railway to any terminal or terminals within the said city, and to transport over the same passengers or freight or both, and run over the same either passenger trains or freight trains or mixed trains.

Prior to the addition of section 32A of chapter 472 of the Laws of 1906, there was a provision in the Rapid Transit Law known as section 65, which provided that no railroad should be constructed or operated upon the surface of any street, avenue or highway pursuant to the Rapid Transit Law, with the exception of bridges and viaducts or any street, avenue or highway approach thereto. This section was repealed by chapter 472 of the Laws of 1906, which added section 32A to the law, and it can be seen that the provisions of 32A might be construed as applying to railroads or railways constructed upon the surface of streets and avenues of the City.

Section 38A of the Rapid Transit Law, as added by chapter 102 of the Laws of 1892 and amended by chapter 519 of the Laws of 1895, applies to companies incorporated for the purpose of constructing, maintaining or operating a bridge or bridges connecting a city of more than one million inhabitants with any other city in the State, by the act of incorporation of which companies authority shall have been conferred, or intended to be conferred, to construct, maintain and operate as a part or in connection with its bridge an approach or approaches thereto, extending generally in an easterly and westerly direction and empowers the board of directors of such companies to determine in lieu of the approach or approaches to build, maintain and operate an elevated railway not exceeding three miles in length, the route of which shall coincide with the route of the approach or approaches. If so determined the board of directors shall adopt a general plan with regard to the same, and upon approval of the said plan by the Common Council or other local authority of the City the bridge company shall be entitled to construct the road, it being given all the powers of corporations formed under the Rapid Transit Law. No limitation is placed upon the term of any consent so given.

II. Railroads for which routes are fixed, pursuant to sections 4 and 5, and leased pursuant to sections 34, 34A and 34B of the Rapid Transit Law, and railroads purchased by the City and leased to operating companies, pursuant to section 34F.

Section 34, as amended by chapter 472 of the Laws of 1906, and sections 34A and 34B, as added by the same law, authorizes the Public Service Commission to contract for the construction, equipment, maintenance and operation of railways to be constructed at the expense of the City.

Section 34 authorizes the Commission to contract with any person, firm or corporation for the construction of such railroad either in sections or as a whole and at the expense of the City. The Commission may include in such contract provision for equipment of the entire road or any portion thereof, or it may contract for such equipment separately, the cost of such equipment to be borne by the City.

Section 34A authorizes the Board to contract with any company for the furnishing at its own expense of the equipment or any part thereof, not provided for pursuant to section 34, and for the maintenance and operation of the railroad.

Section 34B authorizes the Commission, in such cases where the equipment is furnished at the expense of the City, to contract with any company for the maintenance and operation of such railroad at the expense of the contractor.

The duration of such contracts is specified, being limited in the case of the contract for equipment, maintenance and operation (under section 34A) to twenty years, but may provide for a renewal or renewals not exceeding in the aggregate twenty years, and in the case of the contract for maintenance and operation only (under section 34B) to ten years, but may provide for a renewal or renewals not exceeding in the aggregate ten years.

Section 34F, as added by chapter 472 of the Laws of 1908, authorizes the Commission, with the approval of the Board of Estimate and Apportionment, to purchase any line or lines of railway already constructed or in process of construction of the character which might be constructed as a rapid transit railway or railways under the provisions of the Rapid Transit Act, which, in the opinion of the Commission, it is for the interest of the public and the City to acquire for rapid transit purposes. On purchasing any such railway the Commission, with the approval of the Board of Estimate and Apportionment, may enter into a contract with any person, firm or corporation for the equipment of such railway at the cost and expense of the party contracting, and for the maintenance and operation of the same for a term of years not exceeding twenty-five, with a covenant for *one renewal* of not to exceed twenty-five years.

APPLICATION OF CHARTER PROVISIONS.

It will be seen from the foregoing that although the Rapid Transit Law provides for the granting of franchises for tunnel railroads, the character of such tunnel railroads is specified, and it would, therefore, seem that the tunnel railroads mentioned in the Charter are all other railroads of that character which are not so specified, and may include railroads constructed upon private property, except where they cross under streets. The provision in section 73 limiting the term of grant for general public utilities to twenty-five years, with the privilege of renewal for a further term or terms not exceeding in the aggregate twenty-five years, applies undoubtedly to franchises to street surface railway companies, gas companies, electric light companies, telephone companies, telegraph companies, or any other companies which may petition for a franchise not specified in the Rapid Transit Law.

SUMMARY OF TERMS OF GRANTS WHICH MAY BE MADE BY THE DIFFERENT LAWS.

From the foregoing it is seen that the terms of grants which may be made by the Board of Estimate and Apportionment, pursuant to the Charter, and by the Public Service Commission, pursuant to the Rapid Transit Law, are as follows:

City Charter.

	Original Grant.	Renewal Terms.	Aggregate of Renewal Terms.	Total Term of Grant.
Street railways, gas, electric light, telephone, etc.	Not exceeding 25 years	Not exceeding 25 years	Not exceeding 25 years	Not exceeding 50 years
Tunnel railroads other than those specified in Rapid Transit Law	Not exceeding 50 years	Not exceeding 25 years	Not exceeding 25 years	Not exceeding 75 years
Leases in cases when entire property becomes City's without cost at end of grant, as above				
Leases in cases when City pays for property not in streets at end of grant, as above				

Leases may be made for 20 years, with no renewal.

Limited as are "leases of ferries and docks."

Rapid Transit Law.

	Original Grant.	Renewal Terms.	Aggregate of Renewal Terms.	Total Term of Grant.
Railroads described in section 32 of the Rapid Transit Law	*No limit	*No limit	*No limit	*No limit
Railroads described in section 32A of the Rapid Transit Law	Not exceeding 25 years	Not exceeding 20 years	Not exceeding 20 years	Not exceeding 45 years
Contract for equipment, maintenance and operation, pursuant to section 34A of the Rapid Transit Law	Not exceeding 20 years	Not exceeding 20 years	Not exceeding 20 years	Not exceeding 40 years
Contract for maintenance and operation, pursuant to section 34B of the Rapid Transit Law	Not exceeding 10 years	Not exceeding 10 years	Not exceeding 10 years	Not exceeding 20 years
Railroads purchased and leased, pursuant to section 34F of the Rapid Transit Law	Not exceeding 25 years	Not exceeding 25 years	Not exceeding 25 years	Not exceeding 50 years
Bridge companies, pursuant to section 38A of the Rapid Transit Law	No limit	No limit	No limit	No limit

* Franchise must provide for readjustment of compensation at intervals of not more than twenty-five years.

CITY'S EXPERIENCE IN MAKING LIMITED GRANTS.

Having thus outlined the provisions of the Charter and of the Rapid Transit Law, we can better discuss the question of term of grant as limited by those laws and the practical working of the limitations from experience in granting franchises during their existence, with a view to answering the questions in the communication from the Chairman of the New York Charter Commission.

Street Railways, Gas, Electric Light, etc.—The condition requiring limited franchises has now been in existence a little over ten years. During the first part of that period few franchises were applied for, partly for the reason that the companies operating in the City had prior to consolidation, acquired grants covering practically the entire territory where they thought it profitable to extend their service, and only two street surface railway franchises of any importance were granted until 1902, or four years after the enactment of the law limiting the term of franchises. Since that time, the petitions from street surface railways have been steadily increasing in number, and within the last two or three years the Board has had petitions from many street surface railways, from two gas companies, from two electric companies, from at least four telephone companies and from several other corporations applying for rights of various character, which shows that these public service corporations have become reconciled to a limited franchise not exceeding fifty years in duration.

The City has not in all cases granted rights for the maximum period fixed by the Charter. One street surface railway extension has been granted for a period of only ten years, with a renewal of ten years. Three street surface railway extensions have been passed upon favorably by the Board and are now being advertised for a final public hearing, the terms of which are each fifteen years, with the privilege of renewal in each case for a further term of twenty years, and these are for routes in suburban and sparsely populated districts. Other street surface railway rights have been granted for the maximum term fixed by the Charter.

There are many conditions which influence the decision of the company accepting a franchise for any particular period. At the termination of any grant the property in the streets reverts to the City, without cost, pursuant to section 73 of the Charter. Therefore, a sum equal to its value must be earned during the existence of the grant beside the cost of operation and maintenance, and a fair rate of interest upon the money invested. Under these circumstances, the greater the earning power of the enterprise the shorter the term which can be accepted.

The earning power would in the case of a street surface railway, for example, depend upon its location, whether it is part of a large existing system to which passengers may transfer, whether there is competition, whether the maximum traffic will be continuous throughout the whole year, and many other conditions which would not be similar in any two cases.

Beside these physical conditions, there are the conditions of the franchise to be considered. If a franchise is granted for a short period, the company will not be able to pay as high an annual rental as would be the case if a longer term were granted, and it may sometimes be more advantageous to the City to grant a franchise for a short period rather than to impose stringent terms or to receive therefrom a larger compensation.

It appears to me that the local authorities should be given some discretion in fixing the terms of these grants. It is evident that if the law fixed the maximum term of franchises at the probable minimum which companies would accept even under

the most liberal conditions, then the City would not have this latitude in dealing with the various companies and might thus be placed at a disadvantage. I am inclined to believe that the provision of the Charter which now exists limiting such franchises to a term of twenty-five years, with a renewal of twenty-five years as the maximum, needs no modification, since the City has shown by grants made in the past that its attitude is not to grant franchises for the maximum period prescribed by the Charter, but rather for terms which seem to be most advantageous to the City and acceptable by the company.

Trunk Line Connections and Tunnel Railroads—As I understand the law, section 32 of the Rapid Transit Act refers in all cases to railroads which are to be operated in conjunction with trunk line railroads, whose rights are not specifically limited in time, and including tunnel railroads underneath the bordering rivers of the city, which are of very expensive construction.

The Rapid Transit Commission has granted several franchises for indeterminate periods, but providing for readjustment of compensation each twenty-five years, among which might be cited the franchise to the Pennsylvania, New York and Long Island Railroad Company, for the right to construct a tunnel under the North and East Rivers, and under and across the Borough of Manhattan, and the franchises pursuant to which the Hudson and Manhattan Railroad Company is in part operating and in part still constructing tunnels under the North River.

By the Pennsylvania, New York and Long Island Railroad Company's tunnel it is proposed to connect by electrical operation the steam railroad system of the Long Island Railroad Company on Long Island with that of the Pennsylvania Railroad Company, which terminates at the North River on the New Jersey shore, thus joining two great railroad systems. The expense of construction is enormous, and at the time the company applied for a franchise it refused to accept anything but a franchise having an unlimited term. Such a railroad or tunnel could not be used to advantage by the City should it ever come into its possession without acquiring some of its connecting railroads for the reason that it terminates at one end in the centre of the North River. This is also true of the Hudson and Manhattan Railroad Company's tunnels.

Another example of a franchise for a trunk line connection which has been granted by the Board of Rapid Transit Railroad Commissioners for a indefinite period is that of the New York Connecting Railroad Company. This railroad was designed as a connection between the New York, New Haven and Hartford Railroad at the Harlem River with a railroad owned and operated by the Long Island Railroad Company in the Borough of Brooklyn to be used for the transportation of freight principally. It is to be constructed upon private right of way, except where it crosses streets either above or below the grade thereof. Freight may be sent over these two railroads between the New York, New Haven and Hartford Railroad on the Harlem River, in the Borough of The Bronx, and the foot of Sixty-fifth street, in the Borough of Brooklyn, and ferried across the New York Bay to the Pennsylvania Railroad Company's terminal upon the New Jersey shore. Freight transported over this railroad will, therefore, be in a large part interstate traffic between the Pennsylvania Railroad, the New York, New Haven and Hartford Railroad and the Long Island Railroad.

It is evident that no company could afford to build such a railroad, involving as it does the erection of a large bridge across the East River, and very expensive construction throughout its entire length, under a franchise limited to any term specified by either the Rapid Transit Law or the New York Charter, for any other type of railroad, the longest of which is 75 years.

The law permitting the Board of Rapid Transit Railroad Commissioners to grant franchises similar to that which was granted to the Pennsylvania, New York and Long Island Railroad, was passed as an amendment to section 32 of the Rapid Transit Law, by chapter 584 of the Laws of 1902. It was first proposed to give this authority to the City by an amendment to the City Charter. A bill was prepared, passed by the Legislature and forwarded to the Mayor for his acceptance on behalf of the City. In returning the bill, a memorandum was prepared by Mayor Low bearing date of March 24, 1902, and was forwarded to the Governor, a part of which I quote as admirably expressing the reason why a longer term of franchise is required for an enterprise of this character. A portion of the memorandum referred to is as follows:

"No one in this community is more averse to a perpetual franchise than am I, but candor compels me to recognize that there is a vital distinction to be drawn between such a franchise as the Pennsylvania Railroad desires and that, for example, of the Rapid Transit subway. If, at the end of the period for which the latter franchise is granted, the City decides to operate the railroad itself, the City takes the entire railroad. In the case of the Pennsylvania Railroad tunnel, on the other hand, were the City to assume it at the end of a limited franchise, the City would acquire what would be of comparatively little value without the outside railroad systems connecting therewith; while the railroad would lose what would be vital to it after its business had been adjusted for fifty or seventy-five years to the use of such facilities."

Section 32 of the Rapid Transit Law *does not require grants to be made in perpetuity*, but leaves the term to the discretion of the Public Service Commission, the only safeguard being the condition which requires the readjustment of compensation at intervals not exceeding twenty-five years, which enables the fixing of compensation commensurate with future values which cannot be reckoned at the time the franchise is originally granted. Personally, I believe a term for any period whatever is preferable to one which has no fixed limit. This seems also to have been the opinion of the Charter Commission of 1897, in recommending that the rights of the City in and to its streets be declared inalienable. This recommendation was adopted by the Legislature and is expressed in section 71 of the Charter, as follows:

"The rights of the City in and to its water-front, ferries, wharf property, land under water, public landings, wharves, docks, streets, avenues, parks and all other public places are hereby declared to be inalienable."

This section of the Charter does not appear to have been expressly limited or repealed by any provision of the Rapid Transit Law, and I presume, therefore, it applies to the same in so far as any action taken by the Public Service Commission under its provisions affects the streets of the City. If such is the case, it appears to be contrary to section 71 of the Charter to make any grant pursuant to section 32 of the Rapid Transit Law, which is unlimited, and apparently perpetual in its terms, for the reason that such grant would in effect be an alienation of the rights of the City in and to its streets, avenues, public places, etc.

Unquestionably, as has been intimated in the foregoing, most grants which are described in section 32 of the Rapid Transit Law should be made for a period greater than any limits prescribed by the Charter or by the Rapid Transit Law for grants of any other character. But it would seem that some maximum limit could be established for such grants within which the companies applying for such rights can afford to accept a franchise which would preserve to future generations their rights in and to the streets of the City. It appears to me that the maximum period of two hundred years, or ten generations, is sufficient for the companies to earn the original cost of the railroad, and obtain a reasonable profit on the money invested, and while the railroads to be constructed under grants pursuant to this section will be only used as connections between systems of railroads having franchises unlimited as to time, and may in some instances form an integral part of such railroads, yet no serious objection can be raised against the placing of a limitation on a right of this character if the City can take over the property in the streets and lease the same. The mere fact that the property would become the City's raises no obstacle to a grant for a definite number of years. While I do not mean to say that two hundred years is the maximum period for which all grants under this section should be made, yet it appears to me that this maximum period is not unreasonable, and is a limit within which the Public Service Commission has an opportunity to use broad discretion.

The tunnel railroads referred to in section 73 of the Charter apparently are such tunnel railroads as are to be operated entirely independent from any existing railroad, and not on a route laid out by the Public Service Commission. The Board of Estimate and Apportionment has never received an application for a franchise of this character, which may be owing to the fact that there exists some doubt as to what railroads are referred to, or that the term of grant, viz., fifty years, with the privilege of renewal for twenty-five years, is too short, in view of the expense necessary for the construction of a railroad of this character. In revising this section, the type of railroad referred to should be more clearly defined.

Owing to the apparent impossibility of contracting for the construction and operation of railroads built at the expense of the City under the present provisions of the Rapid Transit Law, I am recommending herein that the provision fixing the maximum term of leases for such railroads be increased to fifty years, with the privilege of renewal for twenty-five years, which was the maximum term originally fixed by the law. It is deemed to be only just that if the City should lease a railroad constructed

by it for such a term, it should grant the privilege to any company which will construct and operate the tunnel railroad at its own expense for a period somewhat greater than in such before mentioned case. It is suggested, therefore, that the maximum term of grants for tunnel railroads referred to in section 73 of the Charter be fixed for fifty years, with the privilege of two renewals of twenty-five years each.

Railroads Referred to by Section 32A of the Rapid Transit Law—The last sentence of this section reads:

"The provisions of this section shall apply to any railroad or railroads constructed, constructing or contracted for under the provisions of section 34 of this act, and to any person, firm or corporation constructing or operating such railroad or railroads."

If this sentence can be considered as limiting the application of this section to such railroads only, it would remove many objections that could be urged against the same, but it appears to me that instead of limiting, it merely extends its application to the class of railroads referred to in section 34, viz., railroads built at the expense of the City. The section itself refers to any and all railroads, and the person, firm or corporation owning, leasing, constructing or operating the same, including railroads on the surface of the streets. This would seem to be borne out by the fact that there is now an application before the Public Service Commission for the privilege of constructing a railroad upon the surface of Atlantic avenue, which petition was made pursuant to this section.

The Rapid Transit Law, as originally drawn, was intended to provide for the construction and operation of rapid transit railroads only, as is apparent from the title of the act (chapter 4, Laws of 1891), and was not intended in any way to provide for the granting of franchises for other classes of railroads which had been provided for by the City Charter. The law has been amended from time to time, as has already been noted, adding to the powers of the former Board of Rapid Transit Railroad Commissioners, and section 32a, which was added by amendment of 1906, seems to give the Public Service Commission the rather broad powers just referred to. It may be considered doubtful whether, in view of the title of the act, the addition of section 32a, referring as it does to all classes of railroads and railways, including those for which franchises may be granted under the Charter, was authorized as being within the meaning of the title of the act, and it would seem that if it were not so authorized, this section should either be repealed or redrawn so as to properly define and limit the powers of the Public Service Commission thereunder. As it at present stands, there can be no doubt that a company applying for a grant of the character referred to therein, might apply for and obtain such right from the Board of Estimate and Apportionment under the Charter, as well as by application to the Public Service Commission. It being apparently intended by section 242 of the Greater New York Charter to vest the Board of Estimate and Apportionment with exclusive authority to grant franchises, except so far as such authority was vested in the Public Service Commission, it would seem that it was not the general legislative intention to give to the Board of Estimate and Apportionment and the Public Service Commission concurrent authority over any subject referred to in the Rapid Transit Law, or the Charter, and that any provision in either of such acts which would result in the granting of such concurrent authority is not within the general intention of those laws.

The limitation as to period of duration of the original grant of franchises granted pursuant to this section is the same as that prescribed in the Charter for street surface railways, but the limitation as to the aggregate of the renewal terms is five years less than that fixed by the Charter.

I cannot recommend any change in the limitations fixed by this section, unless the franchises to which the section applies are more definitely described. If, however, it is amended to apply only to steam railroads, or railroads upon which may be operated trains in connection with existing steam railroads in the City, I am not sure that the term of grant provided gives to the Public Service Commission sufficient latitude to deal with that class of franchises. If this section applies only to the latter class mentioned, it should also provide that no such railroad shall be constructed upon the surface of any street.

Rapid Transit Railroads Constructed by the City—The Rapid Transit Act limits leases of railroads constructed by the City to twenty years, with the privilege of renewal for twenty years, where the lessee equips the railroad, and for ten years with the privilege of renewal for ten years, where the City equips the railroad.

The existing rapid transit railroad was constructed, and is now operated under two separate contracts. The first contract was for the portion north of the City Hall, and its duration is for a period of fifty years, with the privilege of renewal for twenty-five years. It was generally understood that the City paid to the contractor a sum equal to the entire cost of the railroad with a reasonable profit thereon.

The second contract was for an extension to the railroad constructed under the first contract running from the City Hall to the intersection of Atlantic and Flatbush avenues, in the Borough of Brooklyn, although it could have been constructed and operated as an independent line, and contained conditions very much more advantageous to the City, the term being only thirty-five years with the privilege of a renewal for twenty-five years, and it was reported that the sum required to be paid by the City under the contract was only about twenty-five per cent. of the estimated cost of the road, the contractor and lessee furnishing seventy-five per cent. of the cost of construction and the entire equipment. No advertising in stations is permitted, and the lessee, under the proposal submitted by it for this contract, must carry passengers without additional fare from any portion on the railroad constructed under the first contract to any portion on the extension.

At the time both of these contracts were made, the law fixed the maximum original term at fifty years, with a renewal for twenty-five years, so it will be seen that the Board of Rapid Transit Railroad Commissioners took advantage of the conditions as they existed at the time the second contract was made to secure better terms for the City by making the conditions of the contract more stringent and the term of the contract for a shorter period.

I have never seen a positive statement from any official source of the profits from the operation of the existing Rapid Transit Railroad. It seems to be fairly well established, however, that before the railroad was constructed all interests in the first contract with the City for construction, equipment and operation was assigned to the Interborough Rapid Transit Company for a sum equal to at least \$2,500,000. This is the sum indicated by the minutes of the Board of Directors of the Interborough Rapid Transit Company, but in the report of the Company to the former State Board of Railroad Commissioners for the year ending June 30, 1906, it is stated that the cost of the lease, presumably meaning both contracts, is \$2,757,781.25, and in the reports of the Company to the Comptroller of the City for the years ending October 31, 1905, and October 31, 1906, in which is a statement of the capital of the Company invested in the Manhattan and Bronx Divisions (Contract No. 1), there appears an item: "Capital stock issued to acquire lease of subway and all interests therein, \$12,100,000."

The reports to the Comptroller, above referred to, contain, besides a statement of the capital invested by the Company in the Manhattan and The Bronx Division, a statement of gross receipts, operating expenses and interest on City bonds paid by the Company, pursuant to the contract. These reports are sworn to by the Treasurer of the Company.

The report for the year ending October 31, 1907, shows the net earnings, being the difference between the gross receipts and operating expenses, to be \$4,530,993.56; the interest on City bonds \$1,482,240.47, leaving a balance of \$3,048,753.09. From this balance there should be deducted the sum of \$426,439.30, which was the amount paid to the City during that year as sinking fund upon the bonds issued by the City, and required to be paid to the City under the contract. This leaves a balance of \$2,622,313.79, which would appear to be the amount earned upon the investment of the Company. The report states that the capital invested, excluding the capital stock issued to acquire the lease, consists of two items, namely, cost of real estate and expenditures for subway equipment, and amounts to \$25,367,322. The amount appeared to be earned is equal to about 10.3 per cent. of the capital invested by the Company, exclusive of the cost of the lease. Corresponding figures for the two previous years seem to indicate that the railroad earned about 7.6 per cent. in 1906, and about 3.9 per cent. in 1905. One reason for the yearly increase in earnings during the three years for which the data is given is that the entire railroad was not open to traffic until the year 1906, but it is safe to say that the traffic, and therefore the gross earnings, are constantly increasing, and probably will continue to increase for some time. If these conclusions are correct it would seem that the existing Rapid Transit Railroad is earning a fair revenue upon the capital actually invested.

Immediately after the letting of the contract for the Manhattan-Brooklyn line, known as Contract No. 2, an agitation was started against the limitations in the then existing law, it being claimed that its provisions were too liberal. The result was that the Rapid Transit Law was amended in 1906 by fixing the limitations as they now exist. This

same act added section 34E, permitting the Public Service Commission to offer alternate propositions—that is, to receive bids for construction, equipment or operation combined or separately.

The Commission then proceeded, under the restrictions of the new law, to draw up contracts for a longitudinal route in the Boroughs of Manhattan and The Bronx, which would form a complete route independent of the existing railroad, but so divided the same into separate contracts and provided for such connection with the existing railroad as to form extensions to that road both north and south of Forty-second street. In other words, the new contracts, taken in connection with the existing railroad, would have formed two separate and distinct lines, one on the east and the other on the west side of the City. But it was not alone the restrictions of the new law that the Commission incorporated in the contracts, but after a careful study of the working out of the original contract, and the experience gained therefrom, it was the opinion of the Commission that the plans and contracts for future railroads and the liability of the contractors should be materially modified. In consequence the following conditions were inserted in the proposed contract, which were not included in the former contracts, though such conditions were not required by law:

(a) Cut and cover work generally prohibited, all work to be done without interruption of street traffic.

(b) Contractor to pay interest and 1 per cent. sinking fund upon bonds issued to acquire easements upon private property.

(c) Increase in size of tunnel to permit standard size of railroad cars.

(d) Purchase of private property for station entrances instead of building same under and upon the sidewalks at street corners.

(e) Increased liability of contractor for damages to persons and property, the provision of the original contract having been found insufficient to protect the City.

(f) Double-deck railway in various streets.

(g) Power reserved to City to require from time to time alterations or changes in construction and equipment as may be required for efficient public service during the term of the lease.

It will be observed that each of the above conditions would add materially to the cost of the railroad, and as City bonds were bearing a much higher rate of interest at the time, the interest charges would have been greatly increased.

This was the situation which the former Board of Rapid Transit Railroad Commissioners faced when it advertised the contracts in the spring of 1907, and announced that bids would be received on April 25, with the result that no bids were received.

The Interborough Rapid Transit Company, which now holds the lease for the existing rapid transit railroad, was expected to be a bidder upon some of the routes, but instead of submitting a bid the President of that company presented a letter on behalf of the Company, together with a report of its engineers, in which it was stated that the Company could not be a bidder, giving the reasons therefor.

The reasons given were not based solely upon the new limitation as to the term of grant, but upon that taken in connection with the increased cost and additional liability, which made the proposition most uninviting and, in the opinion of the Interborough Company, one impossible to finance within the new time limit.

Whether or not bidders can be obtained for the construction and operation of rapid transit railroads does not depend entirely upon the length of the term of the grant or lease, although this is an important factor. The letter to the former Board of Rapid Transit Railroad Commissioners just referred to bears me out in this. The location of the route, method of construction, dimensions of the tunnel, the conditions of the money market and other conditions all have a bearing upon the cost of the railroad and influence the contractors, as well as the condition fixing the term of grant.

I am forced to the conclusion, in view of the facts, that the passage of the law shortening the term limit was a great detriment to the securing of additional rapid transit railroads, and that the discretionary power for a term up to fifty years formerly in the Board of Rapid Transit Railroad Commissioners had, as has been shown in the case of the contract and lease for the Brooklyn extension, been wisely used and should have been retained. If the former law had been in force when bids were requested on April 25, 1907, it is probable that such request would have been productive of better results.

A commission being intrusted by the State with the authority to make such contracts should be governed by a law liberal enough to allow that Commission to take advantage of any conditions that may exist at the time when the contract is made. It has been proven by the attempt of the former Board of Rapid Transit Railroad Commissioners to obtain bids for the construction of a rapid transit railroad, that the present law is not liberal enough in its provisions, and I believe it should be amended to allow the fixing of greater maximum periods than are now authorized, leaving it with the Commission to obtain the best terms possible for future contracts within such limits.

Whether or not contracts requiring the contractor to furnish equipment at his own expense should be entered into for fifty years with a renewal for twenty-five years, which was the original limit fixed by law, I have not sufficient data at hand to determine, but even if this limit were restored in the law it need not necessarily work a hardship on the City, as the Commission may take advantage of existing conditions, and has under the law ample facilities to inquire into the operation of existing companies, and thereby obtain data upon which to determine what is a reasonable term for future contracts within such limit.

The Public Service Commission or the Board of Rapid Transit Railroad Commissioners have never had occasion to make a contract for the operation of a rapid transit railroad constructed and equipped at the expense of the City, and in consequence no test has been made to determine whether the maximum term for such leases as fixed by the Rapid Transit Law is sufficient. However, the Rapid Transit Law requires that such contractor shall pay to the City a sum equal to the interest and one per cent. sinking fund upon the bonds issued by the City to pay for the cost of construction and equipment, so that the fixed charges of the contractor would be practically the same as though the contract required purchase of the equipment at the expense of the lessee, and in consequence it appears that the condition limiting the term of such leases to ten years with a renewal of ten years might not in all cases be sufficient to insure the letting of such contracts upon terms advantageous to the City. I would, therefore, suggest that the law be amended increasing the number of renewal terms so as to allow beside the original term of ten years two renewals of ten years each.

Property Reverting to or Purchased by the City at the End of the Term, Pursuant to a Condition of Franchises Granted Under Section 73 of the Charter—No grants made by the City which contain a provision that the property within the streets together with the plant and appurtenances not in the streets shall revert to the City without cost, or that the plant and appurtenances of the company not in the streets may be purchased by the City at the expiration of the grant, have yet expired and, therefore, there has been no occasion to lease such property pursuant to this section of the Charter. However, several franchises have been granted with this condition, which will require the City to take over the property at the end of the grant, and as I have previously stated, the Charter provides two different methods of leasing said property in the event it is not operated by the City. The section authorizes the leasing of property acquired entirely without cost to the City for twenty years, and when the plant and appurtenances not within the street are to be paid for by the City the property may be leased "for limited periods in the same or similar manner as it leases the ferries and docks."

Reference to the provisions of the Charter relating to leases of ferries and docks shows that the terms of such leases, as specified therein, are for different periods, and it would seem proper, in order to make this provision more specific, that it should be amended fixing a definite period for such leases. In view of the fact that the term for leases of the property, where the property within the streets and the plant and appurtenances becomes the City's without cost, is fixed at twenty years, it would seem just, if the City purchases part of such property, that the leases should be made upon more advantageous terms, and for that reason I would suggest that the term be fixed at ten years with the privilege of renewal for a further term of ten years upon readjustment of rental.

Bridges Under Section 38A of Rapid Transit Law

This provision plainly applies to bridges over the East River, between the former City of New York and the former cities of Brooklyn and Long Island City, and as such cities were consolidated on January 1, 1898, it no longer appears to be of any force, as it only applies to "a bridge or bridges connecting a city of more than one million

inhabitants with any other city in this state" and running generally in an easterly and westerly direction, and the consolidation of the cities mentioned leaves no other "City in this State" with which a "city of more than one million inhabitants" can be connected by a bridge running generally in an easterly and westerly direction. At and since the time the act inserting this section into the Rapid Transit Law was passed, there were but two companies which had the right to build bridges over the East River; the East River Bridge Company, incorporated by chapter 101 of the Laws of 1892, and the New York and Long Island Bridge Company, incorporated by chapter 395 of the Laws of 1867. The Court of Appeals, in the matter of New York and Long Island Bridge Company against Lenox, 148 N. Y., 540, held that this section did not apply to such bridge company, as it had authority under the acts giving it its charter to construct a railroad on its bridge. This decision, therefore, apparently limited the application of the section to the East River Bridge Company. By chapter 789 of the Laws of 1895, certain commissioners were appointed to provide for the construction, at the expense of the Cities of New York and Brooklyn, of what is now known as the Williamsburg Bridge. By this act, the Commissioners were, in general terms, given authority to acquire by purchase the charter of the East River Bridge Company. The charter was subsequently purchased, thus removing the only company to which section 38A of the Rapid Transit Law could apply.

It would seem, therefore, that such section has become obsolete, and that its repeal would be desirable. If, however, the same should not be repealed, some limitation should be placed upon the term of grant therein provided for, in order that the provisions of such section may be in accord with the general policy, as to terms of grants, appearing in the Charter and the Rapid Transit Law.

OTHER AMENDMENTS SUGGESTED.

Before closing, there are three suggestions which I wish to make in regard to the redrafting of those sections of the Charter which relate to the granting of privileges in the streets of the City, but which have no bearing upon the term of grant, and are not touched upon by the letter of the Chairman of the Charter Commission.

The first is in reference to the provision of section 73 referring to the reversion of the property at the end of the term of the franchise. This provision, as it now stands, is as follows:

"At the termination of any franchise or right granted by the Board of Estimate and Apportionment all the rights or property of the grantee in the streets, avenues, waters, rivers, parkways and highways shall cease without compensation. Every such grant of a franchise and every contract made by the City in pursuance thereof may provide that upon the termination of the franchise or right granted by the Board of Estimate and Apportionment the plant of the grantee, with its appurtenances, shall thereupon be and become the property of the City without further or other compensation to the grantee; or such grant and contract may provide that upon such termination there shall be a fair valuation of the plant which shall be and become the property of the City on the termination of the contract, on paying the grantee such valuation."

In my opinion, the section was intended to provide that all rights of property of the grantee in the streets shall cease at the expiration of the grant, and therefore belong to the City, and that the City may reserve, by the terms of the franchise, the option to purchase the plant of the Company not within the streets. This is the interpretation which has been put upon this section by this Division, and nearly all franchises which have been granted by the Board of Estimate and Apportionment pursuant to this section have contained conditions to that effect.

Section 32A of the Rapid Transit Law provides, in unmistakable terms, that the property of the Company within the streets, together with its plant and appurtenances, shall become the City's, without cost, and that the franchise may provide that the rolling stock, and other movable equipment, may be purchased by the City at the expiration of the grant. The provision referred to, which is worded somewhat similar to section 73 of the Charter, reads as follows:

"Every such certificate granting any franchise, right or authority as aforesaid shall provide that upon the termination thereof all the rights of property of the grantee in the streets, avenues, parkways, highways and public places shall cease and determine without compensation, and shall further provide that upon such termination of such franchise, right or authority the plant and structure, together with the appurtenances thereto, of the grantee constructed pursuant to such certificate, except rolling stock and other movable equipment, shall become the property of the city without further or other compensation to the grantee; but such certificate may provide that upon such termination there shall be a fair valuation of the rolling stock and other movable equipment, which shall be and become the property of the city on the termination of the grant on paying the grantee such valuation."

The Corporation Counsel has rendered an opinion to the Board upon the meaning of this provision as contained in section 73 of the Charter, and has stated that although the question is not entirely free from doubt, it is his opinion that the interpretation as outlined above is correct. If this interpretation is correct it should be more clear and apparent.

The second suggestion is in regard to the provision of section 73 of the Charter requiring the Company receiving a tunnel franchise pursuant to that section to pay to the City at least 3 per cent. of the net profits derived from the use of any such tunnel, after there shall have first been retained by such Company from such net profits, a sum equal to 5 per cent. upon the sum expended to construct such tunnel. I do not think it good policy to fix compensation for franchise privileges upon the basis of percentage of net profits without defining specifically what amount shall be deducted from the gross receipts in order to obtain the amount of the net profits. Even if such deductions were defined there is still the opportunity for the Company to report the amounts so defined in such a way that the net profits would be very little.

Two companies are operating within the City pursuant to franchises which fix the compensation to the City on the basis of net profit above a net profit of 10 per cent. upon the actual cost of the property. These companies have been in operation for over fifteen years, and no compensation whatever has been paid to the City. The City has brought suit against each company for an accounting to ascertain the cost of the plants constructed, and the net profit earned upon such cost. It is generally understood, and the City is attempting to prove that charges were made against the cost of construction, and capital was issued against such charges, which properly belonged to other accounts, and that these companies made such charges in order that the net earnings will appear to be less than 10 per cent. The expense of such suits to the City has been considerable, and no determination has yet been reached. It appears, therefore, that the City's experience with companies operating pursuant to franchises requiring payment of compensation based upon net receipts has not been such as to encourage further grants of that character.

The Railroad Law fixes compensation for street railway privileges upon the basis of percentages of gross receipts, and this basis has been used in fixing the compensation for all franchises which have been granted by the City in recent years, where it was possible to do so. This would seem to be the better course, and I would recommend that in the amendment of this section the compensation be fixed upon the basis of a percentage of gross receipts.

The third suggestion relates to the granting of what are known as revocable consents. Under section 242 of the Charter the Board of Estimate and Apportionment attempted to grant a right to construct a spur track from the existing track in Thirty-fourth street across the sidewalk to private property occupied by R. H. Macy & Co. Adjoining property owners attacked the right of the Board to make such a grant, and the Court of Appeals, in *Hatfield vs. Straus*, 180 N. Y., 208, held that under section 242 of the Charter no such right was vested in the Board. In consequence, it would appear desirable that section 242 should be amended so as to expressly give the power to the Board to make such grants, and for this purpose an amendment was drafted by this Division and submitted to the Chief Engineer on April 7, 1908; this was presented to the Board at its meeting held on April 10, 1908, and a resolution adopted referring it to the Corporation Counsel, and requesting him to secure its introduction at the last session of the Legislature and to use his best efforts to secure its passage. It appears, however, that it failed of passage owing to the fact that it was not introduced in time to allow proper consideration of its provisions. It is therefore recommended that this be called to the attention of the New York Charter Commission, with a recommendation that section 242 be amended in that respect. For the amendment proposed by this Division reference can be made to the minutes of the Board of Estimate and Apportionment of April 10, 1908, page 1281.

SUMMARY OF CONCLUSIONS.

The conclusions which I have drawn from the foregoing statement of facts lead me to present for the consideration of the Board the following answers to the questions of the Chairman of the New York Charter Commission:

First—"Should the provision with regard to tunnel roads providing for the grant of perpetual franchises be repealed?"

Answer—Yes. Authority, however, should be vested in the Public Service Commission to issue certificates, subject to the approval of the Board of Estimate and Apportionment, to railroads described in section 32 of the Rapid Transit Act for a longer term than that now specified in either the Rapid Transit Law or the City Charter.

In view of the fact that such railroads will be used merely as connections between trunk line railroads, whose franchises do not appear to be limited as to time, there are sufficient grounds for the granting of a long term franchise. The term should in any event be sufficient to enable the companies to see their way clear to finance the proposition in providing for a sinking fund to cover the cost of the road, together with operating charges and a fair rate of interest on the money actually invested. As there may be a decided difference of opinion as to what can or cannot be financed, the term should be sufficiently long to permit of a fair latitude to the Public Service Commission to fix terms and conditions as the circumstances may at the time require, taking into consideration the purpose for which the railroad is to be used.

Second—"Should the term of other grants be for a longer period than now provided by the Charter and the Rapid Transit Law, and if so, for what period?"

Answer—Yes; in some cases.

As to Section 73 of the Charter.

First—

(a) The tunnel railroads referred to should be more definitely defined, so as not to conflict with those specifically defined in the Rapid Transit Law, and terms of grant increased from fifty years original term and one renewal of twenty-five years to fifty years original term with two renewal terms not exceeding twenty-five years each.

(b) The provision as to compensation should be changed from the basis of percentage of the net receipts to the basis of percentage of the gross receipts.

Second—The provision in regard to the terms of grants to general utility corporations appears to be satisfactory, and, therefore, needs no change.

Third—

(a) The provision in regard to leases of the property in the street and plant and appurtenances where the same reverts to the City without compensation at the end of the grant does not appear to need any change.

(b) The provision in regard to leases of property where the same in the streets reverts to the City without cost and the plant and appurtenances are purchased by the City at the end of grant should be made more definite, and the maximum term of such leases fixed at ten years original term with one ten-year renewal.

Fourth—The provision in regard to the property in the streets reverting to the City without cost and the purchasing of the plant and appurtenances not within the streets should be made more clear.

As to Section 242 of the Charter.

This section should be amended so as to authorize the Board to grant what are known as revocable consents for periods not exceeding ten years.

As to Section 32 of the Rapid Transit Law.

The provision which apparently gives permission to grant franchises in perpetuity should be repealed, and authority be given to the Public Service Commission, as successor to the former Board of Rapid Transit Railroad Commissioners, upon approval of the Board of Estimate and Apportionment, to make the grant described in this section for a term not exceeding two hundred years, with provision for readjustment of compensation at intervals not exceeding twenty-five years each.

As to Section 32A of the Rapid Transit Law.

First—This section should be redrawn so as to remove the apparent conflicting authority of the Public Service Commission and the Board of Estimate and Apportionment in this section and sections 73 and 242 of the Charter.

Second—If this section is redrawn to apply only to what are commonly known as rapid transit railroads then it should also provide that such railroads shall not be constructed upon the surface of any street.

Third—If the section should be redrawn to apply to rapid transit railroads which shall be constructed above or below the surface of the streets, then it appears that the maximum term of grant prescribed is not sufficient, and should be increased in order to give the Public Service Commission sufficient discretion in fixing the term of grant for such franchises.

As to Sections 34, 34A and 34B of the Rapid Transit Law.

First—The provision which limits the term of contract for the construction, equipment and operation, where the contractor furnishes the equipment at his expense, to twenty years with a renewal of twenty years should be changed to give the Public Service Commission the privilege of fixing such limits within a period of fifty years original term and one twenty-five-year renewal term.

Second—The provision in regard to the maximum term of lease of rapid transit railroads constructed and equipped at the expense of the City should be changed from the maximum of ten-year original term with one ten-year renewal, to give the Public Service Commission the discretion in fixing such terms within a maximum of ten-year original term and two ten-year renewal terms.

As to Section 34F of the Rapid Transit Law.

There seems to be no objection to the maximum term of grant fixed by this section.

As to Section 38A of the Rapid Transit Law.

This section should be repealed, as it appears to be obsolete, but if the same is not repealed some limitation should be placed on the term of grant therein provided for.

All of which is respectfully submitted.

HARRY P. NICHOLS, Engineer in Charge.

Which was made a Special Order for the meeting of December 18, 1908.

Manhattan and Queensboro Railway Company.

The Comptroller presented the following:

To the Honorable the Board of Estimate and Apportionment of The City of New York:

The petition of the Manhattan and Queensboro Railway Company respectfully shows:

First—That your petitioner is a street railway corporation duly organized and existing under the laws of the State of New York, and has duly filed, pursuant to section 90 of the Railroad Law, a statement of its road herein proposed.

Second—That for the purpose of constructing and operating its road your petitioner desires to obtain from your Honorable Board, and hereby respectfully applies for its consent to and a grant of the right, privilege and franchise for the construction, maintenance and operation of a street surface railway for public use in the conveyance of persons and property for compensation in, upon, along and over certain streets, avenues, highways, bridges, viaducts and public places in the Boroughs of Queens and Manhattan, Counties of Queens and New York, City and State of New York, of which the following is a description:

Beginning in the Borough of Manhattan, in The City of New York, at the intersection of Eleventh avenue and Fifty-seventh street; thence in and upon West Fifty-seventh street and East Fifty-seventh street to Second avenue; thence in and upon Second avenue to the entrance to Queensboro Bridge; thence in and upon and across the Queensboro Bridge and the approaches thereto to the northwesterly side of Jackson avenue, in the Borough of Queens; thence southeasterly across Jackson avenue to a proposed new street, laid out on a map or plan adopted by the Board of Estimate and Apportionment May 26, 1905, and approved by the Mayor June 13, 1905; thence in and upon said new street and across the proposed new viaduct to be constructed as a part of such new street, to Thomson avenue at its intersection with Van Dam street, a distance of three and one-half miles of double track.

Third—That your petitioner proposes to operate said road by the overhead system of electricity across the Queensboro Bridge, substantially similar to that now in use

on other lines, or by other motive power that may be lawfully employed, and by underground system of electricity in the Borough of Manhattan.

Wherefore your petitioner prays that public notice hereof, and of the time and place when and where this application will be first considered, be given as required by law, and that the desired consent be granted in accordance with the provisions of the Greater New York Charter.

Dated December 11, 1908.

MANHATTAN AND QUEENSBORO RAILWAY COMPANY,
By STUARD HIRSCHMAN, President.

Attest:

WM. H. WILLIAMS, JR., Secretary.

State of New York, County of Queens, ss.:

Stuard Hirschman being duly sworn, deposes and says: That he is the president of the Manhattan and Queensboro Railway Company, the petitioner named in the foregoing petition; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

STUARD HIRSCHMAN.

Subscribed and sworn to before me this 10th day of December, 1908.

H. C. TUXBURY, Notary Public, New York County.

Which was referred to the Chief Engineer.

Queensboro Bridge and Jamaica Railway Company.

The Comptroller presented the following:

To the Honorable the Board of Estimate and Apportionment of The City of New York:

The petition of the Queensboro Bridge and Jamaica Railway Company respectfully shows:

First—That your petitioner is a street surface railway corporation duly organized and existing under the laws of the State of New York, and has duly filed, pursuant to section 90 of the Railroad Law, a statement of its road herein proposed.

Second—That for the purpose of constructing and operating its road your petitioner desires to obtain from your Honorable Board, and hereby respectfully applies for its consent to and a grant of the right, privilege and franchise for the construction, maintenance and operation of a street surface railway for public use in the conveyance of persons and property for compensation in, upon, along and over certain streets, avenues, highways, bridges, viaducts and public places in the Boroughs of Queens and Manhattan, Counties of Queens and New York, City and State of New York, of which the following is a description:

Beginning in the Borough of Manhattan, in The City of New York, at the west line of the plaza or terminal leading to the Queensboro Bridge; thence across the Queensboro Bridge to the southeasterly line of Queensboro Bridge Plaza, in the Borough of Queens, same being the northwesterly side of Jackson avenue, in the Borough of Queens; thence southeasterly across Jackson avenue to a proposed new street laid out upon a map or plan, which map was adopted by the Board of Estimate and Apportionment of The City of New York on May 26, 1905, and approved by the Mayor of said City June 13, 1905; thence in and upon said new street and across the proposed new viaduct to be constructed as a part of such new street to Thomson avenue; thence in and upon Thomson avenue to Hoffman boulevard; thence in and upon Hoffman boulevard to Broadway and Jamaica turnpike or Fulton street; thence upon and across private property to and across Maple avenue to Shelton avenue; thence in and upon Shelton avenue to Herriman avenue; thence in and upon Herriman avenue to Brooklyn and Jamaica turnpike or Fulton street; thence in and upon Brooklyn and Jamaica turnpike or Fulton street to Union Hall street; thence in and upon Union Hall street to South street.

Also a spur commencing at the intersection of Shelton and Carlton avenues, in the Borough of Queens, City of New York; thence in and upon Carlton avenue to the proposed new station of the Pennsylvania Railroad (Archer place).

Also a spur commencing at the intersection of Shelton avenue and Herriman street, Borough of Queens, City of New York; thence in and upon Shelton avenue and across private property to Madison avenue; thence in and upon Madison avenue to King street; thence in and upon King street to Lafayette street; thence in and upon Lafayette street to the north side of Hillside avenue, to where it intersects Wexford terrace (proposed) on property of Jamaica Estates.

Also commencing at the intersection of Thomson avenue and Greenpoint avenue, Borough of Queens, City of New York, running thence in and upon Greenpoint avenue to Skillman avenue; thence in and upon Skillman avenue to Fifth street; thence in and upon Fifth street to Stryker avenue; thence in and upon Stryker avenue to Roosevelt avenue; thence in and upon Roosevelt avenue from the intersection of Fifth street, Skillman avenue and Greenpoint avenue and across private property through Corona to Paulding street.

Also beginning at the outlet of the Steinway or Forty-second street Tunnel, in the Borough of Queens, City of New York; thence to Van Alst avenue; thence in and upon Van Alst avenue to Hunterspoint avenue; thence in and upon Hunterspoint avenue to Greenpoint avenue; thence in and upon Greenpoint avenue to the intersection of Thomson and Greenpoint avenues.

Also a spur beginning at the intersection of Hunterspoint avenue and Van Dam street, in the Borough of Queens, City of New York; thence in and upon Van Dam street to the point of intersection of Thomson avenue and the viaduct to be constructed as a part of the new street above referred to, shown on map or plan approved by the Mayor of The City of New York, June 13, 1905, a distance of about twenty miles of double track.

Also the right to operate through the Steinway or Forty-second Street Tunnel and the approaches thereto, when and so far as the City may acquire the ownership of said tunnel or the right to lease or grant the privilege of operating therein.

Third—That your petitioner proposes to operate said road by the overhead system of electricity, substantially similar to that now in use on other lines, or by other motive power that may be lawfully employed.

Wherefore your petitioner prays that public notice hereof, and of the time and place when and where this application will be first considered, be given as required by law, and that the desired consent be granted in accordance with the provisions of the Greater New York Charter.

Dated December 11, 1908.

QUEENSBORO BRIDGE AND JAMAICA RAILWAY COMPANY.

By STUARD HIRSCHMAN, President

Attest:

WM. H. WILLIAMS, JR., Secretary.

State of New York, County of Queens, ss.:

Stuard Hirschman being duly sworn, deposes and says: That he is the president of the Queensboro Bridge and Jamaica Railway Company, the petitioner named in the foregoing petition; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

STUARD HIRSCHMAN.

Subscribed and sworn to before me this 10th day of December, 1908.

H. C. TUXBURY, Notary Public, New York County.

Which was referred to the Chief Engineer.

The full minutes of the meeting of this day will appear in the CITY RECORD at a later date.

JOSEPH HAAG, Secretary.

CHANGES IN DEPARTMENTS, ETC.

DEPARTMENT OF FINANCE.

December 12—The following Temporary Clerks have been appointed in the Bureau for the Collection of Assessments and Arrears, with compensation at 50 cents per hour, taking effect December 7, 1908:

They have been assigned to the various Borough Offices of the said Bureau as stated:

Edmund J. Donegan, Brooklyn; August H. Steffens, Bronx; Robert J. O'Sullivan, Manhattan; Michael Mulry, Jr., Brooklyn; Frank H. Meeker, Queens; John T. Keenan, Brooklyn; Robert T. Cone, Manhat-

tan; Bert E. Odell, Queens; Mortimer Turbidity, Manhattan; L. F. Moynahan, Brooklyn; John R. Blake, Queens; J. J. Fahey, Bronx; T. I. Schwartzman, Bronx; W. N. Lewis, Queens; H. L. Downing, Bronx; Frank Knazek, Jr., Bronx; Cornelius Barry, Queens; George K. Cox, Brooklyn; Joseph W. Flanagan, Bronx; Wm. O'Shaughnessy, Manhattan; John A. Minnaugh, Manhattan; Edward J. Quinn, Bronx; Frederick J. Calhoun, Bronx; Julius Segal, Bronx; James W. Henderson, Brooklyn; Philip A. McQuade, Bronx.

Eyck, John J. Ryan and John P. Windolph; Harry W. Walker, Secretary; Walter H. Sears, Chief Engineer.

ARMORY BOARD.

Mayor George B. McClellan, the Comptroller; Herman A. Metz, the President of the Board of Aldermen; Patrick F. McGowan, Brigadier-General George Moore Smith, Brigadier-General John G. Eddy, Captain J. W. Miller, the President of the Department of Taxes and Assessments, Lawson Purdy.

Harrie Davis, Secretary, Room 6, Basement, Hall of Records, Chambers and Centre streets.

Office hours, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 3900 Worth.

ART COMMISSION.

City Hall, Room 21.

Telephone call, 1107 Cortlandt.

Robert W. de Forest, Trustee; Metropolitan Museum of Art, President; Frank D. Millet, Painter, Vice-President; Howard Mansfield, Secretary; A. Augustus Healy, President of the Brooklyn Institute of Arts and Sciences; George B. McClellan, Mayor of the City of New York; John Bigelow, President of New York Public Library; John J. Boyle, Sculptor; Arnold W. Brunner, Architect; John B. Pine, Charles Howland Russell.

John Quincy Adams, Assistant Secretary.

BELLEVUE AND ALLIED HOSPITALS.

Office, Bellevue Hospital, Twenty-sixth street and First avenue.

Telephone, 4400 Madison Square.

Board of Trustees—Dr. John W. Brannan, President; James K. Paulding, Secretary; Arden M. Robbins, Samuel Sachs, Leopold Stern, John J. Barry, John G. O'Keeffe, Robert W. Heberd, ex-officio.

BOARD OF ALDERMEN.

No. 11 City Hall, 10 a. m. to 4 p. m.; Saturdays, 10 a. m. to 12 m.

Telephone, 7560 Cortlandt.

Patrick F. McGowan, President.

P. J. Scully, City Clerk.

BOARD OF ASSESSORS.

Office, No. 320 Broadway, 9 a. m. to 4 p. m.; Saturdays, 12 m.

Antonio Zucca.

Paul Weinmann.

James H. Kennedy.

William H. Jasper, Secretary.

Telephone, 29, 30 and 31 Worth.

BOARD OF ELECTIONS.

Headquarters General Office, No. 107 West Forty-first Street.

Commissioners—John T. Dooling (President), Charles B. Page, (Secretary), Rudolph C. Fuller, James Kane.

William Plimley, Acting Chief Clerk.

Telephone, 2946 Bryant.

BOROUGH OFFICES.

Manhattan.

No. 112 West Forty-second street.

William C. Baxter, Chief Clerk.

The Bronx.

One Hundred and Thirty-eighth street and Mott avenue (Solingen Building).

Cornelius A. Bunner, Chief Clerk.

Brooklyn.

No. 42 Court street (Temple Bar Building).

George Russell, Chief Clerk.

Queens.

No. 46 Jackson avenue, Long Island City.

Carl Voegel, Chief Clerk.

Richmond.

Borough Hall, New Brighton, S. I.

Charles M. Schwalbe, Chief Clerk.

All offices open from 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

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BOARD OF ESTIMATE AND APPORTIONMENT.

The Mayor, Chairman; the Comptroller, President of the Board of Aldermen; President of the Borough of Manhattan; President of the Borough of Brooklyn; President of the Borough of the Bronx; President of the Borough of Queens; President of the Borough of Richmond.

OFFICE OF THE SECRETARY.

No. 277 Broadway, Room 1406. Telephone, 2280 Worth.

Joseph Haag, Secretary; William M. Lawrence, Assistant Secretary; Charles V. Ade, Clerk to Board.

OFFICE OF THE CHIEF ENGINEER.

Nelson P. Lewis, Chief Engineer, No. 277 Broadway, Room 1408. Telephone, 2281 Worth.

Arthur S. Tuttle, Engineer in charge Division of Public Improvements, No. 277 Broadway, Room 1408. Telephone, 2281 Worth.

Harry P. Nichols, Engineer in charge Division of Franchises, No. 277 Broadway, Room 801. Telephone, 2282 Worth.

BOARD OF EXAMINERS.

Rooms 607 and 608 Metropolitan Building, No. 1 Madison avenue, Borough of Manhattan, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 5840 Gramercy.

Warren A. Conover, Charles Buel, Lewis Hardinge, Charles G. Smith, Edward F. Croker, Henry R. Marshall and George A. Just, Chairman.

Edward V. Barton, Clerk.

Board meeting every Tuesday at 2 p. m.

BOARD OF PAROLE OF THE NEW YORK CITY REFORMATORY OF MISDEMEANANTS.

Office, No. 148 East Twentieth street.

John V. Coggey, Commissioner of Correction, President.

Wm. E. Wyatt, Judge, Special Sessions, First Division.

Robert J. Wilkin, Judge, Special Sessions, Second Division.

James J. Walsh, City Magistrate, First Division.

Edward J. Dooley, City Magistrate, Second Division.

Samuel B. Hamburger, John C. Heintz, Dominick Di Dario, James F. Boyle.

Thomas R. Minnick, Secretary.

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BOARD OF REVISION OF ASSESSMENTS.

Herman A. Metz, Comptroller.

Francis K. Pendleton, Corporation Counsel.

Lawson Purdy, President of the Department of Taxes and Assessments.

Henry J. Storrs, Chief Clerk, Finance Department, No. 280 Broadway.

Telephone, 1200 Worth.

OFFICIAL DIRECTORY.

STATEMENT OF THE HOURS DURING WHICH THE PUBLIC OFFICES IN THE CITY ARE OPEN FOR BUSINESS AND AT WHICH THE COURTS REGULARLY OPEN AND ADJOURN AS WELL AS THE PLACES WHERE SUCH OFFICES ARE KEPT AND SUCH COURTS ARE HELD, TOGETHER WITH THE HEADS OF DEPARTMENTS AND COURTS.

CITY OFFICES.

MAYOR'S OFFICE.

No. 5 City Hall, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 8020 Cortlandt.

GEORGE B. McCLELLAN, Mayor.

Frank M. O'Brien, Secretary.

William A. Willis, Executive Secretary.

James A. Rierdon, Chief Clerk and Bond and Warrant Clerk.

BUREAU OF WEIGHTS AND MEASURES.

Room 7, City Hall, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 8020 Cortlandt.

Patrick Derry, Chief of Bureau.

BUREAU OF LICENSES.

9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.

Telephone, 8020 Cortlandt.

Francis V. S. Oliver, Jr., Chief of Bureau.

Principal Office,

BOARD OF WATER SUPPLY.

Office, No. 299 Broadway.
John A. Bensel, Charles N. Chadwick, Charles A. Shaw, Commissioners.
Thomas Hassett, Secretary.
J. Waldo Smith, Chief Engineer.

COMMISSIONERS OF ACCOUNTS.

Rooms 114 and 115 Stewart Building, No. 280 Broadway, 9 a. m. to 4 p. m.
Telephone, 4315 Worth.
John Purroy Mitchel, Ernest Y. Gallaher, Commissioners.

CHANGE OF GRADE DAMAGE COMMISSION.

TWENTY-THIRD AND TWENTY-FOURTH WARDS.
Office of the Commission, Room 138, No. 280 Broadway (Stewart Building), Borough of Manhattan, New York City.
Commissioners—William E. Stillings, George C. Norton, Lewis A. Abrams.
Lamont McLoughlin, Clerk.
Regular advertised meetings on Monday, Wednesday and Friday of each week at 2 o'clock p. m.

CITY CLERK AND CLERK OF THE BOARD OF ALDERMEN.

City Hall, Rooms 11, 12; 10 a. m. to 4 p. m.; Saturdays, 10 a. m. to 12 m.
Telephone, 7560 Cortlandt.
P. J. Scully, City Clerk and Clerk of the Board of Aldermen.
Joseph F. Prendergast, First Deputy City Clerk.
John T. Oakley, Chief Clerk of the Board of Aldermen.
Joseph V. Scully, Clerk, Borough of Brooklyn.
Thomas J. McCabe, Deputy City Clerk, Borough of the Bronx.
William R. Zimmerman, Deputy City Clerk, Borough of Queens.
Joseph F. O'Grady, Deputy City Clerk, Borough of Richmond.

CITY RECORD OFFICE.

BUREAU OF PRINTING, STATIONERY AND BLANK BOOKS.
Supervisor's Office, Park Row Building, No. 21 Park Row. Entrance, Room 807, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.
Telephone, 1505 and 1506 Cortlandt. Supply Room, No. 2, City Hall.
Patrick J. Tracy, Supervisor; Henry McMillen, Deputy Supervisor; C. McKemie, Secretary.

COMMISSIONER OF LICENSES.

Office, No. 277 Broadway.
John N. Bogart, Commissioner.
James P. Archibald, Deputy Commissioner.
John J. Caldwell, Secretary.
Office hours, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.
Telephone, 2828 Worth.

COMMISSIONERS OF SINKING FUND.
George B. McClellan, Mayor, Chairman; Herman A. Metz, Comptroller; James J. Martin, Chamberlain; Patrick F. McGowan, President of the Board of Aldermen, and Timothy P. Sullivan, Chairman Finance Committee, Board of Aldermen, Members. N. Taylor Phillips, Deputy Comptroller, Secretary; Office of Secretary, Room 12, Stewart Building. Telephone, 1200 Worth.

DEPARTMENT OF BRIDGES.

No. 13-21 Park Row.
James W. Stevenson, Commissioner.
John H. Little, Deputy Commissioner.
Edgar E. Schiff, Secretary.
Office hours, 9 a. m. to 4 p. m.
Saturdays, 9 a. m. to 12 m.
Telephone, 6880 Cortlandt.

DEPARTMENT OF CORRECTION.

CENTRAL OFFICE.
No. 148 East Twentieth street. Office hours from 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.
Telephone, 1047 Gramercy.
John V. Cogey, Commissioner.
George W. Meyer, Deputy Commissioner.
John B. Fitzgerald, Secretary.

DEPARTMENT OF DOCKS AND FERRIES.

Pier "A," N. R., Battery place.
Telephone, 300 Rector.
Allen N. Spooner, Commissioner.
Denis A. Judge, Deputy Commissioner.
Joseph W. Savage, Secretary.
Office hours, 9 a. m. to 4 p. m.; Saturdays, 12 m.

DEPARTMENT OF EDUCATION.

BOARD OF EDUCATION.
Park avenue and Fifty-ninth street, Borough of Manhattan, 9 a. m. to 5 p. m. (in the month of August, 9 a. m. to 4 p. m.); Saturdays, 9 a. m. to 12 m.
Telephone, 5580 Plaza.
Richard B. Aldcroft, Jr.; Nicholas J. Barrett, Charles E. Bruce, M. D.; Joseph E. Cosgrove, Frederic R. Couder, Francis W. Crowninshield, Francis P. Cunnion, Thomas M. De Laney, Horace E. Dresser, Alexander Ferris, Joseph Nicola Francolini, George Freifeld, George J. Gillespie, John Greene, Lewis Haase, Robert L. Harrison, Louis Haupt, M. D.; Thomas J. Higgins, James P. Holland, Arthur Hollick, Charles H. Ingalls, Nathan S. Jonas, Hugo Kanzler, Max Katzenberg, John C. Kelley, Alrick H. Man, Clement March, Mitchell May, Dennis J. McDonald, M. D.; Thomas J. O'Donohue, Frank H. Partridge, George W. Schaeffer, Henry H. Sherman, Arthur S. Somers, Abraham Stern, M. Samuel Stern, Cornelius J. Sullivan, James E. Sullivan, Michael J. Sullivan, Bernard Suydam, Rupert B. Thomas, John R. Thompson, George A. Vandenhoff, Frank D. Wiley, George W. Wingate, Egerton L. Winthrop, Jr., members of the Board.

Egerton L. Winthrop, Jr., President.
John Greene, Vice-President.
A. Emerson Palmer, Secretary.
Fred H. Johnson, Assistant Secretary.

C. B. J. Snyder, Superintendent of School Buildings.

Patrick Jones, Superintendent of School Supplies.
Henry R. M. Cook, Auditor.

Thomas A. Dillon, Chief Clerk.
Henry M. Leipzig, Supervisor of Lectures.

Claude G. Leland, Superintendent of Libraries.
A. J. Maguire, Supervisor of Janitors.

BOARD OF SUPERINTENDENTS.
William H. Maxwell, City Superintendent of Schools, and Andrew W. Edison, John H. Haaren, Clarence E. Meloney, Thomas S. O'Brien, Edward B. Shallow, Edward L. Stevens, Gustave Straubenthal, John H. Walsh, Associate City Superintendents.

DISTRICT SUPERINTENDENTS.

Darwin L. Bardwell, William A. Campbell, John J. Chickering, John W. Davis, John Dwyer, James M. Edsall, Matthew J. Elgas, Edward D. Farrell, Cornelius D. Franklin, John Griffin, M. D.; John L. N. Hunt, Henry W. Jameson, James Lee, Charles W. Lyon, James J. McCabe, William J. O'Shea

Julia Richman, Alfred T. Schaufler, Albert Shiels, Edgar Dubs Shimer, Seth T. Stewart, Edward W. Stitt, Grace C. Strachan, Joseph S. Taylor, Joseph H. Wade, Evangeline E. Whitney.

BOARD OF EXAMINERS.

William H. Maxwell, City Superintendent of Schools, and James G. Byrnes, Walter L. Hervey, Jerome A. O'Connell, George J. Smith, Examiners.

DEPARTMENT OF FINANCE.

Stewart Building, Chambers street and Broadway, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.
Telephone, 1200 Worth.

Herman A. Metz, Comptroller.
John H. McCooey and N. Taylor Phillips, Deputy Comptrollers.

Hubert L. Smith, Assistant Deputy Comptroller.
Paul Loeser, Secretary to Comptroller.

MAIN DIVISION.

H. J. Storrs, Chief Clerk, Room 11.

BOOKKEEPING AND AWARDS DIVISION.

Frank W. Smith, Chief Accountant and Bookkeeper, Room 8.

STOCK AND BOND DIVISION.

James J. Sullivan, Chief Stock and Bond Clerk, Room 85.

BUREAU OF AUDIT—MAIN DIVISION.

P. H. Quinn, Chief Auditor of Accounts, Room 27.

LAW AND ADJUSTMENT DIVISION.

Jeremiah T. Mahoney, Auditor of Accounts, Room 185.

BUREAU OF MUNICIPAL INVESTIGATION AND STATISTICS.

Charles S. Hervey, Supervising Statistician and Examiner, Room 180.

CHARITABLE INSTITUTIONS DIVISION.

Daniel C. Potter, Chief Examiner of Accounts of Institutions, Room 38.

OFFICE OF THE CITY PAYMASTER.

No. 83 Chambers street and No. 65 Reade street.
John H. Timmerman, City Paymaster.

ENGINEERING DIVISION.

Stewart Building, Chambers street and Broadway, Chandler Withington, Chief Engineer, Room 55.

DIVISION OF REAL ESTATE.

Mortimer J. Brown, Appraiser of Real Estate, Rooms 101, 103 and 105.

BUREAU FOR THE COLLECTION OF TAXES.

Borough of Manhattan—Stewart Building, Room O.

David E. Austen, Receiver of Taxes.
John J. McDonough and William H. Loughran, Deputy Receivers of Taxes.

Borough of the Bronx—Municipal Building, Third and Tremont avenues.

John B. Underhill and Stephen A. Nugent, Deputy Receivers of Taxes.

Borough of Brooklyn—Municipal Building, Rooms 2-8.

James B. Bouck and William Gallagher, Deputy Receivers of Taxes.

Borough of Queens—Hackett Building, Jackson avenue and Fifth street, Long Island City.

George H. Creed and Mason O. Smedley, Deputy Receivers of Taxes.

Borough of Richmond—Borough Hall, St. George, New Brighton.

John De Morgan and F. Wilsey Owen, Deputy Receivers of Taxes.

BUREAU FOR THE COLLECTION OF ASSESSMENTS AND ARREARS.

Borough of Manhattan—Stewart Building, Room 1.

Daniel Moynahan, Collector of Assessments and Arrears.

Richard E. Weldon, Deputy Collector of Assessments and Arrears.

Borough of The Bronx—Municipal Building, Rooms 1-3.

James J. Donovan, Jr., Deputy Collector of Assessments and Arrears.

Borough of Brooklyn—Mechanics' Bank Building, corner Court and Montague streets.

Thomas J. Drennan, Deputy Collector of Assessments and Arrears.

Borough of Queens—Hackett Building, Jackson avenue and Fifth street, Long Island City.

Patrick E. Leahy, Deputy Collector of Assessments and Arrears.

Borough of Richmond—St. George, New Brighton.

George Brand, Deputy Collector of Assessments and Arrears.

BUREAU FOR THE COLLECTION OF CITY REVENUE AND OF MARKETS.

Stewart Building, Chambers street and Broadway, Room 141.

John M. Gray, Collector of City Revenue and Superintendent of Markets.

John F. Hobbs, Deputy Superintendent of Markets.

David O'Brien, Deputy Collector of City Revenue.

BUREAU FOR THE EXAMINATION OF CLAIMS.

Frank J. Prial, Chief Examiner, Room 181.

BUREAU OF THE CITY CHAMBERLAIN.

Stewart Building, Chambers street and Broadway, Rooms 63 to 67.

James J. Martin, City Chamberlain.

Henry J. Walsh, Deputy Chamberlain.

Telephone, 4270 Worth.

DEPARTMENT OF HEALTH.

Southwest corner of Fifty-fifth street and Sixth avenue, Borough of Manhattan, 9 a. m. to 4 p. m.

Burial Permit and Contagious Disease Offices always open.

Telephone, 4900 Columbus.

Thomas Darlington, M. D., Commissioner of Health and President.

Alvah H. Doty, M. D.; Theodore A. Bingham, Commissioners.

Eugene W. Scheffer, Secretary.

Herman M. Biggs, M. D., General Medical Officer.

James McC. Miller, Chief Clerk.

Walter Bensel, M. D., Sanitary Superintendent.

William H. Guilfoyle, M. D., Registrar of Records.

Borough of Manhattan.

Alonzo Blauvelt, M. D., Assistant Sanitary Superintendent; George A. Roberts, Assistant Chief Clerk.

Charles J. Burke, M. D., Assistant Registrar of Records.

Borough of The Bronx, No. 3731 Third avenue.

Alonzo Blauvelt, M. D., Acting Assistant Sanitary Superintendent; Ambrose Lee, Jr., Assistant Sanitary Chief Clerk; Arthur J. O'Leary, M. D., Assistant Registrar of Records.

Borough of Brooklyn, Nos. 38 and 40 Clinton street.

Travers R. Maxfield, M. D., Assistant Sanitary Superintendent; Alfred T. Metcalfe, Assistant Chief Clerk; S. J. Byrne, M. D., Assistant Registrar of Records.

Borough of Queens, Nos. 372 and 374 Fulton street, Jamaica.

John H. Barry, M. D., Assistant Sanitary Superintendent; George R. Crowley, Assistant Chief Clerk; Robert Campbell, M. D., Assistant Registrar of Records.

Borough of Richmond, Nos. 54 and 56 Water street, Stapleton, Staten Island.

John T. Sprague, M. D., Assistant Sanitary Superintendent; Charles E. Hoyer, Assistant Chief Clerk; J. Walter Wood, M. D., Assistant Registrar of Records.

DEPARTMENT OF PARKS.

Henry Smith, Commissioner of Parks for the Boroughs of Manhattan and Richmond, and President Park Board.

William J. Fransoli, Secretary.

Offices, Arsenal, Central Park.

Telephone, 201 Plaza.

Michael J. Kennedy, Commissioner of Parks for the Boroughs of Brooklyn and Queens.

Offices, Litchfield Mansion, Prospect Park, Brooklyn.

Telephone, 2300 South.

Joseph I. Berry, Commissioner of Parks for the Borough of the Bronx.

Office, Zbrowski Mansion, Claremont Park.

Office hours, 9 a. m. to 4 p. m.; Saturdays, 12 m.

Telephone, 2640 Tremont.

DEPARTMENT OF PUBLIC CHARITIES.

PRINCIPAL OFFICE.

Foot of East Twenty-sixth street, 9 a. m. to 4 p. m. Saturdays, 12 m.

Telephone, 3350 Madison Square.

Robert W. Heberd, Commissioner.

Richard C. Baker, First Deputy Commissioner.

Thomas W. Hynes, Second Deputy Commissioner for Brooklyn and Queens, Nos. 327 to 331 Schermerhorn street, Brooklyn. Telephone, 2977 Main.

J. McKee Borden, Secretary.

Plans and Specifications, Contracts, Proposals and Estimates for Work and Materials for Building, Repairs and Supplies, Bills and Accounts, 9 a. m. to 4 p. m.; Saturdays, 12 m.

Bureau of Dependent Adults, foot of East Twenty-sixth street.

The Children's Bureau, No. 66 Third avenue

Office hours, 8:30 a. m. to 4 p. m.

Jeremiah Connelly, Superintendent for Richmond Borough, Borough Hall, St. George, Staten Island.

Telephone, 1000 Tompkinsville.

DEPARTMENT OF STREET CLEANING.

Nos. 13 to 21 Park row, 9 a. m. to 4 p. m.

Telephone, 3862 Cortlandt.

Foster Crowell, Commissioner.

William E. Edwards, Deputy Commissioner, Borough of Manhattan.

Owen J. Murphy, Deputy Commissioner, Borough of Brooklyn.

Jerome F. Reilly, Deputy Commissioner, Borough of the Bronx.

John J. O'Brien, Chief Clerk.

DEPARTMENT OF TAX

BOROUGH OF BROOKLYN.

President's Office, Nos. 15 and 16 Borough Hall, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m. *Bird S. Coler, President.*
Charles Frederick Adams, Secretary.
John A. Heffernan, Private Secretary.
Thomas R. Farrell, Commissioner of Public Works.
James M. Power, Secretary to Commissioner.
David F. Moore, Superintendent of Buildings.
James Dunne, Superintendent of the Bureau of Sewers.
Joseph M. Lawrence, Superintendent of the Bureau of Public Buildings and Offices.
Patrick F. Lynch, Superintendent of Highways.

BOROUGH OF MANHATTAN.

Office of the President, Nos. 14, 15 and 16 City Hall, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m. *John F. Ahearn, President.*
Bernard Downing, Secretary.
John Cloughen, Commissioner of Public Works.
James J. Hagan, Assistant Commissioner of Public Works.
Edward S. Murphy, Superintendent of Buildings.
Frank J. Goodwin, Superintendent of Sewers.
John R. Voorhis, Superintendent of Buildings and Offices. Telephone, 6725 Cortlandt.

BOROUGH OF QUEENS.

President's Office, Borough Hall, Jackson avenue and Fifth street, Long Island City; 9 a. m. to 4 p. m. Saturdays, 9 a. m. to 12 m. *Lawrence Gresser, President.*
John M. Cragan, Secretary.
Alfred Denton, Commissioner of Public Works.
Harry Sutphin, Assistant Commissioner of Public Works.
James P. Hicks, Superintendent of Highways.
Carl Berger, Superintendent of Buildings.
Cornelius Burke, Superintendent of Sewers.
James E. Clonin, Superintendent of Street Cleaning.
Edward F. Kelly, Superintendent of Public Buildings and Offices. Telephone, 1900 Greenpoint.

BOROUGH OF RICHMOND.

President's Office, New Brighton, Staten Island. *George Cromwell, President.*
Maybury Fleming, Secretary.
Louis Lincoln Tribus, Consulting Engineer and Acting Commissioner of Public Works.
John Seaton, Superintendent of Buildings.
H. E. Buel, Superintendent of Highways.
John T. Fetherston, Superintendent of Street Cleaning.
Ernest H. Seehusen, Superintendent of Sewers.
John Timlin, Jr., Superintendent of Public Buildings and Offices.
Offices—Borough Hall, New Brighton, N. Y., 9 a. m. to 4 p. m. Saturdays, 9 a. m. to 12 m. Telephone, 1000 Tompkinsville.

CORONERS.

Borough of The Bronx—Corner of Third avenue and Tremont avenue. Telephone, 1250 Tremont and 1402 Tremont.
Robert F. McDonald, A. F. Schwanecke.
William T. Austin, Chief Clerk.
Borough of Brooklyn—Office, Rooms 1 and 3 Municipal Building. Telephone, 4004 Main and 4005 Main.
Henry J. Brewer, M. D., John F. Kennedy.
Joseph McGuinness, Chief Clerk.
Open all hours of the day and night.
Borough of Manhattan—Office, Criminal Courts Building, Centre and White streets. Open at all times of the day and night.
Coroners: Julius Harburger, Peter P. Acrimelli, George F. Shrady, Jr., Peter Dooley.
Julius Harburger, President Board of Coroners.
Jacob E. Bausch, Chief Clerk.
Telephones, 1049, 5057, 5058 Franklin.
Borough of Queens—Office, Borough Hall, Fulton street, Jamaica, L. I.
Samuel D. Nutt, Alfred S. Ambler.
Martin Mager, Jr., Chief Clerk.
Office hours, from 9 a. m. to 10 p. m.
Borough of Richmond—No. 44 Second street, New Brighton. Open for the transaction of business all hours of the day and night.
Matthew J. Cahill.
Telephone, 7 Tompkinsville.

COUNTY OFFICES.**NEW YORK COUNTY.**

COMMISSIONER OF JURORS.
Room 127, Stewart Building, Chambers street and Broadway, 9 a. m. to 4 p. m.
Thomas Allison, Commissioner.
Matthew F. Neville, Assistant Commissioner.
Frederick P. Simpson, Assistant Commissioner.
Frederick O'Byrne, Secretary.
Telephone, 241 Worth.

COMMISSIONER OF RECORDS.

Office, Hall of Records.
William S. Andrews, Commissioner.
James O. Farrell, Superintendent.
James J. Fleming, Jr., Secretary.
Telephone, 3900 Worth.

COUNTY CLERK.

Nos. 5, 8, 9, 10 and 11 New County Court-house. Office hours from 9 a. m. to 4 p. m.
Peter J. Dooling, County Clerk.
John F. Curry, Deputy.
Joseph J. Gennen, Secretary.
Telephone, 870 Cortlandt.

DISTRICT ATTORNEY.

Building for Criminal Courts, Franklin and Centre streets.
Office hours from 9 a. m. to 5 p. m.; Saturdays, 9 a. m. to 12 m.
Wm. Travers Jerome, District Attorney.
John A. Henneberry, Chief Clerk.
Telephone, 2304 Franklin.

PUBLIC ADMINISTRATOR.

No. 119 Nassau street, 9 a. m. to 4 p. m.
William M. Hoes, Public Administrator.
Telephone, 6376 Cortlandt.

REGISTER.

Hall of Records. Office hours from 9 a. m. to 4 p. m.; Saturdays 9 a. m. to 12 m. During the months of July and August the hours are from 9 a. m. to 2 p. m.
Frank Gass, Register.
William H. Sinnott, Deputy Register.
Telephone, 3900 Worth.

SHERIFF.

No. 299 Broadway, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.
Thomas F. Foley, Sheriff.
John F. Gilchrist, Under Sheriff.
Telephone, 4984 Worth.

SURROGATES.

Hall of Records. Court open from 9 a. m. to 4 p. m., except Saturday, when it closes at 12 m. During the months of July and August the hours are from 9 a. m. to 2 p. m.
Abner C. Thomas and John P. Cahalan, Surrogates; William V. Leary, Chief Clerk.

KINGS COUNTY.**COMMISSIONER OF JURORS.**

County Court-house.
Jacob Brenner, Commissioner.
Jacob A. Livingston, Deputy Commissioner.
Albert B. Waldron, Secretary.
Office hours from 9 a. m. to 4 p. m.; Saturdays, from 9 a. m. to 12 m.
Office hours during July and August, 9 a. m. to 2 p. m.; Saturdays, 9 a. m. to 12 m.
Telephone, 1454 Main.

COMMISSIONER OF RECORDS.

Hall of Records.
Office hours, 9 a. m. to 4 p. m., excepting months of July and August, then 9 a. m. to 2 p. m., Saturdays 9 a. m. to 12 m.
Lewis M. Swasey, Commissioner.
D. H. Ralston, Deputy Commissioner.
Telephone, 1114 Main.
Thomas D. Mossop, Superintendent.
William J. Beattie, Assistant Superintendent.
Telephone, 1082 Main.

COUNTY CLERK.

Hall of Records, Brooklyn. Office hours, 9 a. m. to 4 p. m.; during months of July and August, 9 a. m. to 2 p. m.; Saturdays, 9 a. m. to 12 m.
Frank Ehlers, County Clerk.
Robert A. Sharkey, Deputy County Clerk.
John Cooper, Assistant Deputy County Clerk.
Telephone call, 4930 Main.

COUNTY COURT.

County Court-house, Brooklyn, Rooms 10, 17, 18, 22 and 23. Court opens at 10 a. m. daily and sits until business is completed. Part I, Room No. 23; Part II., Room No. 10, Court-house. Clerk's Office, Rooms 17, 18 and 22, open daily from 9 a. m. to 4 p. m.; Saturdays, 12 m.
Norman S. Dike and Lewis L. Fawcett, County Judges.

Charles S. Devoy, Chief Clerk.
Telephone, 4154 and 4155 Main.

DISTRICT ATTORNEY.

Office, County Court-house, Borough of Brooklyn. Hours, 9 a. m. to 5 p. m.
John F. Clarke, District Attorney.
Telephone number, 2955-6-7—Main.

PUBLIC ADMINISTRATOR.

No. 44 Court street (Temple Bar), Brooklyn, 9 a. m. to 5 p. m.
Charles E. Teale, Public Administrator.
Telephone, 2840 Main.

REGISTER.

Hall of Records. Office hours, 9 a. m. to 4 p. m., excepting months of July and August; then from 9 a. m. to 2 p. m., provided for by statute.
William A. Prendergast, Register.
Frederick H. E. Ebstein, Deputy Register.
Telephone, 2830 Main.

SHERIFF.

County Court-house, Brooklyn, N. Y. 9 a. m. to 4 p. m.; Saturdays, 12 m.
Alfred T. Hobley, Sheriff.
James P. Connell, Under Sheriff.
Telephone, 6845, 6846, 6847, Main.

SURROGATE.

Hall of Records, Brooklyn, N. Y.
Herbert T. Ketcham, Surrogate.
Edward J. Bergen, Chief Clerk and Clerk of the Surrogate's Court.
Court opens at 10 a. m. Office hours, 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m.
Telephone, 3954 Main.

QUEENS COUNTY.

COMMISSIONER OF JURORS.
Office hours, 9 a. m. to 4 p. m.; July and August, 9 a. m. to 2 p. m.; Saturdays 9 a. m. to 12 m. Queens County Court-house, Long Island City.
John P. Balbert, Commissioner of Jurors.
Rodman Richardson, Assistant Commissioner.
Telephone, 455 Greenpoint.

COUNTY CLERK.

No. 364 Fulton street, Jamaica, Fourth Ward, Borough of Queens, City of New York.
Office open, 9 a. m. to 4 p. m.; Saturday, 9 a. m. to 12 m.
John Niederstein, County Clerk.
Henry Walter, Jr., Deputy County Clerk.
Telephone, 151 Jamaica.

COUNTY COURT.

Temporary County Court-house, Long Island City. County Court opens at 10 a. m. Trial Terms begin first Monday of each month, except July, August and September. Special Terms each Saturday, except during August and first Saturday of September. County Judge's office always open at No. 336 Fulton street, Jamaica, N. Y.
Burt J. Humphrey, County Judge.
Telephone, 286 Jamaica.

DISTRICT ATTORNEY.

Office, Queens County Court-house, Long Island City, 9 a. m. to 5 p. m.
Ira G. Darrin, District Attorney.
Telephone, 39 Greenpoint.

PUBLIC ADMINISTRATOR.

No. 17 Cook avenue, Elmhurst.
John T. Robinson, Public Administrator, County of Queens.
Telephone, 335 Newtown.

SHERIFF.

County Court-house, Long Island City, 9 a. m. to 4 p. m.; Saturdays 9 a. m. to 12 m.
Herbert S. Harvey, Sheriff.
John M. Phillips, Under Sheriff.
Telephone, 43 Greenpoint (office).
Henry O. Schleth, Warden, Queens County Jail.
Telephone, 372 Greenpoint.

SURROGATE.

Daniel Noble, Surrogate.
Wm. F. Hendrickson, Clerk.
Office, No. 364 Fulton street, Jamaica.

Except on Sundays, holidays and half holidays, the office is open from 9 a. m. to 4 p. m.; Saturdays, from 9 a. m. to 12 m.

The calendar is called on Tuesday of each week at 10 a. m., except during the month of August, when no court is held, and the court sits every day thereafter until all contested cases have been disposed of. Telephone, 397 Jamaica.

RICHMOND COUNTY.**COMMISSIONER OF JURORS.**

Village Hall, Stapleton.
Charles J. Kullman, Commissioner.
John J. McCaughey, Assistant Commissioner.
Office open from 9 a. m. until 4 p. m.; Saturdays, from 9 a. m. to 12 m.
Telephone, 81 Tompkinsville.

COUNTY CLERK.

County Office Building, Richmond, S. I., 9 a. m. to 4 p. m.
C. L. Bostwick, County Clerk.
County Court-house, Richmond, S. I., 9 a. m. to 4 p. m.
Telephone, 28 New Dorp.

COUNTY JUDGE AND SURROGATE.

Terms of Court, Richmond County, 1909.
County Courts—Stephen D. Stephens, County Judge.

First Monday of June, Grand and Trial Jury.
Second Monday of November, Grand and Trial Jury.
Fourth Wednesday of January, without a Jury.
Fourth Wednesday of February, without a Jury.
Fourth Wednesday of March, without a Jury.
Fourth Wednesday of April, without a Jury.
Fourth Wednesday of July, without a Jury.
Fourth Wednesday of September, without a Jury.
Fourth Wednesday of October, without a Jury.
Fourth Wednesday of December, without a Jury.
Surrogate's Court—Stephen D. Stephens, Surrogate.

Mondays, at the Borough Hall, St. George, at 10.30 o'clock a. m.
Tuesdays, at the Borough Hall, St. George, at 10.30 o'clock a. m.
Wednesdays, at the Surrogate's Office, Richmond at 10.30 o'clock a. m.

DISTRICT ATTORNEY.

Borough Hall, St. George, S. I.
Samuel H. Ewins.
Telephone, 50 Tompkinsville.

SHERIFF.

County Court-house, Richmond, S. I.
Office hours, 9 a. m. to 4 p. m.
Joseph J. Barth.

THE COURTS.**APPELLATE DIVISION OF THE SUPREME COURT.****FIRST JUDICIAL DEPARTMENT.**

Court-house, Madison avenue, corner Twenty-fifth street. Court opens at 1 p. m.
Edward Patterson, Presiding Justice; George L. Ingram, Chester B. McLaughlin, Frank C. Laughlin, John Proctor Clarke, James W. Houghton, Francis M. Scott, Justices; Alfred Wagstaff, Clerk; William Lamb, Deputy Clerk.
Clerk's Office opens at 9 a. m.
Telephone, 3840 Madison Square.

SUPREME COURT-FIRST DEPARTMENT.

County Court-house, Chambers street. Court open from 10.15 a. m. to 4 p. m.
Special Term, Part I. (motions), Room No. 16.
Special Term, Part II. (ex parte business), Room No. 13.

Special Term, Part III., Room No. 19.
Special Term, Part IV., Room No. 20.
Special Term, Part V., Room No. 6.
Special Term, Part VI. (Elevated Railroad cases), Room No. 31.

Trial Term, Part II., Room No. 34.
Trial Term, Part III., Room No. 22.
Trial Term, Part IV., Room No. 21.
Trial Term, Part V., Room No. 24.
Trial Term, Part VI., Room No. 18.

Trial Term, Part VII., Room No. 23.
Trial Term, Part VIII., Room No. 23.
Trial Term, Part IX., Room No. 35.
Trial Term, Part X., Room No. 26.

Trial Term, Part XI., Room No. 27.
Trial Term, Part XII., Room No. 28.
Trial Term, Part XIII., and Special Term, Part VII., Room No. 36.

Trial Term, Part XIV., Room No. 28.
Trial Term, Part XV., Room No. 37.
Trial Term, Part XVI., Room No. 29.

Trial Term, Part XVII., Room No. 20.
Appellate Term, Room No. 29.
Naturalization Bureau, Room No. 38, third floor.
Assignment Bureau, room on mezzanine floor, northeast.

Clerks in attendance from 10 a. m. to 4 p. m.
Clerk's Office, Special Term, Part I. (motions), Room No. 15.

Clerk's Office, Special Term, Part II. (ex parte business), ground floor, southeast corner.
Clerk's Office, Special Term, Calendar, ground floor, south.

Clerk's Office, Trial Term, Calendar, room northeast corner, second floor, east.
Clerk's Office, Appellate Term, room southwest corner, third floor.

Trial Term, Part I. (criminal business).
Criminal Court-house, Centre street.

Justices—Charles H. Truax, Charles F. MacLean, Henry Bischoff, Leonard A. Giegerich, P. Henry Dugro, Henry A. Gildersleeve, James Fitzgerald, James A. O'Gorman, James A. Blanchard, Samuel Greenbaum, Edward E. McCall, Edward B. Amend, Vernon M. Davis, Victor J. Dowling, Joseph E. Newburger, John W. Goff, Samuel Seabury, M. Warley Platzek, Peter A. Hendrick, John Ford, Charles W. Dayton, John J. Brady, Mitchell L. Erlanger, Charles L. Guy, James W. Gerard, Matthew Linn Bruce.

Peter J. Dooling, Clerk, Supreme Court.
Telephone, 4580 Cortlandt.

CRIMINAL DIVISION—SUPREME COURT.

Building for Criminal Courts, Centre, Elm, White and Franklin streets.

Court opens at 10.30 a. m.

Peter J. Dooling, Clerk; Edward R. Carroll, Special Deputy to the Clerk.
Clerk's Office open from 9 a. m. to 4 p. m.
Telephone, 6064 Franklin.

COURT OF GENERAL SESSIONS.

Held in the Building for Criminal Courts, Centre, Elm, White and Franklin streets.
Court opens at 10.30 a. m.

Thomas C. T. Crain, Otto A. Rosalsky, Warren W. Foster, Thomas C. O'Sullivan, Edward Swann, Joseph F. Mulqueen, James T. Malone, Judges of the Court of General Sessions. Edward R. Carroll, Clerk. Telephone, 1201 Franklin.

Clerk's Office open from 9 a. m. to 4 p. m.
During July and August Clerk's Office will close at 2 p. m., and on Saturdays at 12 m.

CITY COURT OF THE CITY OF NEW YORK.

No. 32 Chambers street, Brownstone Building, City Hall Park, from 10 a. m. to 4 p. m.

Part I.
Part II.
Part III.
Part IV.
Part V.
Part VI.
Part VII.
Part VIII.

Special Term Chambers will be held from 10 a. m. to 4 p. m.

Thomas O'Connell, Clerk; Francis Mangin, Deputy Clerk.
Location of Court—Merchants' Association Building, Nos. 54-60 Lafayette street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Additional Parts are held at southwest corner of Sixth avenue and Tenth street and at No. 128 Prince street.

Telephone, 6330 Franklin.

Second District—The Second District embraces the territory bounded on the south by the centre line of Fifth street from the Bowery to Second avenue and on the south and east by the southerly and easterly boundaries of the said borough, on the north by the centre line of East Fourteenth street, on the west by the centre lines of Fourth avenue from Fourteenth street to Fifth street, Second avenue, Chrystie street, Division street and Catharine street.

George F. Roesch, Benjamin Hoffman, Leon Sanders, Thomas P. Dinnean, Justices.

James J. Devlin, Clerk; Michael H. Looney, Deputy Clerk.

Location of Court—Nos. 264 and 266 Madison street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone, 2596 Orchard.

Third District—The Third District embraces the territory bounded on the south by the centre line of Fourteenth street, on the east by the centre line of Seventh avenue from Fourteenth street to Fifty-ninth street and by the centre line of Central Park West from Fifty-ninth street to Sixty-fifth street on the north by the centre line of Sixty-fifth street and the centre line of Fifty-ninth street from Seventh to Eighth avenue, on the west by the westerly boundary of the said borough.

Thomas E. Murray, James W. McLaughlin, Justices.

Michael Skelly, Clerk; Henry Merzbach, Deputy Clerk.

Location of Court—No. 314 West Fifty-fourth street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone number, 5450 Columbus.

Fourth District—The Fourth District embraces the territory bounded on the south by the centre line of East Fourteenth street, on the west by the centre line of Irving place, including its projection through Gramercy Park, on the north by the centre line of Fifty-ninth street, on the east by the easterly line of said borough; excluding, however, any portion of Blackwell's Island.

Michael F. Blake, William J. Boyhan, Justices.

Abram Bernard, Clerk; James Foley, Deputy Clerk.

Location of Court—Part I., No. 407 Second avenue, northwest corner of Second avenue and Twenty-third street. Part II., No. 151 East Fifty-seventh street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone, 4570 Gramercy.

Fifth District—The Fifth District embraces the territory bounded on the south by the centre line of Sixty-fifth street, on the east by the centre line of Central Park West, on the north by the centre line of One Hundred and Tenth street, on the west by the westerly boundary of said borough.

Alfred P. W. Seaman, William Young, Frederick Spiegelberg, Justices.

James V. Gilloon, Clerk; John H. Servis, Deputy Clerk.

Location of Court—Broadway and Ninety-sixth street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone, 4006 Riverside.

Sixth District—The Sixth District embraces the territory bounded on the south by the centre line of Fifty-ninth street and by the centre line of Lexington avenue to Fifth avenue, on the west by the centre line of Lexington avenue from Fifth avenue to Ninety-sixth street and the centre line of Fifth avenue from Ninety-sixth street to One Hundred and Tenth street, on the north by the centre line of One Hundred and Tenth street, on the east by the easterly boundary of said borough, including, however, all of Blackwell's Island and excluding any portion of Ward's Island.

Herman Joseph, Jacob Marks, Justices.

Edward A. McQuade, Clerk; Thomas M. Campbell, Deputy Clerk; John J. Dietz, Frederick J. Stroh, Assistant Clerks.

Location of Court—Northwest corner of Third avenue and Eighty-third street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone, 4343 79-St.

Seventh District—The Seventh District embraces the territory bounded on the south by the centre line of One Hundred and Tenth street, on the east by the centre line of Fifth avenue to the northerly terminus of Fifth avenue, following in a northerly direction the course of the Harlem river, on a line conterminous with the easterly boundary of said borough, on the north and west by the northerly and westerly boundaries of said borough.

Phillip J. Sinnott, David L. Weil, John R. Davies, Justices.

Heman B. Wilson, Clerk; Robert Andrews, Deputy Clerk.

Location of Court—No. 70 Manhattan street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Eighth District—The Eighth District embraces the territory bounded on the south by the centre line of One Hundred and Tenth street, on the west by the centre line of Fifth avenue, on the north and east by the northerly and easterly boundaries of said borough, including Randall's Island and the whole of Ward's Island.

Joseph P. Fallon, Leopold Prince, Justices.

William J. Kennedy, Clerk; Patrick J. Ryan, Deputy Clerk.

Location of Court—Sylvan place and One Hundred and Twenty-first street, near Third avenue. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone, 3950 Harlem.

Ninth District—The Ninth District embraces the territory bounded on the south by the centre line of Fourteenth street and by the centre line of Fifty-ninth street from the centre line of Seventh avenue to the centre line of Central Park West, on the east by the centre line of Lexington avenue and by the centre line of Irving place, including its projection through Gramercy Park, and by the centre line of Fifth avenue from the centre line of Ninety-sixth street to the centre line of One Hundred and Tenth street, on the north by the centre line of Lexington avenue to the centre line of Fifth avenue and by One Hundred and Tenth street from Fifth avenue to Central Park West, on the west by the centre line of Seventh avenue and Central Park West.

Edgar J. Lauer, Frederick De Witt Wells, Frank D. Sturges, William C. Wilson, Justices.

William J. Chamberlain, Clerk; Charles Healy, Deputy Clerk.

Location of Court—Southwest corner of Madison avenue and Fifty-ninth street. Clerk's Office open daily (Sundays and legal holidays excepted) from 9 a. m. to 4 p. m.

Telephone, 3873 Plaza.

Borough of The Bronx.

First District—All that part of the Twenty-fourth Ward which was lately annexed to the City and County of New York by chapter 934 of the Laws of

1895, comprising all of the late Town of Westchester and part of the Towns of Eastchester and Pelham, including the Villages of Wakefield and Williamsbridge. Court-room, Town Hall, No. 1400 Williamsbridge road, Westchester Village. Court open daily (Sundays and legal holidays excepted), from 9 a. m. to 4 p. m. Trial of causes, Tuesday and Friday of each week.

Peter A. Sheil, Justice.

Stephen Collins, Clerk.

Office hours from 9 a. m. to 4 p. m.; Saturdays closing at 12 m.

Telephone, 457 Westchester.

Second District—Twenty-third and Twenty-fourth Wards, except the territory described in chapter 934 of the Laws of 1895. Court-room, southeast corner of Washington avenue and One Hundred and Sixty-second street. Office hours, from 9 a. m. to 4 p. m. Court opens at 9 a. m.

John M. Tierney, Justice. Thomas A. Maher, Clerk.

Telephone, 3043 Melrose.

Borough of Brooklyn.

First District—Comprising First, Second, Third, Fourth, Fifth, Sixth, Tenth and Twelfth Wards and that portion of the Eleventh Ward beginning at the intersection of the centre lines of Hudson and Myrtle avenues, thence along the centre line of Myrtle avenue to North Portland avenue, thence along the centre line of North Portland avenue to Flushing avenue, thence along the centre line of Flushing avenue to Navy street, thence along the centre line of Navy street to Johnson street, thence along the centre line of Johnson street to Hudson avenue, and thence along the centre line of Hudson avenue to the point of beginning, of the Borough of Brooklyn. Court-house, northwest corner State and Court streets. Parts I. and II.

John J. Walsh, Justice. Edward Moran, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Second District—Seventh Ward and that portion of the Twenty-first and Twenty-third Wards west of the centre line of Stuyvesant avenue and the centre line of Schenectady avenue, also that portion of the Twentieth Ward beginning at the intersection of the centre lines of North Portland and Myrtle avenues, thence along the centre line of Myrtle avenue to Waverly avenue, thence along the centre line of Waverly avenue to Park avenue, thence along the centre line of Park avenue to Washington avenue, thence along the centre line of Washington avenue to Flushing avenue, thence along the centre line of Flushing avenue to North Portland avenue, and thence along the centre line of North Portland avenue to the point of beginning.

Court-room, No. 495 Gates avenue.

Gerard B. Van Wart and Charles J. Dodd, Justices. Franklin B. Van Wart, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Third District—Embraces the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Wards, and that portion of the Twenty-seventh Ward lying northwest of the centre line of Starr street between the boundary line of Queens County and the centre line of Central avenue, and northwest of the centre line of Suydam street between the centre lines of Central and Bushwick avenues, and northwest of the centre line of Willoughby avenue between the centre lines of Bushwick and Broadway. Court-house, Nos. 6 and 8 Lee avenue, Brooklyn.

Philip D. Meagher and William J. Bogenshutz, Justices. John W. Carpenter, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Court opens at 9 a. m.

Fourth District—Embraces the Twenty-fourth and Twenty-fifth Wards, that portion of the Twenty-first and Twenty-third Wards lying east of the centre line of Stuyvesant avenue and east of the centre line of Schenectady avenue, and that portion of the Twenty-seventh Ward lying southeast of the centre line of Starr street between the boundary line of Queens and the centre line of Central avenue, and southeast of the centre line of Suydam street between the centre lines of Central and Bushwick avenues, and southeast of the centre line of Willoughby avenue between the centre lines of Bushwick avenue and Broadway.

Court-room, No. 14 Howard avenue.

Thomas H. Williams, Justice. G. J. Wiederhold, Clerk. Milton L. Williams, Assistant Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Fifth District—Contains the Eighth, Thirtieth and Thirty-first Wards, and so much of the Twenty-second Ward as lies south of Prospect avenue. Court-house, northwest corner of Fifty-third street and Third avenue.

Cornelius Furgeson, Justice. Jeremiah J. O'Leary, Clerk.

Clerk's Office open from 9 a. m. to 4 p. m.

Telephone, 407 Bay Ridge.

Sixth District—The Sixth District embraces the Ninth and Twenty-ninth Wards and that portion of the Twenty-second Ward north of the centre line of Prospect avenue; also that portion of the Eleventh and the Twentieth Wards beginning at the intersection of the centre lines of Bridge and Fulton streets; thence along the centre line of Fulton street to Flatbush avenue; thence along the centre line of Flatbush avenue to Atlantic avenue; thence along the centre line of Atlantic avenue to Washington avenue; thence along the centre line of Washington avenue to Park avenue; thence along the centre line of Park avenue to Waverly avenue; thence along the centre line of Waverly avenue to Myrtle avenue; thence along the centre line of Myrtle avenue to Hudson avenue; thence along the centre line of Hudson avenue to Johnson street; thence along the centre line of Johnson street to Bridge street, and thence along the centre line of Bridge street to the point of beginning.

Lucien S. Bayliss and George Fielder, Justices. Charles P. Bible, Clerk.

Court-house, No. 611 Fulton street.

Seventh District—The Seventh District embraces the Twenty-sixth, Twenty-eighth and Thirty-second Wards.

Alexander S. Rosenthal and Edward A. Richards, Justices. Samuel F. Brothers, Clerk.

Court-house, corner Pennsylvania avenue and Fulton street (No. 31 Pennsylvania avenue).

Clerk's Office open from 9 a. m. to 4 p. m.; Saturdays, 9 a. m. to 12 m. Trial days, Tuesdays, Wednesdays, Thursdays and Fridays.

Jury days, Wednesdays and Thursdays.

Telephone, 904 East New York.

Borough of Queens.

First District—First Ward (all of Long Island City formerly composing five wards). Court-room, St. Mary's Lyceum, Nos. 115 and 117 Fifth street, Long Island City.

Clerk's Office open from 9 a. m. to 4 p. m. each day, excepting Saturdays, closing at 12 m. Trial days, Mondays, Wednesdays and Fridays. All other business transacted on Tuesdays and Thursdays.

Thomas C. Kadien, Justice. Thomas F. Kennedy, Clerk.

Telephone, 2376 Greenpoint.

Second District—Second and Third Wards, which include the territory of the late Towns of Newtown and Flushing. Court-room in Court-house of the late Town of Newtown, corner of Broadway and Court street, Elmhurst, New York. P. O. Address, Elmhurst, Queens County, New York.

William Rasquin, Jr., Justice. Luke J. Connor, Clerk. William Repper, Assistant Clerk. James B. Snediker, Stenographer.

Trial days, Tuesdays and Thursdays. Clerk's Office open from 9 a. m. to 4 p. m. Telephone, 87 Newtown.

Third District—Fourth and Fifth Wards, comprising the territory of the former Towns and Villages of Jamaica, Far Rockaway and Rockaway Beach.

James F. McLaughlin, Justice. George W. Damon, Clerk.

Court-house, Town Hall, Jamaica.

Telephone, 189 Jamaica.

Clerk's Office open from 9 a. m. to 4 p. m. Court held on Mondays, Wednesdays and Fridays at 9 a. m.

Borough of Richmond.

First District—First and Third Wards (Towns of Castleton and Northfield). Court-room, former Village Hall, Lafayette avenue and Second street, New Brighton.

Thomas C. Brown, Justice. Anning S. Prall, Clerk.

Court's Office open from 8.45 a. m. to 4 p. m.

Telephone, 503 Tompkinsville.

Second District—Second, Fourth and Fifth Wards (Towns of Middletown, Southfield and Westfield). Court-room, former Edgewater Village Hall, Stapleton.

George W. Stake, Justice. Peter Tiernan, Clerk.

Court's Office open from 9 a. m. to 4 p. m.

Court continued until close of business. Trial days, Mondays, Wednesdays and Fridays.

Telephone, 313 Tompkinsville.

OFFICIAL PAPERS.

Morning—"The Sun," "The New York Times."

Evening—"The Globe," "The Evening Mail."

Weekly—"Democracy," "Tammany Times."

German—"Staats-Zeitung."

Designated by the Board of City Record, January 22, 1906. Amended March 1, 1906, November 20, 1906; February 20, 1907, and March 5, 1908.

BOARD MEETINGS.

The Board of Estimate and Apportionment meets in the Old Council Chamber (Room 16), City Hall, every Friday, at 10.30 o'clock a. m.

JOSEPH HAAG, Secretary.

The Commissioners of the Sinking Fund meet in the Old Council Chamber (Room 16), City Hall, at call of the Mayor.

N. TAYLOR PHILLIPS, Deputy Comptroller, Secretary.

The Board of Revision of Assessments meets in the Old Council Chamber (Room 16), City Hall, at call of the Chief Clerk.

HENRY J. STORRS, Chief Clerk.

The Board of City Record meets in the Old Council Chamber (Room 16), City Hall, at call of the Mayor.

PATRICK J. TRACY, Supervisor, Secretary.

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY.

DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY, ROOM 1536, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Water Supply, Gas and Electricity at the above office until 2 o'clock p. m. on

MONDAY, DECEMBER 21, 1908.

Boroughs of Manhattan and The Bronx.

FOR FURNISHING, DELIVERING AND LAYING WATER MAINS IN SIXTEENTH, SEVENTEENTH, EIGHTEENTH, NINETEENTH AND TWENTIETH STREETS, AND IN IRVING PLACE, BOROUGH OF MANHATTAN.

The time allowed for doing and completing the work will be one hundred and forty (140) working days.

The security required will be Forty Thousand Dollars (\$40,000).

DEPARTMENT OF CORRECTION, NO. 148 EAST TWENTIETH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Correction at the above office until 11 o'clock a. m. on

THURSDAY, DECEMBER 17, 1908

FOR FURNISHING AND DELIVERING GROCERIES, PROVISIONS, VEGETABLES, FORAGE, ETC.

The time for the delivery of the articles, materials and supplies and the performance of the contract is during the year 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per pound, ton, dozen, gallon, yard or other unit of measure, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the totals and awards made to the lowest bidder on each item.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the Department of Correction, the Borough of Manhattan, No. 148 East Twentieth street.

JOHN V. COGGEY, Commissioner.

Dated December 4, 1908.

d5.17

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF CORRECTION, NO. 148 EAST TWENTIETH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Correction at the above office until 11 o'clock a. m. on

THURSDAY, DECEMBER 15, 1908.

Borough of Manhattan.

FOR FURNISHING AND DELIVERING HARDWARE, PAINTS, IRON, STEAM FITTINGS, LUMBER AND MISCELLANEOUS ARTICLES.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before ten days.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per pound, ton, dozen, gallon, yard or other unit of measure, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the totals and awards made to the lowest bidder on each item. The bids on lumber will be compared and the contract awarded at a lump or aggregate sum.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the Department of Correction, the Borough of Manhattan, No. 148 East Twentieth street.

JOHN V. COGGEY, Commissioner.

Dated December 2, 1908.

d3.15

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF CORRECTION, NO. 148 EAST TWENTIETH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Correction at the above office until 11 o'clock a. m. on

THURSDAY, DECEMBER 15, 1908.

No. 1. FOR FURNISHING ALL LABOR AND MATERIAL REQUIRED TO INSTALL NEW STEEL GRILLES TO GALLERIES OF MALE PRISON, CELL BLOCKS A, B, C AND D. TEMPORARY CORRUGATED IRON PROTECTION FENCE IN PRISON YARD, AND OTHER SHEET IRON AND ORNAMENTAL WROUGHT IRON WORK, ETC., AT THE CITY PRISON, RAYMOND STREET, BOROUGH OF BROOKLYN.

The time for the completion of the work and the full performance of the contract is by or before 200 consecutive working days.

The amount of security required is 50 per cent. of the amount of bid or estimate.

Bids will be compared and the contract awarded at a lump or aggregate sum.

Blank forms and further information may be obtained at the office of the Department of Correction, the Borough of Manhattan, No. 148 East Twentieth street.

JOHN V. COGGEY, Commissioner.

Dated December 1, 1908.

d3.15

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF PUBLIC CHARITIES.

DEPARTMENT OF PUBLIC CHARITIES, FOOT OF EAST TWENTIETH STREET, NEW YORK.

TO CONTRACTORS.

PROPOSALS FOR BIDS OR ESTIMATES.

SEALED BIDS OR ESTIMATES WILL BE received by the Department of Public Charities at the above office until 2.30 o'clock p. m. on

WEDNESDAY, DECEMBER 16, 1908,

FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED TO PUT NEW ROOFS ON THE FOLLOWING BUILDINGS: PAVILION A-B-C, SCHOOL FOR FEEBLE-MINDED, DAY SCHOOL, LAUNDRY BUILDINGS, DORMITORY NO. 2, WARD 11, WARD 14, WARD 15, OLD PAVILION "F" AND OFFICE BUILDING, RANDALLS ISLAND.

The time allowed for the completion of the work and full performance of the contract is sixty (60) consecutive working days.

The security required will be Three Thousand Dollars (\$3,000).

The bidder will state one aggregate price for the whole work described and specified, as the contract is entire for a complete job.

Blank forms and further information may be obtained at the office of the Architect of the Department, foot of East Twentieth street, The City of New York, where plans and specifications may be seen.

ROBERT W. HEBBERD, Commissioner.

Dated December 5, 1908.

d5.16

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF PUBLIC CHARITIES, FOOT OF EAST TWENTIETH STREET, NEW YORK.

TO CONTRACTORS.

PROPOSALS FOR BIDS OR ESTIMATES.

SEALED BIDS OR ESTIMATES WILL BE received by the Department of Public Charities at the above office until 2.30 o'clock p. m. on

THURSDAY, DECEMBER 17, 1908,

FOR FURNISHING AND DELIVERING BUTTER, EGGS, YEAST, ICE, MEAT, FISH, POULTRY, FLUID AND CONDENSED MILK.

The time for the performance of the contract is during the year 1909.

The amount of security required is fifty (50) per cent. of the amount of the bid or estimate.

The bidder will state the price per barrel, per ton, per pound, per dozen, etc., by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total and awards made to the lowest bidder on each class, line or item, as stated in the specifications.

Blank forms and further information may be obtained at the office of the Department, foot of East Twentieth street, Borough of Manhattan.

ROBERT W. HEBBERD, Commissioner.

The City of New York, December 12, 1908.

d12.23

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF PUBLIC CHARITIES, FOOT OF EAST TWENTIETH STREET, NEW YORK.

TO CONTRACTORS.

PROPOSALS FOR BIDS OR ESTIMATES.

SEALED BIDS OR ESTIMATES WILL BE received by the Department of Public Charities at the above office until 2.30 o'clock p. m. on

WEDNESDAY, DECEMBER 23, 1908.

FOR ALL MATERIALS AND LABOR REQUIRED FOR THE COMPLETE CONDUCTING, ELECTRIC WIRING, AND ALL OTHER WORK IN CONNECTION WITH THE INSTALLATION OF A COMPLETE ELECTRIC LIGHTING AND POWER SYSTEM FOR CERTAIN OF THE BUILDINGS AND GROUNDS UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC CHARITIES, CITY HOSPITAL DISTRICT, BLACKWELLS ISLAND, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

The time allowed for doing and completing the entire work and the full performance of the contract is sixty (60) consecutive calendar days.

The surely required will be Five Thousand Dollars (\$5,000).

The bidder shall state, in writing and in figures (without interlineation, alterations or erasure), one (1) aggregate price for the whole work as shown, noted, indicated or specified, as the contract is entire and for a complete job, and embraces the entire completion of the work in every respect and detail.

Bidders are requested to make their bids or estimates upon the blank form prepared by said Department, a copy of which, together with a copy of the contract, including the specifications, in the form approved by the Corporation Counsel, can be obtained upon application therefor at the office of Raymond F. Almirall, architect, No. 51 Chambers street, The City of New York, where the drawings, which are made a part of the specifications, can be seen.

ROBERT W. HEBBERD, Commissioner.

The City of New York, December 11, 1908.

The bidder will state the price, per pound, per quart, etc., by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total and awards made to the lowest bidder on each class, line or item, as stated in the specifications.

Blank forms and further information may be obtained at the office of the Department, foot of East Twentieth street, Borough of Manhattan.

ROBERT W. HEBBERD, Commissioner.

The City of New York, December 5, 1908.

d5.17

See General Instructions to Bidders on the last page, last column, of the "City Record."

BOARD OF ASSESSORS.

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

Borough of The Bronx.

List 307, No. 1. Paving with granite blocks and curbing Devoe avenue, from West Farms road to East One Hundred and Eightieth street.

List 308, No. 2. Paving with block asphalt and curbing Fairmount place, between Southern boulevard and Prospect avenue.

List 328, No. 3. Paving with asphalt blocks and curbing East One Hundred and Seventy-four street, between Third and Park avenues.

Borough of Queens.

List 155, No. 4. Sewer in Fourth street, between Orchard and Ludlow avenues, Second Ward.

List 83, No. 5. Temporary sewer in First avenue, from Ninth street to Thirteenth street, Third Ward.

List 85, No. 6. Sewer in Freeman avenue, from Jackson avenue to Academy street, First Ward.

List 121, No. 7. Sewer in the Crescent, between Grand and Jamaica avenues, First Ward.

List 125, No. 8. Sewer in Eleventh avenue, from Newtown road to Flushing avenue, and in Vandeventer avenue, from Eleventh avenue to Tenth avenue, First Ward.

List 156, No. 9. Sewer in Fifth street, between Orchard and Ludlow avenues, Second Ward.

List 172, No. 10. Relaying sewer in Ninth avenue, between Woolse street and Potter avenue, First Ward.

List 164, No. 11. Sewer in Hancock street, from Bodine street to Fourteenth street, First Ward.

List 173, No. 12. Sewer in Pomeroy street, between Jackson and Washington avenues, First Ward.

List 188, No. 13. Sewer in Willow street, between North William street and Trowbridge street, northerly 200 feet, First Ward.

The limits within which it is proposed to lay the said assessments include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on

No. 1. Both sides of East Thirty-first street, from Avenue F (Farragut road) to Glenwood road, and to the extent of half the block at the intersecting streets.

No. 2. Both sides of Eighty-sixth street, between Fifth and Thirteenth avenues, and to the extent of half the block at the intersecting avenues.

No. 3. Both sides of Warehouse avenue, from Canal avenue to Canal avenue; south side of Canal avenue, from Twenty-third street to a point about 119 feet east of Warehouse avenue; both sides of Neptune avenue, from Twenty-fourth street to a point about 119 feet east of Twenty-first street; both sides of Twenty-first street, from Neptune avenue extending about 375 feet southerly from said avenue; both sides of Twenty-third street, from Mermaid avenue to Canal avenue; north side of Mermaid avenue, extending easterly and westerly from Warehouse avenue about 119 feet.

No. 4. Lot No. 52. Block 1527, on the north side of McDougal street, between Hopkinson and Rockaway avenues; Lot No. 6, Block 1695, south side of Marion street, between Reid and Patchen avenues; northeast corner of Columbus place and Atlantic avenue, and Lots Nos. 36 and 35 of Block 1714 adjoining on Atlantic avenue; southwest side of East Ninth street, between Avenue C and Cortelyou road, Lots Nos. 12 and 19 of Block 337; south side of Chauncey street and north side of Marion street, between Reid and Patchen avenues; Lots Nos. 1, 12 and 68 of Block 1692, south side of Sterling place, between Rogers and Nostrand avenues, Lots Nos. 10, 15 and 25 of Block 1247; north side of Chauncey street, between Patchen and Ralph avenues, Lot No. 64, Block 1688.

No. 5. North side of Seventeenth street, 120 feet west of Tenth avenue, Lot No. 46, Block 871; north side of Third street, 95 feet west of Fifth avenue, Lot No. 46, Block 974; blocks bounded by Third street, Fifth street, Fourth avenue and Fifth avenue; southeast side of Fourth avenue, from Sixth to Fifth street, and Lots Nos. 13 and 14 adjoining on Fifth street; Lot No. 18 of Block 3259 on the southeast side of Stockholm street, between Irving and Wyckoff avenues; Lots Nos. 29 and 30 on the southeast side of Eldert street, between Bushwick and Evergreen avenues; south side of Eastern parkway, between Sterling place and Park place; southeast corner of Barbey street and Belmont avenue, and Lot No. 11 adjoining on Belmont avenue; northwest side of Himrod street, 110 feet west of Hamburg avenue; Lots Nos. 52 and 53 of Block 427 on the north side of Sackett street, between Third and Fourth avenues; Lots Nos. 46 and 45 of Block 1604 on the north side of Kosciusko street, between Reid avenue and Broadway.

No. 6. Both sides of Eleventh avenue, from Fifteenth street to Eighteenth street, and to the extent of half the block at the intersecting streets.

No. 7. Southwest side of Guernsey street, between Norman and Nassau avenues; triangle bounded by Driggs avenue, Manhattan avenue and Leonard street; both sides of Kingsland avenue, from Greenpoint avenue to Norman avenue.

All persons whose interests are affected by the above named proposed assessments, and who are opposed to the same, or either of them, are requested to present their objections, in writing, to the Secretary of the Board of Assessors, No. 320 Broadway, New York, on or before January 12, 1909, at 11 a. m., at which time and place the said objections will be heard and testimony received in reference thereto.

ANTONIO ZUCCA,
PAUL WEIMANN,
JAMES H. KENNEDY,
Board of Assessors

WILLIAM H. JASPER, Secretary,
No. 320 Broadway,
City of New York, Borough of Manhattan,
December 10, 1908.

d10.21

FIRE DEPARTMENT.

HEADQUARTERS OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Fire Commissioner at the above office until 10.30 o'clock a. m. on

MONDAY, DECEMBER 28, 1908.</p

Borough of The Bronx.

Engine Company 75, located at Jerome avenue and One Hundred and Eighty-third street; Engine Company 68, located at No. 1116 Ogden avenue.

Borough of Brooklyn.

Engine Company 136, located at No. 998 Liberty avenue; Engine Company 137, located at No. 55 Morgan avenue; Engine Company 153, located at Eighty-sixth street, near Twenty-fourth avenue; Engine Company 146, located at East Twenty-third street, near Voorhies avenue, Sheephead Bay; Engine Company 131, located at No. 107 Watkins street; Engine Company 120, located at No. 530 Eleventh street; Hook and Ladder Company 64, located at Fifth avenue, near Fifty-second street; Hook and Ladder Company 53, located at No. 183 Concord street; Hook and Ladder Company 52, located at No. 893 Bedford avenue.

Borough of Queens.

Hook and Ladder Company 65 and Engine Company 158, located at No. 136 East Eighth street, Long Island City.

Separate estimates will be accepted for the works in each Borough.

The time for the completion of the works and the performance of the contract is forty (40) days.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Fire Department, Nos. 157 and 159 East Sixty-seventh street, Manhattan.

NICHOLAS J. HAYES, Fire Commissioner.

Dated December 11, 1908.

d12,28

See General Instructions to Bidders on the last page, last column, of the "City Record."

HEADQUARTERS OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Fire Commissioner at the above office until 10:30 o'clock a. m. on

WEDNESDAY, DECEMBER 23, 1908.

Boroughs of Brooklyn and Queens. FOR FURNISHING AND DELIVERING GENERAL SUPPLIES FOR THE BOROUGHS OF BROOKLYN AND QUEENS.

The time for the delivery of the articles, materials and supplies and the performance of the contract is ten (10) days.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Separate estimates will be accepted for the supplies for each Borough.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per pound, ton, dozen, gallon, yard or other unit of measure, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total for each class, and awards made to the lowest bidder on each class. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the Fire Department, Nos. 157 and 159 East Sixty-seventh street, Manhattan.

NICHOLAS J. HAYES, Fire Commissioner.

Dated December 10, 1908.

d11,23

See General Instructions to Bidders on the last page, last column, of the "City Record."

HEADQUARTERS OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, NOS. 157 AND 159 EAST SIXTY-SEVENTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Fire Commissioner at the above office until 10:30 o'clock a. m. on

WEDNESDAY, DECEMBER 23, 1908.

Borough of Manhattan.

No. 1. FOR FURNISHING AND DELIVERING TEN (10) TOP BUGGIES FOR CHIEF OFFICERS.

The time for the delivery of the articles, materials and supplies and the performance of the contract is ninety (90) days.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of Brooklyn.

No. 2. FOR FURNISHING AND DELIVERING TEN (10) TOP BUGGIES FOR CHIEF OFFICERS.

The time for the delivery of the articles, materials and supplies and the performance of the contract is ninety (90) days.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per pound, ton, dozen, gallon, yard or other unit of measure, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from the total. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the Fire Department, Nos. 157 and 159 East Sixty-seventh street, Manhattan.

NICHOLAS J. HAYES, Fire Commissioner.

Dated December 9, 1908.

d10,23

See General Instructions to Bidders on the last page, last column, of the "City Record."

BELLEVUE AND ALLIED HOSPITALS.

BELLEVUE AND ALLIED HOSPITALS DEPARTMENT OF NEW YORK CITY, TWENTY-SIXTH STREET AND FIRST AVENUE, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Board of Trustees at the above office until 3 p. m. on

TUESDAY, DECEMBER 22, 1908,

FOR "DESKS."

The surety required will be not less than fifty per cent. (50%) of the amount of the bid.

The time for the delivery of the supplies and the full performance of the contract is within 50 days after award is made.

The bids will be read from the total, and will be compared and awarded to the lowest bidder for the line or class, as specified, as soon thereafter as practicable, according to law.

Blank forms may be obtained at the office of the Contract Clerk, No. 419 East Twenty-sixth street, Borough of Manhattan, where the bids and deposits are also delivered.

JOHN W. BRANNAN, President of the Board of Trustees, Bellevue and Allied Hospitals.

Dated December 10, 1908.

256 linear feet 15-inch vitrified salt-glazed pipe sewer.

30 linear feet 12-inch vitrified salt-glazed culvert pipe.

1,056 linear feet 6-inch vitrified salt-glazed pipe, for house connections.

6 manholes, complete.

1 receiving basin, complete.

100 cubic yards rock excavated and removed.

2,000 feet (B. M.) timber, for foundation.

5,000 feet (B. M.) timber, for bracing and sheet piling.

The time allowed for doing and completing the above work will be ninety (90) working days.

The amount of security required will be Two Thousand Dollars (\$2,000).

No. 5. TO CONSTRUCT TWO TEMPORARY CATCH BASINS AND APPURTENANCES ON TWENTY-EIGHTH STREET, BETWEEN FOURTEENTH AVENUE AND FIFTEENTH AVENUE, WHITESTONE, THIRD WARD.

The Engineer's estimate of the quantities is as follows:

40 linear feet 12-inch vitrified salt-glazed culvert pipe.

2 receiving basins, complete.

5 cubic yards of rock excavated and removed.

1,000 feet (B. M.) timber for foundation.

2,000 feet (B. M.) timber for bracing and sheet piling.

The time allowed for doing and completing the above work will be thirty working days.

The amount of security required will be Three Hundred Dollars.

No. 6. FOR PAVING WITH ASPHALT BLOCK PAVEMENT ON A CONCRETE FOUNDATION THE ROADWAY OF TWELFTH AVENUE, FROM BROADWAY TO JAMAICA AVENUE, FIRST WARD.

The Engineer's estimate of the quantities is as follows:

3,190 square yards of asphalt block pavement.

400 cubic yards of concrete, including mortar bed.

The time allowed for doing and completing the above work will be thirty working days.

The amount of security required will be Three Thousand Dollars.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per square yard, linear foot or other unit of measure, by which the bids will be tested. The extensions must be made and footed up, as the bids will be read from a total.

Bids will be compared and contracts awarded at a lump or aggregate sum.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the President of the Borough of Queens.

LAWRENCE GRESSER, President.

Dated Long Island City, December 11, 1908.

d11,23

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF PARKS.

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, DECEMBER 24, 1908.

Borough of Manhattan.

FOR FURNISHING AND DELIVERING COAL FOR PARKS IN THE BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

The time allowed for the delivery will be as required before July 1, 1909.

The amount of security required is Five Thousand Dollars (\$5,000).

The bids will be compared and the contract awarded at a lump or aggregate sum.

Blank forms may be obtained at the office of the Department of Parks, Borough of Manhattan, Arsenal, Central Park.

HENRY SMITH, President;

JOSEPH I. BERRY,

MICHAEL J. KENNEDY,

Commissioners of Parks.

Dated December 14, 1908.

d14,24

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS WILL BE RECEIVED BY the Park Commissioner at the above office of the Department of Parks, until 12 o'clock m. on

MONDAY, DECEMBER 21, 1908.

FOR THE PRIVILEGE OF MOORING AND MAINTAINING A BATHING PAVILION IN BATTERY PARK DURING THE YEAR 1909.

No bids will be considered unless accompanied by a certified check or money to the amount of one-quarter of the sum bid for the rent and privilege for the year.

The bids will be compared and the privilege will be awarded to the highest responsible bidder.

The Commissioner reserves the right to reject any or all bids.

Form of proposal and full information as to bidding can be obtained at the office of the Department of Parks, Arsenal, Central Park, New York City.

HENRY SMITH, Commissioner of Parks,

Boroughs of Manhattan and Richmond.

December 9, 1908.

d10,21

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS WILL BE RECEIVED BY the Park Commissioner at the above office of the Department of Parks, until 12 o'clock m. on

MONDAY, DECEMBER 21, 1908.

FOR THE PRIVILEGE OF MAINTAINING A STAND FOR THE SALE OF FLOWERS IN GREELEY SQUARE, AT THE JUNCTION OF BROADWAY, SIXTH AVENUE AND THIRTY-THIRD STREET, DURING THE YEAR 1909.

No bids will be considered unless accompanied by a certified check or money to the amount of one-quarter of the sum bid for the rent and privilege for the year.

The bids will be compared and the privilege will be awarded to the highest responsible bidder.

The Commissioner reserves the right to reject any or all bids.

Form of proposal and full information as to bidding can be obtained at the office of the Department of Parks, Arsenal, Central Park, New York City.

HENRY SMITH, Commissioner of Parks,

Boroughs of Manhattan and Richmond.

December 9, 1908.

d10,21

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, DECEMBER 24, 1908.

Boroughs of Brooklyn and Queens. FOR REPAIRS AND ALTERATIONS TO LAWN MOWERS OF THE DEPARTMENT OF PARKS, BOROUGHS OF BROOKLYN AND QUEENS.

The time allowed for the completion of the whole work will be on or before November 15, 1909.

The amount of security required is One Thousand Dollars (\$1,000).

The bids will be compared and the contract awarded at a lump or aggregate sum.

Blank forms may be obtained at the office of the Department of Parks, Litchfield Mansion, Prospect Park.

HENRY SMITH, President; JOSEPH I. BERRY, MICHAEL J. KENNEDY, Commissioners of Parks.

d8,24

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, DECEMBER 17, 1908.

FOR FURNISHING AND DELIVERING FRESH BEEF FOR THE CENTRAL PARK MENAGERIE, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

The time allowed for the delivery will be as required before July 1, 1909.

The amount of security shall be One Thousand Dollars (\$1,000).

The bids will be compared and the contract awarded at a lump or aggregate sum.

Blank forms may be obtained at the office of the Department of Parks, Borough of Manhattan, Arsenal, Central Park.

HENRY SMITH, President; JOSEPH I. BERRY, MICHAEL J. KENNEDY, Commissioners of Parks.

Dated December 7, 1908.

d7,17

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, DECEMBER 17, 1908.

Borough of Manhattan.

FOR FURNISHING AND DELIVERING FORAGE FOR PARKS IN BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

The time allowed for the delivery will be as required before July 1, 1909.

The amount of security shall be Seven Thousand Dollars (\$7,000).

The bids will be compared and the contract awarded at a lump or aggregate sum.

Blank forms may be obtained at the office of the Department of Parks, Borough of Manhattan, Arsenal, Central Park.

HENRY SMITH, President; JOSEPH I. BERRY, MICHAEL J. KENNEDY, Commissioners of Parks.

Dated December 7, 1908.

d7,17

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, DECEMBER 17, 1908.

Borough of Manhattan.

FOR ALL LABOR AND MATERIALS REQUIRED FOR THE ERECTION AND COMPLETION OF AN ADDITION TO THE METROPOLITAN MUSEUM OF ART, FOR THE BOSCOREALE COLLECTION, LOCATED IN CENTRAL PARK, ON THE WEST SIDE OF FIFTH AVENUE, BOROUGH OF MANHATTAN, NEW YORK CITY.

The amount of security required is Two Thousand Dollars (\$2,000).

The time allowed to complete the whole work will be sixty (60) consecutive working days.

The contracts must be bid for separately.

The bids will be compared and the contract awarded at a lump or aggregate sum.

Plans may be seen and blank forms may be obtained at the office of the Department of Parks, Borough of Manhattan, Arsenal, Central Park.

HENRY SMITH, President; JOSEPH I. BERRY, MICHAEL J. KENNEDY, Commissioners of Parks.

Dated December 7, 1908.

d7,17

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE DEPARTMENT OF PARKS, ARSENAL BUILDING, FIFTH AVENUE AND SIXTY-FOURTH STREET, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Park Board at the above office of the Department of Parks until 3 o'clock p. m. on

THURSDAY, DECEMBER 17, 1908.

Borough of Manhattan.

FOR ALL THE LABOR AND MATERIALS REQUIRED FOR FURNISHING AND INSTALLING ELECTRIC WORK IN THE DEPARTMENT SHOPS AND STABLES LOCATED ON THE EIGHTY-SIXTH STREET TRANSVERSE ROAD, IN CENTRAL PARK, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

The amount of security required is One Thousand Dollars (\$1,000).

The time allowed to complete the whole work will be sixty (60) consecutive working days.

The contracts must be bid for separately.

The bids will be compared and the contract awarded at a lump or aggregate sum.

Plans may be seen and blank forms may be obtained at the office of the Department of Parks, Borough of Manhattan, Arsenal, Central Park.

HENRY SMITH, President; JOSEPH I. BERRY, MICHAEL J. KENNEDY, Commissioners of Parks.

Dated December 4, 1908.

The time allowed to complete the whole work on each school will be fifty-five (55) working days, as provided in the contract.

The amount of security required is as follows:

Erasmus Hall High School	\$1,600 00
Public School 6	200 00
Public School 16	400 00
Public School 17	200 00
Public School 19	300 00
Public School 23	200 00
Public School 31	500 00
Public School 33	300 00
Public School 34	200 00
Public School 39	400 00
Public School 51	300 00
Public School 59	600 00
Public School 71	200 00
Public School 78	300 00
Public School 82	300 00
Public School 90	100 00
Public School 95	200 00
Public School 98	200 00
Public School 100	600 00
Public School 100 Annex	1,600 00
Public School 101	1,000 00
Public School 102	600 00
Public School 104	600 00
Public School 105	300 00
Public School 107	200 00
Public School 122	200 00
Public School 124	200 00
Public School 128	200 00
Public School 139	200 00
Public School 142	300 00

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Supplies at the above office of the Department of Education until 12 o'clock noon, on

WEDNESDAY, DECEMBER 23, 1908.

FOR FURNISHING AND DELIVERING SUPPLIES FOR USE IN THE TRUANT SCHOOLS OF THE CITY OF NEW YORK, IN THE BOROUGHS OF MANHATTAN, BROOKLYN AND QUEENS, NEWSBOYS' BADGES, ETC., AND FEED, ETC., FOR HORSES USED BY BROOKLYN TRUANT SCHOOL AND THE NEW YORK PARENTAL HOME.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before December 31, 1909.

The amount of security required is fifty (50) per cent. of the amount of the bid or estimate.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per item, pound, dozen, gallon, yard or other unit of measure, by which the bids will be tested.

Award will be made to the lowest bidder on each item, whose sample is equal to those submitted for inspection or referred to in the specifications.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the Superintendent of School Supplies, Department of Education, Borough of Manhattan, southwest corner of Park avenue and Fifty-ninth street.

PATRICK JONES, Superintendent of School Supplies.

Dated December 12, 1908.

d12,23

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Supplies at the above office of the Department of Education until 12 o'clock on

TUESDAY, DECEMBER 22, 1908.

FOR PACKING, CARRYING, LOADING, CARTING, DELIVERING, TRANSFERRING, RETRANSFERRING, RETURNING, ETC., SCHOOL SUPPLIES TO THE SCHOOLS, PLAYGROUNDS, RECREATION CENTRES, DEPOSITORY, ETC., OF THE CITY OF NEW YORK, IN THE BOROUGHS OF MANHATTAN, THE BRONX AND BROOKLYN.

Providing, furnishing and delivering to the Department of Education and operating each day:

Fifteen (15) covered double trucks, with two men on each for the months of January and February, 1909.

Twelve (12) covered double trucks, with two (2) men on each for the months of March, April, May, June, July, August, September, October, November and December, 1909.

Four (4) covered single trucks, with one (1) man on each, for the months of January, February, March, April, May, June, July, August, September, October, November and December, 1909.

— and do all the packing, carrying, loading, carting, delivering, transferring, retransferring, returning, etc., of school supplies that may be required, to the schools, playgrounds, recreation centres, depositories, etc., of The City of New York, as per specifications.

The value of the supplies to be delivered will be about \$1,500,000.

Supplies are to be delivered in baskets and packages to all schools in The City of New York, located in the Boroughs of Manhattan, The Bronx and Brooklyn, at the time and in the manner and in such quantities as may be required.

All supplies must be delivered to the various floors and rooms of the various school buildings, must be unpacked and assort so that principals or representatives may check same intelligently, and itemized receipt presented the day of delivery, if possible, but not later than 9 a. m. the day following.

Contractor will be required, when supplies are to be transferred from one school to another, to pack supplies in said school, transfer same and unpack them at the school or schools where they are delivered.

The time for the completion and performance of the contract is from January 1, 1909, to December 31, 1909, inclusive.

The amount of security required is Fifteen Thousand Dollars (\$15,000).

The bidder will write out the amount of his bid, in addition to inserting the same in figures.

Award of contract will be made to the lowest bidder who proves to the satisfaction of the Committee on Supplies that he can do the work.

Blank forms and further information may be obtained at the office of the Superintendent of School Supplies, Board of Education, corner of Park avenue and Fifty-ninth street, Borough of Manhattan.

PATRICK JONES, Superintendent of School Supplies.

Dated December 11, 1908.

d11,22

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, DECEMBER 28, 1908.

Borough of Brooklyn.

No. 4. FOR THE SALE OF DISCARDED PIANOS.

The pianos to be sold are now on storage on the fourth floor of storehouse, at No. 131 Livingston street, Borough of Brooklyn, where they may be seen, and are marked as intended for sale.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, DECEMBER 28, 1908.

Borough of Brooklyn.

No. 4. FOR THE SALE OF DISCARDED PIANOS.

The pianos to be sold are now on storage on the fourth floor of storehouse, at No. 131 Livingston street, Borough of Brooklyn, where they may be seen, and are marked as intended for sale.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, DECEMBER 28, 1908.

Borough of Brooklyn.

No. 4. FOR THE SALE OF DISCARDED PIANOS.

A separate proposal must be submitted for each school and award will be made thereon.

No. 2. FOR NEW RETAINING WALL, SIDEWALK, ETC., AT PUBLIC SCHOOL 154, ON ELEVENTH AVENUE, BRAXTON AND SHERMAN STREETS, BOROUGH OF BROOKLYN.

The time allowed to complete the whole work will be 30 working days, as provided in the contract.

The amount of security required is \$1,500.

No. 3. FOR ALTERATIONS, REPAIRS, ETC., AT TRAINING SCHOOL FOR TEACHERS, PARK PLACE, WEST OF NOSTRAND AVENUE, AND COMMERCIAL HIGH SCHOOL, ALBANY AVENUE, BERGEN AND DEAN STREETS, BOROUGH OF BROOKLYN.

The time allowed to complete the whole work on each school will be 55 working days, as provided in the contract.

The amount of security required is as follows:

Training School for Teachers..... \$800 00

Commercial High School..... 600 00

A separate proposal must be submitted for each school and award will be made thereon.

On No. 2 the bids will be compared and the contract will be awarded in a lump sum to the lowest bidder.

On Nos. 1 and 3 the bidders must state the price of each item by which the bids will be tested.

Blank forms, plans and specifications may be obtained or seen at the office of the Superintendent, at Estimating Room, ninth floor, Hall of the Board of Education, Park avenue and Fifty-ninth street, Borough of Manhattan, and also at branch office, No. 131 Livingston street, Borough of Brooklyn.

C. B. J. SNYDER,

Superintendent of School Buildings.

Dated December 9, 1908.

d9.21

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, DECEMBER 21, 1908.

Borough of The Bronx.

No. 4. FOR ALTERATIONS AND ADDITIONS TO ELECTRIC EQUIPMENT IN PUBLIC SCHOOL 13, ON TWO HUNDRED AND SIXTEENTH STREET AND WILLETT AVENUE, WILLIAMSBRIDGE, BOROUGH OF THE BRONX.

The time allowed to complete the whole work will be thirty working days, as provided in the contract.

The amount of security is Four Hundred Dollars.

Blank forms, plans and specifications may be obtained or seen at the office of the Superintendent, at Estimating Room, ninth floor, Hall of the Board of Education, Park avenue and Fifty-ninth street, Borough of Manhattan.

C. B. J. SNYDER,

Superintendent of School Buildings.

Dated December 9, 1908.

d9.21

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, DECEMBER 21, 1908.

Borough of Manhattan.

No. 6. FOR FORMING OFFICES, ETC., ON THE SECOND STORY OF THE HALL OF THE BOARD OF EDUCATION, PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN.

The time allowed to complete the whole work will be thirty (30) working days, as provided in the contract.

The amount of security required is Fifteen Hundred Dollars (\$1,500).

Blank forms, plans and specifications may be obtained or seen at the office of the Superintendent at Estimating Room, ninth floor, Hall of the Board of Education, Park avenue and Fifty-ninth street, Borough of Manhattan.

C. B. J. SNYDER,

Superintendent of School Buildings.

Dated December 9, 1908.

d9.21

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF EDUCATION, CORNER OF PARK AVENUE AND FIFTY-NINTH STREET, BOROUGH OF MANHATTAN, CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Superintendent of School Buildings at the above office of the Department of Education until 11 o'clock a. m. on

MONDAY, DECEMBER 21, 1908.

Various Boroughs.

No. 5. FOR FURNISHING AND DELIVERING NEW PIANOS FOR VARIOUS SCHOOLS IN THE BOROUGHS OF MANHATTAN, THE BRONX, BROOKLYN, QUEENS AND RICHMOND.

The time allowed to complete the whole work will be 130 working days, as provided in the contract.

The amount of security required is One Hundred Dollars (\$100) per instrument on each item.

Bids will be considered by the Committee only when made by the manufacturers.

Bidders must indicate on the outside of the envelope containing the bids the number of instruments bid for under each item.

Bidders must state in the bid what action is to be supplied.

A separate proposal must be submitted for each item and award will be made thereon.

Important.

Each bid or estimate must be accompanied by a statement showing the average prices obtained by the bidder in his wholesale trade for instruments of like grade, size and quality as those he at this time bids for. The average to be compiled from wholesale sales made during the three months next prior to the date of the bid.

This statement shall be in the form of an affidavit, executed before a notary public, and made by one of the firm submitting the bid; and shall be certified to by a certified public accountant, who shall certify that the prices quoted are true and are without discount or rebate.

The statement shall be placed in a sealed envelope, which shall be marked "Price List."

and shall have on the outside the name of the bidder. This shall be inclosed in the envelope containing the bid at the time that same is submitted to the bid clerk.

The statements which are so submitted are for the information of the Committee on Buildings, and will not under any circumstances be made public without the written consent of the bidder.

Any bid or estimate which is not accompanied by such a statement as hereinbefore described will be considered as informal and invalid, and by reason of such failure the said bid or estimate so unaccompanied will be so adjudged and treated.

Blank forms and specifications may be obtained or seen at the office of the Superintendent at Estimating Room, ninth floor, Hall of the Board of Education, Park avenue and Fifty-ninth street, Borough of Manhattan.

C. B. J. SNYDER,

Superintendent of School Buildings.

Dated December 9, 1908.

DEPARTMENT OF DOCKS AND FERRIES, PIER "A," FOOT OF BATTERY PLACE, NORTH RIVER, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Docks at the above office until 12 o'clock m. on

TUESDAY, DECEMBER 15, 1908.

CONTRACT NO. 1159.

FOR FURNISHING ALL THE LABOR AND MATERIALS REQUIRED FOR FURNISHING HORSES, WITH HARNESS AND DRIVERS, FOR CARTING COAL TO AND REMOVING ASHES, ETC., FROM THE MUNICIPAL FERRYBOATS IN THE BOROUGHS OF BROOKLYN AND RICHMOND.

The time for the completion of the work and the full performance of the contract is on or before the expiration of December 31, 1909.

The amount of security required is as follows:

On Class 1, for about 18 carts per day at the ferry terminal at St. George, Borough of Richmond, the security to be Seventy-five Hundred Dollars.

On Class 2, for about 6 carts per day at the ferry terminal at foot of Thirty-ninth street, Borough of Brooklyn, the security to be Twenty-five Hundred Dollars.

Bidders must state a price, per day, for horse, harness and driver, as called for in the specifications. The bids will be tested by this unit price, and each class of the contract, if awarded, will be awarded separately to the lowest bidder in the class according to such unit price.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the said Department.

ALLEN N. SPOONER, Commissioner of Docks.

Dated December 2, 1908.

hereinafter set forth, the right and privilege to construct, maintain and operate a street surface railway, with the necessary wires and equipment, for the purpose of conveying persons and property in the Borough of Queens, in the City of New York, upon the portion of the following routes which lies within streets or avenues to which the City has title for street purposes:

Beginning at a point where the boundary line between The City of New York and the County of Nassau intersects Broadway in the Borough of Queens; thence in and upon Broadway to the easterly side of Bell avenue, in the former Village of Bayside;

Also beginning at the intersection of Broadway and Tenth street, in the former Village of Bayside, and there connecting with the above-described route on Broadway; thence in and upon Tenth street to an unnamed street; thence in and upon said unnamed street to Bayside boulevard; thence in and upon Bayside boulevard to Ashburton avenue; thence in and upon Ashburton avenue to Chambers street; thence in and upon Chambers street to Crocheron avenue; thence in and upon Crocheron avenue to Twenty-third street; thence in and upon Twenty-third street to State street; thence in and upon State street to Thirteenth street; thence in and upon Thirteenth street to Chestnut street; thence in and upon Chestnut street, across Murray street, Murray lane, and continuing in and upon private property in line of the prolongation of Chestnut street, to Chestnut street at Flushing place; and thence still in and upon Chestnut street to Whitestone avenue; thence in and upon Whitestone avenue to State street; thence in and upon State street to Farrington street; the railway upon all of said route to be of double track; thence by a single track continuing in and upon Chestnut street from Farrington street to Prince street; thence in and upon Prince street to Broadway; thence in and upon Broadway to Farrington street; thence in and upon Farrington street to State street, and there connecting with the double track above described; all in the Borough of Queens, City of New York.

The said routes, with switches and crossovers, are shown upon two maps, each of which is entitled "Map showing proposed street surface railway of the New York and North Shore Traction Company, in the Borough of Queens, to accompany petition for a franchise in the Board of Estimate and Apportionment, dated June 11, 1908," and signed by

John J. Stanley, President, and Charles H. Clark, Consulting Engineer, copies of which maps are attached hereto, are to be deemed a part of this contract, and are to be substantially followed, provided that deviations therefrom and additional turnouts, switches and crossovers, which are consistent with the foregoing description, and the other provisions of this contract, may be permitted by resolution of the Board.

Sec. 2. The grant of this privilege is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months from the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time; or, in the event that such consents cannot be obtained within such time, the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law, to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of twenty-five (25) years from the date upon which this contract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty-five (25) years, upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal, it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year prior to the termination of the original term of this contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty-five (25) years shall be reasonable, and either the City (by the Board) or the Company shall be bound, upon request of the other, to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If in any case the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of seven thousand dollars (\$7,000) in cash within four (4) months after the date on which this contract is signed by the Mayor, and before anything is done to exercise the privilege hereby granted.

DEPARTMENT OF DOCKS AND FERRIES.

DEPARTMENT OF DOCKS AND FERRIES, PIER "A," FOOT OF BATTERY PLACE, NORTH RIVER, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Docks at the above office until 12 o'clock m. on

THURSDAY, DECEMBER 17, 1908.

Borough of Manhattan.

CONTRACT NO. 1161.

FOR FURNISHING ALL THE LABOR AND MATERIALS REQUIRED FOR PREPARING FOR REPAIRING AND REBUILDING A PORTION OF THE WEST THIRTY-FIFTH STREET PIER, KNOWN AS PIER 75, NORTH RIVER, BOROUGH OF MANHATTAN.

The time for the completion of the work and the full performance of the contract is on or before the expiration of one hundred and twenty (120) calendar days.

The amount of security required is Twelve Thousand Dollars (\$12,000).

The bidder shall state one aggregate price for doing all of the work described and specified, as the contract is entire and for a complete job. The contract if awarded will be awarded, at such aggregate price, to the bidder who is the lowest, and whose bid is regular in all respects.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the said Department.

ALLEN N. SPOONER, Commissioner of Docks.

Dated December 4, 1908.

See General Instructions to Bidders on the last page, last column, of the "City Record."

DEPARTMENT OF DOCKS AND FERRIES.

DEPARTMENT OF DOCKS AND FERRIES, PIER "A," FOOT OF BATTERY PLACE, NORTH RIVER, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Docks at the above office until 12 o'clock m. on

THURSDAY, DECEMBER 17, 1908.

Borough of Manhattan.

CONTRACT NO. 1161.

FOR FURNISHING ALL THE LABOR AND MATERIALS REQUIRED FOR FURNISHING HORSES, WITH HARNESS AND DRIVERS, FOR CARTING COAL TO AND REMOVING ASHES, ETC., FROM THE MUNICIPAL FERRYBOATS IN THE BOROUGHS OF BROOKLYN AND RICHMOND.

The time for the completion of the work and the full performance of the contract is on or before the expiration of December 31, 1909.

The amount of security required is as follows:

On Class 1, for about 18 carts per day at the ferry terminal at St. George, Borough of Richmond, the security to be Seventy-five Hundred Dollars.

On Class 2, for about 6 carts per day at the ferry terminal at foot of Thirty-ninth street, Borough of Brooklyn, the security to be Twenty-five Hundred Dollars.

Bidders must state a price, per day, for horse, harness and driver, as called for in the specifications. The bids will be tested by this unit price, and each class of the contract, if awarded, will be awarded separately to the lowest bidder in the class according to such unit price.

Delivery will be required to be made at the time and in the manner and in such quantities as may be directed.

Blank forms and further information may be obtained at the office of the said Department.

ALLEN N. SPOONER, Commissioner of Docks.

Dated December 4, 1908.

See General Instructions to Bidders on the last page, last column, of the "City Record."

(b) During the first term of five years an annual sum which shall in no case be less than two thousand two hundred dollars (\$2,200), and which shall be equal to three (3) per cent, of its gross annual receipts if such percentage shall exceed the sum of two thousand two hundred dollars (\$2,200).

During the second term of five years an annual sum which shall in no case be less than four thousand dollars (\$4,000), and which shall be equal to five (5) per cent, of its gross annual receipts, if such percentage shall exceed the sum of four thousand dollars (\$4,000).

During the third term of five years an annual sum which shall in no case be less than four thousand five hundred dollars (\$4,500), and which shall be equal to five (5) per cent, of its gross annual receipts, if such percentage shall exceed the sum of four thousand five hundred dollars (\$4,500).

During the fourth term of five years an annual sum which shall in no case be less than five thousand five hundred dollars (\$5,500), and which shall be equal to six (6) per cent, of its gross annual receipts, if such percentage shall exceed the sum of five thousand five hundred dollars (\$5,500).

During the remaining term of five years an annual sum which shall in no case be less than six thousand two hundred dollars (\$6,200), and which shall be equal to six (6) per cent, of its gross annual receipts, if such percentage shall exceed the sum of six thousand two hundred dollars (\$6,200).

The gross receipts mentioned above shall be the gross earnings of the Company from all sources within the limits of the City. The payment of such minimum sums shall begin from the date on which this contract is signed by the Mayor.

All such sums as above shall be paid into the treasury of the City on November 1 of each year and shall be for the amount due to September 30 next preceding.

Whenever such percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the manner of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Fourth—Upon the termination of this original contract, or if the same be renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any cause, or upon the dissolution of the Company before such termination the tracks and equipments of the Company constructed pursuant to this contract within the streets, avenues and highways shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above, the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of its tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fifth—The annual charges or payment shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railway rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall the title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company, or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways.

The use of said railway which shall be constructed by the Company under this contract, including the tracks, wires and other equipment, or any structures in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways for street railway purposes, for a distance not exceeding six thousand (6,000) feet by street, upon payment of an annual sum by such individual or corporation to the Company, which shall be equal to the legal interest on such proportion of the whole cost of the construction of such railway and structures and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon or such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used. Provided, however, that if in the opinion of the Company the legal rate of interest of the cost of such railway shall be an insufficient sum to pay for the use

of such tracks, it may appeal to the Board, and the Board may fix a percentage of the cost to be paid to the Company at a sum in excess of the legal rate of interest, if in its opinion such action is justified.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Eighth—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of Queens, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board, and consented to by the abutting property owners, in accordance with the provisions of law, and by the Public Service Commission for the First District of the State of New York.

Provided, however, that the Board, at any time after the first ten years of this contract, upon giving to the grantee one year's notice, may require the Company to operate its railway upon the whole or upon any portion of its route, by underground electric power substantially similar to the system now in use on the street surface railways in the Borough of Manhattan, and thereupon to discontinue the use of the overhead trolley system, and to remove its poles, wires and other structures used by it for that purpose from the streets, avenues and highways of the City.

Ninth—Upon six months' notice by the Board to the Company, all wires for the transmission of power, except trolley wires, for the operation of the railway, upon all or any portion of the route hereby authorized, shall be placed in conduits beneath or alongside of the railway. The Company shall provide in such conduits two ducts not less than 3 inches in diameter for the exclusive use of the City. Such ducts shall be used only by the Company for the operation of its railway and by the City, as above.

Tenth—The Company shall commence construction of the railway herein authorized within six months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within eighteen months from the date of obtaining such consents or such decision, otherwise this right shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City, as hereinafter provided, shall thereupon be forfeited to the City; provided that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided, further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company; and provided, further, that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall, in writing, consent that the Board either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Eleventh—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City.

Twelfth—Said railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the direction of the Board within a reasonable time, the rights hereby granted shall cease and determine.

Thirteenth—The rate of fare for any passenger upon such railway shall not exceed five (5) cents, and the Company shall not charge any passenger more than five (5) cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or of any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized during the term of this contract all members of the Police and Fire Departments of the City, when such employees are in full uniform.

Fourteenth—No cars shall be operated upon the railway hereby authorized, other than passenger cars, cars for the transportation of express matter and cars necessary for the repair or maintenance of the railway, and no freight cars shall be operated upon the tracks of said railway.

Fifteenth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require, or as may be directed by the Board; provided, however, that the Company, during the first five years of this contract, shall not be required to operate its cars between the hours of 1 o'clock a.m. and 5 o'clock a.m. each day, unless the Board shall determine, after a hearing had thereon, that public convenience requires the operation of cars during said hours.

Sixteenth—The Company shall attach to each car run over the said railway proper fenders and wheel guards, in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Seventeenth—All cars which are operated on said railway shall be heated during the cold weather, in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Eighteenth—The Company, so long as it shall continue to use any of the tracks upon the streets and avenues in which said railway shall be constructed, shall cause to be watered at least three times every twenty-four hours when the temperature is above thirty-five degrees Fahrenheit, the entire width of the streets and avenues, except when the width of such streets and avenues shall exceed 60 feet between curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets and avenues in a satisfactory manner.

Nineteenth—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Twentieth—The Company shall at all times keep the streets, avenues or highways upon

which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two (2) feet beyond the rails on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the President of the Borough of Queens, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Twenty-first—As long as said railway, or any portion thereof, remains in any street, avenue or highway, the Company shall pave and keep in permanent repair that portion of the surface of the street, avenue or highway in which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue or highway, and in that event the Company shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewed or altered pavement.

Twenty-second—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets, required on account of the construction or operation of the railway, shall be made at the sole cost of the Company, and in such manner as the proper City officials may prescribe.

Twenty-third—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of Queens, and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose, as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Twenty-fourth—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public works of the City, and should the said railway in any way interfere with the construction of public works in the streets, whether the same is done by the City directly or by a contractor for the City, the Company shall, at its own expense, protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of Queens.

Twenty-fifth—Should, in the opinion of the President of the Borough of Queens, the present roadway or any of said streets, avenues or highways be of insufficient width to accommodate both railway and other vehicular traffic, the Company shall widen such roadway under the direction of the President of the Borough of Queens to a width sufficient to accommodate such traffic, provided that no roadway shall be widened beyond the total width of the street, avenue or highway.

Twenty-sixth—Should, in the opinion of the Board at any time before or during construction of the railway, any of said streets, avenues or highways be of insufficient width to accommodate both railway and other vehicular traffic, the Company shall either construct and operate its railway upon a private right of way outside of the lines of such streets, avenues or highways, or shall purchase and cede to the City a strip of land adjacent thereto, for the purpose of widening the same to a width sufficient for the use of a street surface railway and for the accommodation of other vehicular traffic. If such street, avenue or highway is so widened, the Company shall grade the roadway thereon as directed by the President of the Borough of Queens.

Twenty-seventh—Where the bridges, viaducts or culverts encountered in the route are of insufficient width to carry the roadway as the same may be widened, as herein provided, or of insufficient strength to bear the additional load of a street surface railway, the Company shall either carry its tracks upon new structures independent of the existing ones, so as not to interfere with the present and future use by the City of such bridges, viaducts or culverts, or shall, without cost to the City, construct new bridges, viaducts or culverts sufficiently wide to carry the roadway as the same may be widened, as herein provided.

Twenty-eighth—The Company agrees to comply with any and all the rules which may be made by the Commissioner of Water Supply, Gas and Electricity for the purpose of preventing the destruction of the pipes or structures in the street by electrolysis, which may be caused by the electric current used by the Company, whether such rules affect the method of the original construction of said railway or any reconstruction, maintenance or repairs upon such railway at any time during the term of this contract.

Twenty-ninth—The Company hereby agrees that if the City is or shall become entitled to acquire, and shall at any time during the term of this contract acquire, or otherwise come into possession of any of the property on which this Company shall construct railway tracks, on the route herein described, no compensation shall be awarded for the right to have railway tracks thereon.

Thirtieth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.

2. The amount paid in as by last report.

3. The total amount of capital stock paid in.

4. The funded debt by last report.

5. The total amount of funded debt.

6. The floating debt as by last report.

7. The total amount of floating debt.

8. The total amount of funded and floating debt.

9. The average rate per annum of interest on funded debt.

10. Statement of dividends paid during the year.

11. The total amount expended for same.

12. The names of the directors elected at the last meeting of the corporation held for such purpose.

13. Location, value and amount paid for real estate owned by the Company as by last report.

14. Location, value and amount paid for real estate now owned by the Company.

15. Number of passengers carried during the year.

16. Total receipts of Company for each class of business.

17. Amounts paid by the Company for damage to persons or property on account of construction and operation.

18. Total expenses for operation, including salaries.

—and such other information in regard to the business of the Company as may be required by the Board.

Thirty-first—The Company shall at all times keep accurate books of account of the gross earnings from all sources within the limits of the City, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company, for the year ending September 30 next

preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Thirty-second—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity. Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Thirty-third—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structures and equipment as herein provided in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall, for each day thereafter during which the default or defect remains, pay to the City the sum of two hundred and fifty dollars (\$250) as fixed or liquidated damages, or the Board, in case such structures or equipment which may affect the surface of the streets shall not be put in good condition within a reasonable time after notice by the Board as aforesaid shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided.

Thirty-fourth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-fifth—This grant is upon the express condition that the Company, within four (4) months after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of the City the sum of ten thousand dollars (\$10,000), either in money or securities to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of the construction of the railway, and in case of default in the performance by the Company of such terms and conditions, the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company through its President, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice, in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of ten thousand dollars (\$10,000), and in default thereof this contract shall be cancelled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-sixth—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-seventh—The words "notice" of "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Thirty-eighth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other board, authority, officer or officers, then and in such case such other board, authority, officer or officers, shall have all the powers, rights and duties herein reserved to or prescribed for the Board or other authorities, officer or officers.

Sec. 3. This grant is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not

abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,
By..... Mayor.

[CORPORATE SEAL.]

Attest:

..... City Clerk.
NEW YORK AND NORTH SHORE
TRACTION COMPANY,
By..... President.

[SEAL.]

Attest: Secretary.

(Here add acknowledgments.)

Resolved, That the results of the inquiry made by this Board as to the money value of the franchise or right proposed to be granted and the adequacy of the compensation proposed to be paid therefor, and of the terms and conditions, including the provision as to rates, fares and charges, are as hereinbefore specified and fully set forth in and by the foregoing form of proposed contract for the grant of such franchise or right.

Resolved, That these preambles and resolutions, including the said resolution for the grant of a franchise or right applied for by the New York and North Shore Traction Company, and the said form of proposed contract for the grant of such franchise or right containing said results of such inquiry, after the same shall be entered in the minutes of the Board, shall be published for at least twenty (20) days immediately prior to Friday, January 8, 1909, in the CITY RECORD, and at least twice during the ten days immediately prior to Friday, January 8, 1909, in two daily newspapers to be designated by the Mayor therefor and published in The City of New York, at the expense of the New York and North Shore Traction Company, together with the following notice, to wit:

Notice is hereby given that the Board of Estimate and Apportionment, before authorizing any contract for the grant of the franchise or right applied for by the New York and North Shore Traction Company, and fully set forth and described in the foregoing form of proposed contract for the grant of such franchise or right, and before adopting any resolution authorizing any such contract, will, at a meeting of said Board, to be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on Friday, January 8, 1909, at 10.30 o'clock a. m., hold a public hearing thereon, at which citizens shall be entitled to appear and be heard.

JOSEPH HAAG, Secretary.

Dated December 4, 1908.

d15.18

NOTICE IS HEREBY GIVEN THAT THE Board of Estimate and Apportionment of The City of New York, deeming it for the public interest so to do, proposes to change the map or plan of The City of New York so as to amend the block dimensions of the street system within the territory known as Section 30 of the final maps, and bounded as follows: Bronx River, East Two Hundred and Twenty-eighth street, Barnes avenue, Bartholdi street, White Plains road and Rosewood street, Borough of The Bronx, and that a meeting of said Board will be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on December 18, 1908, at 10.30 o'clock a. m., at which such proposed change will be considered by said Board; all of which is more particularly set forth and described in the following resolutions adopted by the Board on November 20, 1908, notice of the adoption of which is hereby given, viz.:

Resolved, That the Board of Estimate and Apportionment of The City of New York, in pursuance of the provisions of section 442 of the Greater New York Charter as amended, deeming it for the public interest so to do, proposes to change the map or plan of The City of New York by amending the block dimensions of the street system within the territory known as Section 30 of the final maps, and bounded as follows: Bronx River, East Two Hundred and Twenty-eighth street, Barnes avenue, Bartholdi street, White Plains road and Rosewood street, Borough of The Bronx, City of New York, more particularly described as follows:

The block dimensions of the street system laid out within the territory bounded by Bronx River, East Two Hundred and Twenty-eighth street, Barnes avenue, Bartholdi street, White Plains road and Rosewood street, Borough of The Bronx, are to be amended as shown upon a map submitted by the President of the Borough of The Bronx, bearing date of August 27, 1908.

Resolved, That this Board consider the proposed change at a meeting of the Board, to be held in the City Hall, Borough of Manhattan, City of New York, on the 18th day of December, 1908, at 10.30 o'clock a. m.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby that the proposed change will be considered at a meeting of the Board, to be held at the aforesaid time and place, to be published in the CITY RECORD for ten days continuously, Sundays and legal holidays excepted, prior to the 18th day of December, 1908.

Dated December 5, 1908.

JOSEPH HAAG, Secretary.

No. 277 Broadway, Room 1406.

Telephone, 2280 Worth.

d15.16

NOTICE IS HEREBY GIVEN THAT THE Board of Estimate and Apportionment of The City of New York, deeming it for the public interest so to do, proposes to change the map or plan of The City of New York so as to change the street system within the territory bounded by Tiffany street, Veile avenue, Barretto street, Ryawa avenue, Coster street, Edgewater road and the bulkhead line of East River, Borough of The Bronx, and that a meeting of said Board will be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on December 18, 1908, at 10.30 o'clock a. m., at which such proposed change will be considered by said Board; all of which is more particularly set forth and described in the following resolutions adopted by the Board on November 20, 1908, notice of the adoption of which is hereby given, viz.:

Resolved, That the Board of Estimate and Apportionment of The City of New York, in pursuance of the provisions of section 442 of the Greater New York Charter, as amended, deeming it for the public interest so to do, proposes to change the map or plan of The City of New York, by changing the street system within the territory bounded by Tiffany street, Veile avenue, Barretto street, Ryawa avenue, Coster street, Edgewater road and the bulkhead line of East River, in the Borough of The Bronx, City of

New York, more particularly described as follows:

A change is to be made in the street system within the territory bounded by Tiffany street, Veile avenue, Barretto street, Ryawa avenue, Coster street, Edgewater road and the bulkhead line of the East River, and as shown upon a map submitted by the President of the Borough of The Bronx, bearing date of September 20, 1908.

Resolved, That this Board consider the proposed change at a meeting of the Board, to be held in the City Hall, Borough of Manhattan, City of New York, on the 18th day of December, 1908, at 10.30 o'clock a. m.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby that the proposed change will be considered at a meeting of the Board, to be held at the aforesaid time and place, to be published in the CITY RECORD for ten days continuously, Sundays and legal holidays excepted, prior to the 18th day of December, 1908.

Dated December 5, 1908.
JOSEPH HAAG, Secretary.
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

fix and determine upon an area or areas of assessment for benefit for said proceeding.

Resolved, That the Board of Estimate and Apportionment, in pursuance of the provisions of section 980 of the Greater New York Charter, hereby gives notice that the following is the proposed area of assessment for benefit in this proceeding:

Beginning at a point on a line distant 100 feet northerly from and parallel with the northwesterly line of Jamaica avenue, the said distance being measured at right angles to the line of Jamaica avenue, where it is intersected by the prolongation of a line midway between Railroad avenue and Lincoln avenue, and running thence eastwardly and parallel with Jamaica avenue to the intersection with the prolongation of a line midway between Lincoln avenue and Nichols avenue; thence southwardly along the said line midway between Lincoln avenue and Nichols avenue and the prolongation thereof to a point distant 100 feet northerly from the northerly line of Wood street; thence eastwardly and parallel with Wood street and along the prolongation of the said line to a point distant 100 feet easterly from the easterly line of Nichols avenue; thence southwardly and parallel with Nichols avenue to the intersection with the prolongation of a line distant 100 feet southerly from and parallel with the southerly line of Wood street, the said distance being measured at right angles to the line of Wood street; thence westwardly along the said line parallel with Wood street and the prolongation thereof to the intersection with a line midway between Lincoln avenue and Nichols avenue; thence southwardly along the said line midway between Lincoln avenue and Nichols avenue to the intersection with a line distant 100 feet southerly from and parallel with the southerly line of Wood street; thence westwardly and parallel with Wood street and along the prolongation of the said line to a point distant 100 feet easterly from the easterly line of Lincoln avenue; thence northwardly along the said line midway between Railroad avenue and Lincoln avenue to a point distant 100 feet southerly from the southerly line of Wood street; thence westwardly and parallel with Wood street and along the prolongation of the said line to a point distant 100 feet westerly from the westerly line of Railroad avenue; thence northwardly and parallel with Railroad avenue to the intersection with the prolongation of a line distant 100 feet northerly from and parallel with the northerly line of Wood street, the said distance being measured at right angles to the line of Wood street; thence eastwardly along the said line parallel with Wood street to the intersection with a line midway between Railroad avenue and Lincoln avenue; thence northwardly along the said line midway between Railroad avenue and Lincoln avenue and the prolongation thereof to the point or place of beginning.

Resolved, That this Board consider the proposed area of assessment at a meeting of the Board to be held in The City of New York, Borough of Manhattan, in the City Hall, on the 18th day of December, 1908, at 10.30 a. m., and that at the same time and place a public hearing thereon will then and there be had.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby to be published in the CITY RECORD and the corporation newspapers for ten days prior to the 18th day of December, 1908.

Dated December 5, 1908.
JOSEPH HAAG, Secretary.
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

d5.16

NOTICE IS HEREBY GIVEN THAT, AT the meeting of the Board of Estimate and Apportionment, held on November 20, 1908, the following resolutions were adopted:

Whereas, The Board of Estimate and Apportionment of The City of New York is considering the advisability of instituting proceedings to acquire title to the lands and premises required for the opening and extending of West One Hundred and Eighty-fourth street, from Amsterdam avenue to the first new avenue easterly therefrom, in the Borough of Manhattan, City of New York; and

Whereas, The Board of Estimate and Apportionment is authorized and required at the time of the adoption of the resolution directing the institution of proceedings to acquire title to the lands required for the foregoing improvement to fix and determine upon an area or areas of assessment for benefit for said proceeding.

Resolved, That the Board of Estimate and Apportionment, in pursuance of the provisions of section 980 of the Greater New York Charter, hereby gives notice that the following is the proposed area of assessment for benefit in this proceeding:

Bounded on the north by a line always midway between West One Hundred and Eighty-fourth street and West One Hundred and Eighty-fifth street, and by the prolongation of the said line; on the east by a line distant 100 feet easterly from and parallel with the easterly line of the first new avenue east of Amsterdam avenue, the said distance being measured at right angles to the line of the new avenue; on the south by a line midway between West One Hundred and Eighty-third street and West One Hundred and Eighty-fourth street, and by the prolongation of the said line, and on the west by a line midway between Audubon avenue and St. Nicholas avenue.

Resolved, That this Board consider the proposed area of assessment at a meeting of the Board to be held in The City of New York, Borough of Manhattan, in the City Hall, on the 18th day of December, 1908, at 10.30 a. m., and that at the same time and place a public hearing thereon will then and there be had.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby to be published in the CITY RECORD for ten days prior to the 18th day of December, 1908.

Dated December 5, 1908.

JOSEPH HAAG, Secretary.
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

d5.16

NOTICE IS HEREBY GIVEN THAT THE Board of Estimate and Apportionment of The City of New York, deeming it for the public interest so to do, proposes to change the map or plan of The City of New York so as to lay out and establish grades for New York avenue, from South street to the line of the former Village of Jamaica, Fourth Ward, Borough of Queens, and that a meeting of said Board will be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on December 18, 1908, at 10.30 o'clock a. m., at which such proposed change will be considered by said Board; all of which is more particularly set forth and described in the following resolutions adopted by the Board on November 20, 1908, notice of the adoption of which is hereby given, viz.:

Resolved, That the Board of Estimate and Apportionment of The City of New York, in pursuance of the provisions of section 442 of the Greater New York Charter, as amended, deeming it for the public interest so to do, proposes to change the map or plan of The City of New York, by laying out and establishing grades for New York avenue, from South street to the line of the former Village of Jamaica, Fourth Ward, in the Borough of Queens, City of New York, more particularly described as follows:

All that portion of East Eleventh street as heretofore laid out, lying between Ditmas avenue and the easterly line of Coney Island avenue, is to be discontinued.

Resolved, That this Board consider the proposed change at a meeting of the Board, to be held in the City Hall, Borough of Manhattan, City of New York, on the 18th day of December, at 10.30 o'clock a. m.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby that the proposed change will be considered at a meeting of the Board, to be held at the aforesaid time and place, to be published in the CITY RECORD and the corporation newspapers for ten days continuously, Sundays and legal holidays excepted, prior to the 18th day of December, 1908.

Dated December 5, 1908.
JOSEPH HAAG, Secretary.
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

d5.16

NOTICE IS HEREBY GIVEN THAT, AT the meeting of the Board of Estimate and Apportionment, held November 20, 1908, the following resolutions were adopted:

Whereas, The Board of Estimate and Apportionment of The City of New York is considering the advisability of instituting proceedings to acquire title to the lands and premises required for the opening and extending of Lincoln avenue, from Jamaica avenue to Ridgewood avenue, and Wood street, between Railroad avenue and Nichols avenue, in the Borough of Brooklyn, City of New York; and

Whereas, The Board of Estimate and Apportionment is authorized and required at the time of the adoption of the resolution directing the institution of proceedings to acquire title to the lands required for the foregoing improvement to fix and determine upon an area or areas of assessment for benefit for said proceeding.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby that the proposed change will be considered at a meeting of the Board, to be held at the aforesaid time and place, to be published in the CITY RECORD for ten days continuously, Sundays and legal holidays excepted, prior to the 18th day of December, 1908.

Dated December 5, 1908.

JOSEPH HAAG, Secretary.
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

d5.16

NOTICE IS HEREBY GIVEN THAT, AT the meeting of the Board of Estimate and Apportionment held November 20, 1908, the following resolutions were adopted:

Whereas, The Board of Estimate and Apportionment of The City of New York is considering the advisability of instituting proceedings to acquire title to sewer easements at the foot of Maple avenue, in the Fourth Ward, more particularly shown on map or plan adopted by the Board on November 20, 1908, in the Borough of Richmond, City of New York; and

Whereas, The Board of Estimate and Apportionment is authorized and required at the time of the adoption of the resolution directing the institution of proceedings to acquire title to the easements required for the foregoing improvement to fix and determine upon an area or areas of assessment for benefit for said proceeding:

Resolved, That the Board of Estimate and Apportionment, in pursuance of the provisions of section 980 of the Greater New York Charter, hereby gives notice that the following is the proposed area of assessment for benefit in this proceeding:

Beginning at a point on the westerly line of Bay street where it is intersected by the prolongation of the northerly line of Willow avenue as in use immediately east of New York avenue, and running thence southwardly along the westerly line of Bay street to a point distant 75 feet northerly from the northerly line of Sylvaton terrace, the said distance being measured at right angles to the line of Sylvaton terrace; thence westwardly and parallel with Sylvaton terrace to a point distant 100 feet easterly from the easterly line of New York avenue, the said distance being measured at right angles to the line of New York avenue; thence southwardly and parallel with New York avenue to the northerly line of Pennsylvania avenue; thence westwardly along the northerly line of Pennsylvania avenue to a point distant 120 feet westerly from the westerly line of New York avenue, the said distance being measured at right angles to the line of New York avenue; thence southwardly and parallel with New York avenue to a point distant 100 feet southerly from the southerly line of Pennsylvania avenue, the said distance being measured at right angles to the line of Pennsylvania avenue; thence westwardly and parallel with Pennsylvania avenue to the intersection with the prolongation of a line distant 1,400 feet southerly from and parallel with the southerly property line of the Staten Island Railway as said property line exists immediately east of Steuben street, the said distance being measured at right angles to the said property line; thence westwardly along the said parallel line and the prolongation thereof to the intersection with the prolongation of the westerly line of Steuben street; thence northwardly along the said prolongation of the westerly line of Steuben street to the northerly property line of the Staten Island Railway; thence eastwardly along the said property line a distance of 750 feet; thence northwardly at right angles to the said property line a distance of 250 feet; thence eastwardly in a straight line to a point on the westerly line of Beachwood avenue distant 350 feet northerly from its intersection with the northerly property line of the Staten Island Railway; thence northwardly in a straight line to a point on the southerly line of Simmons Avenue distant 970 feet westerly from its intersection with the westerly line of Centre street; thence northwardly at right angles to Simmons Avenue to a point distant 200 feet northerly from its northerly line; thence eastwardly and parallel with Simmons Avenue to the westerly line of Centre street; thence southwardly along the westerly line of Centre street, and the prolongation thereof, to the southerly property line of the Staten Island Railway; thence eastwardly along the said property line to the intersection with a line distant 100 feet northwardly from and parallel with the northerly line of Willow avenue, the said distance being measured at right angles to the line of Willow avenue; thence eastwardly along the said parallel line to the westerly line of New York avenue; thence eastwardly in a straight line to the point or place of beginning. (None of the streets named has yet been incorporated upon the City map, and the lines referred to are intended to apply to those determined by usage and as commonly recognized.)

Resolved, That the Board consider the proposed area of assessment at a meeting of the Board to be held in The City of New York, Borough of Manhattan, in the City Hall, on the 18th day of December, 1908, at 10.30 a. m., and that at the same time and place a public hearing thereon will then and there be had.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby to be published in the City Record for ten days prior to the 18th day of December, 1908.

Dated December 5, 1908.

JOSEPH HAAG, Secretary,
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

ds.16

NOTICE IS HEREBY GIVEN THAT, AT the meeting of the Board of Estimate and Apportionment held November 20, 1908, the following resolutions were adopted:

Whereas, The Board of Estimate and Apportionment of The City of New York is considering the advisability of instituting proceedings to acquire title to the lands and premises required for the opening and extending of East Two Hundred and Thirty-sixth street, from First street (or Bullard avenue) to Barnes avenue; and of East Two Hundred and Thirty-seventh street, from Bullard avenue (First street) to Barnes avenue, in the Borough of The Bronx, City of New York; and

Whereas, The Board of Estimate and Apportionment is authorized and required at the time of the adoption of the resolution directing the institution of proceedings to acquire title to the lands required for the foregoing improvement to fix and determine upon an area or areas of assessment for benefit for said proceeding:

Resolved, That the Board of Estimate and Apportionment, in pursuance of the provisions of section 980 of the Greater New York Charter, hereby gives notice that the following is the proposed area of assessment for benefit in this proceeding:

Beginning at a point on the westerly side of Bullard avenue where it is intersected by the prolongation of a line midway between East Two Hundred and Thirty-fifth street and East Two Hundred and Thirty-sixth street, and running thence northwardly along the said westerly line of Bullard avenue to the intersection with the prolongation of a line midway between East Two Hundred and Thirty-seventh street and Nereid avenue; thence southwardly along the said line midway between Nereid avenue and East Two Hundred and Thirty-seventh street and the prolongation thereof, to the intersection with a line bisecting the angle formed by the intersection of the prolongations of the northeasterly line of East Two Hundred and Thirty-seventh street and the southerly line of Nereid avenue, as these streets are laid out between White Plains road and Byron avenue; thence southwardly along the said bisecting line to a point distant 100 feet southeasterly from the southeasterly line of Barnes avenue, the said distance being measured

at right angles to the line of Barnes avenue, thence southwardly and parallel with Barnes avenue to the intersection with a line midway between East Two Hundred and Thirty-fourth street and East Two Hundred and Thirty-fifth street; thence northwardly along the said line midway between East Two Hundred and Thirty-fourth street and East Two Hundred and Thirty-fifth street to a point distant 100 feet northwardly from the northeasterly line of White Plains road; thence northwardly and parallel with White Plains road to the intersection with a line midway between East Two Hundred and Thirty-fifth street and East Two Hundred and Thirty-sixth street; thence northwardly along the said line midway between East Two Hundred and Thirty-fifth street and East Two Hundred and Thirty-sixth street, and the prolongation thereof, to the point or place of beginning.

Resolved, That this Board consider the proposed area of assessment at a meeting of the Board to be held in The City of New York, Borough of Manhattan, in the City Hall, on the 18th day of December, 1908, at 10.30 a. m., and that at the same time and place a public hearing thereon will then and there be had.

Resolved, That the Secretary of this Board cause these resolutions and a notice to all persons affected thereby to be published in the City Record for ten days prior to the 18th day of December, 1908.

Dated December 5, 1908.

JOSEPH HAAG, Secretary,
No. 277 Broadway, Room 1406.
Telephone, 2280 Worth.

ds.16

PUBLIC NOTICE IS HEREBY GIVEN THAT at a meeting of the Board of Estimate and Apportionment, held this day, the following proceedings were had:

Whereas, The Bronx Traction Company has, under date of July 28, 1908, made application to this Board for the grant of the right, privilege and franchise to construct, maintain and operate a street surface railway upon and along Clasons Point road, from Westchester avenue to Long Island Sound, in the Borough of The Bronx; and

Whereas, Section 92 of the Railroad Law and sections 72, 73 and 74 of the Greater New York Charter, as amended by chapters 629 and 630 of the Laws of 1905, provide for the manner and procedure of making such grants; and

Whereas, In pursuance of such laws, this Board adopted a resolution on October 2, 1908, fixing the date for public hearing thereon as October 30, 1908, at which citizens were entitled to appear and be heard, and publication was had for at least fourteen (14) days in the "New York Sun" and the "New York Tribune," newspapers designated by the Mayor, and in the City Record for ten days immediately prior to the date of hearing, and the public hearing was duly had on such day; and

Whereas, This Board has made inquiry as to the money value of the franchise or right applied for and proposed to be granted to the Bronx Traction Company, and the adequacy of the compensation proposed to be paid therefor; now therefore it is

Resolved, That the following form of the resolution for the grant of the franchise or right applied for by the Bronx Traction Company, containing the form of proposed contract for the grant of such franchise or right, be hereby introduced and entered in the minutes of this Board, as follows, to wit:

BRONX TRACTION COMPANY.

Proposed Form of Contract.

This contract, made this day of 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the Bronx Traction Company (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the terms and conditions herein set forth, the right and privilege to construct, maintain and operate a double track extension to its present street surface railway, with the necessary wires and equipment for the purpose of conveying passengers in the Borough of The Bronx, City of New York, upon the following route:

Beginning at and connecting with the existing double track street surface railway on Westchester avenue, at the intersection of said avenue with Clasons Point road, and running thence easterly in, upon and along said Clasons Point road to the public place at the easterly terminus thereof, and running thence, with a loop, in, upon and along said public place. The said route, with turnouts, switches and crossovers hereby authorized is shown upon a map entitled:

"Map showing proposed railway of Bronx Traction Co. in the Borough of The Bronx, City of New York, to accompany petition to the Board of Estimate and Apportionment, dated July 28, 1908."

— and signed by Edward A. Maher, President, and T. F. Mullane, Chief Engineer, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed; provided, that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description and the other provisions of this contract may be permitted by resolution of the Board.

Sec. 2. The grant of this privilege is subject to the following conditions, which shall be complied with by the Company:

First.—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months from the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time, the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the cause, provided by the Railroad Law to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second.—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of fifteen (15) years from the date upon which this con-

tract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty (20) years, upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year prior to the termination of the original term of this contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty (20) years shall be reasonable, and either the City (by the Board) or the Company shall be bound upon request of the other to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall, in any event, be less than the sum required to be paid for the last year of this original contract. If in any case the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third.—The Company shall pay to the City for this privilege the following sums of money:

The sum of three thousand five hundred dollars (\$3,500), in cash, within thirty (30) days after the date on which this contract is signed by the Mayor.

During the first term of five years an annual sum, which shall in no case be less than three hundred and seventy-five dollars (\$375), and which shall be equal to three per cent. of its gross annual receipts if such percentage shall exceed the sum of three hundred and seventy-five dollars (\$375).

During the second term of five years an annual sum which shall in no case be less than six hundred and eighty-seven dollars (\$687), and which shall be equal to five per cent. of its gross annual receipts if such percentage shall exceed the sum of six hundred and eighty-seven dollars (\$687).

During the third term of five years an annual sum which shall in no case be less than seven hundred and fifty-six dollars (\$756), and which shall be equal to five per cent. of its gross annual receipts if such percentage shall exceed the sum of seven hundred and fifty-six dollars (\$756).

The gross annual receipts mentioned above shall be that portion of the gross receipts of the Company as shall bear the same proportion to its whole gross receipts as the length of the extension hereby granted shall bear to the entire part, witnesseth:

The payment of such minimum sums shall begin from the date on which this contract is signed by the Mayor.

All such sums as above shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding, said date of payment and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the manner of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

The intention of this paragraph is to fix an annual charge to be paid by the Company, its successors or assigns, to The City of New York for the rights and franchises hereby granted, and it shall not be construed as providing for the payment by the Company, its successors or assigns, of a percentage of gross receipts within the meaning of any general or special statute, referring particularly to chapter 340 of the Laws of 1892.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Fourth.—Upon the termination of this original contract, or if the same be renewed, then, at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract within the streets, avenues and highways shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of its tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fifth.—The annual charges or payments shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of any of the routes mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth.—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company, its successors or assigns, or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations or otherwise, without the consent of the City, acting by the Board, or its successors in authority, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh.—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways herein above described in section 1.

The use of said railway which shall be constructed by the Company under this contract, including the tracks, wires and other equipment, or any structures in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways herein above described in section 1, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall be equal to the legal interest on such proportion of the whole cost of the construction of such railway and structures and of the cost of keeping the tracks and equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used. Provided, however, that if in the opinion of the Company the legal rate of interest on the cost of such railway shall be an insufficient sum to pay for the use of such tracks, it may appeal to the Board, and the Board may fix a percentage of the cost to be paid to the Company at a sum in excess of the legal rate of interest, if in its opinion such action is justified.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Eighth.—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of The Bronx, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board, and consented to by the abutting property owners, in accordance with the provisions of law, and by the Public Service Commission of the First District of the State of New York.

Ninth.—The Company shall commence construction of the railway herein authorized within six months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within one year from the date of obtaining such consents or such decision, otherwise this right shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City, as hereinafter provided, shall thereupon be forfeited to the City; provided, that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided, further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and provided further, that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall, in writing, consent that the Board either in its own name as a party, or in the name of the City as a party, may intervene in any such proceeding.

Tenth.—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City.

Eleventh.—Said railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the direction of the Board within a reasonable time, the rights hereby granted shall cease and determine.

Twelfth.—The rate of fare for any passenger upon such railway shall not exceed five (5) cents, and the Company shall not charge any passenger more than five (5) cents for one continuous ride.

from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized during the term of this contract all members of the Police and Fire Departments of the City, when such employees are in full uniform.

The rate for the carrying of property over the said railway upon the cars of the Company shall in all cases be reasonable in amount, subject to the control of the Board, or its successors in authority, and may be fixed by such Board after notice to the Company and hearing had thereon, and when so fixed such rates shall be binding upon the Company, its successors or assigns, and no greater sums shall be charged for such service than provided for by it.

Thirteenth—No cars shall be operated upon the railway hereby authorized, other than passenger cars, cars for the transportation of express matter and cars necessary for the repair or maintenance of the railway, and no freight cars shall be operated upon the tracks of said railway; and the tracks hereby authorized shall not be used for the storage of cars.

Fourteenth—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Provided, however, that the Company, during the first five years of this contract, shall not be required to operate its cars between the hours of 1 o'clock a. m. and 5 o'clock a. m., each day, unless the Board shall determine after a hearing had thereon that public convenience requires the operation of cars during said hours.

Fifteenth—The Company shall attach to each car run over the said railway proper fenders and wheel guards, in conformity with such laws and ordinances as are now in force, or may hereafter, during the terms of this contract, be enacted or adopted by the State or City authorities.

Sixteenth—All cars which are operated on said railway shall be heated during the cold weather, in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Seventeenth—The Company, so long as it shall continue to use any of the tracks upon the streets and avenues in which said railway shall be constructed, shall cause to be watered, at least three times every twenty-four hours when the temperature is above 35 degrees Fahrenheit, the entire width of the streets and avenues, except when the width of such streets and avenues shall exceed 20 feet between curb lines, in which case the Company shall cause to be watered only to feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets and avenues in a satisfactory manner.

Eighteenth—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Nineteenth—The Company shall at all times keep the streets, avenues or highways upon which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of 2 feet beyond the rails, on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the Commissioner of Street Cleaning, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Twentieth—The Company shall cause to be paved that portion of the street between its tracks, the rails of its tracks and two feet in width outside of its tracks upon and along the streets, avenues and highways of the routes hereby authorized, which are now either unpaved or paved with macadam. The work of such paving shall be done under the supervision of the Municipal authorities having jurisdiction in such matters. Such authorities shall designate the character of the pavement to be laid.

As long as the said railway, or any portion thereof, remains in the street, avenue or highway, the Company shall have and keep in permanent repair that portion of the surface of the street, avenue or highway in which said railway is constructed, between its tracks, the rails of its tracks, and for a distance of two feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue or highway, and in that event the Company, its successors or assigns, shall be bound to replace such pavement in the manner directed by the proper City officer, at its own expense, and the provisions as to repairs herein contained shall apply to such renewal or altered pavement.

Twenty-first—Any alteration to the sewerage or drainage system, or to any other subsurface or to any surface structures in the streets, required on account of the construction or operation of the railway, shall be made at the sole cost of the Company, and in such manner as the proper City officials may prescribe.

Twenty-second—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of The Bronx and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose, as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Twenty-third—The Company agrees to comply with any and all of the rules which may be made by the Commissioner of Water Supply, Gas and Electricity for the purpose of preventing the destruction of the pipes or structures in the street by electrolysis, which may be caused by the electric current used by the Company, whether such rules affect the method of the original construction of said railway or any reconstruction, maintenance or repairs upon such railway at any time during the term of this contract.

Twenty-fourth—It is agreed that the right hereby granted to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public works in the streets, whether the same is done by the City directly or by a contractor for the City, the Company shall, at its own expense, protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of The Bronx.

Twenty-fifth—Should the grades or lines of the streets in which franchises are herein granted be changed at any time during the term of this contract, the Company shall, at its own expense, change its tracks to conform with such new grades and lines, and during the construction of any public improvement upon said street the Company shall take care of and protect the track at its own expense, all to be done subject to the direction of the President of the Borough of The Bronx.

Twenty-sixth—Upon one year's notice from the Board, the Company shall make application

to said Board for the right or privilege to lay its tracks upon other streets hereafter to be opened, adjacent to the public place at the eastern terminus of Clason's Point road, the same to be in substitution for the loop terminal hereby authorized in the public place, and within six months after such right or privilege is obtained, shall, at its own expense, remove all of its tracks and appurtenances from said public place.

Twenty-seventh—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.

2. The amount paid in as by last report.

3. The total amount of capital stock paid in.

4. The funded debt by last report.

5. The total amount of funded debt.

6. The floating debt as by last report.

7. The total amount of floating debt.

8. The total amount of funded and floating debt.

9. The average rate per annum of interest on funded debt.

10. Statement of dividends paid during the year.

11. The total amount expended for same.

12. The names of the directors elected at the last meeting of the corporation held for such purpose.

13. Location, value and amount paid for real estate owned by the Company as by last report.

14. Location, value and amount paid for real estate now owned by the Company.

15. Number of passengers carried during the year.

16. Total receipts of Company for each class of business.

17. Amounts paid by the Company for damage to persons or property on account of construction and operation.

18. Total expenses for operation, including salaries.

—and such other information in regard to the business of the Company as may be required by the Board.

Twenty-eighth—The Company shall at all times keep accurate books of account of the gross earnings from all sources within the limits of the City, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company, for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of the gross earnings from all railway lines owned or operated by the Company, the total miles owned by the Company and in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twenty-ninth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity. Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Thirtieth—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structures and equipment as herein provided in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall, for each day thereafter during which the default or defect remains, pay to the City the sum of one hundred dollars (\$100) as fixed or liquidated damages, or the Board, in case such structures or equipment which may affect the surface of the streets shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs, with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided.

Thirty-first—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-second—This grant is upon the express

condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of The City of New York the sum of six thousand dollars (\$6,000), either in money or securities, to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway, and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel-guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel-guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its President, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing

provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of six thousand dollars (\$6,000), and in default thereof this contract shall be canceled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-third—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-fourth—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Thirty-fifth—If at any time the powers of the Board or any other of the authorities herein mentioned or intended to be mentioned, shall be transferred by law to any other board, authority, officer or officers, then and in such case such other board, authority, officer or officers, shall have all the powers, rights and duties herein reserved to or prescribed for the Board or other authorities, officer or officers.

Sec. 3. This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 4. The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,
By

[CORPORATE SEAL.]

Attest:

..... City Clerk.

BRONX TRACTION COMPANY,
By

[SEAL.]

Attest:

..... Secretary.

[SEAL.]

(Here add acknowledgments.)

Resolved, That the results of the inquiry made by this Board as to the money value of the franchise or right proposed to be granted and the adequacy of the compensation proposed to be paid therefor, and of the terms and conditions, including the provision as to rates, fares and charges, are as hereinbefore specified and fully set forth in and by the foregoing form of proposed contract for the grant of such franchise or right.

Resolved, That these preambles and resolutions, including the said resolution for the grant of a franchise or right applied for by the Bronx Traction Company, and the said form of proposed contract for the grant of such franchise or right containing said results of such inquiry, after the same shall be entered in the minutes of this Board, shall be published for at least twenty (20) days immediately prior to Friday, December 18, 1908, in the City Record, and at least twice during the ten days immediately prior to December 18, 1908, in two daily newspapers to be designated by the Mayor therefor and published in The City of New York, at the expense of the Bronx Traction Company, together with the following notice, to wit:

Notice is hereby given that the Board of Estimate and Apportionment, before authorizing any contract for the grant of the franchise or right applied for by the Bronx Traction Company, and fully set forth and described in the foregoing form of proposed contract for the grant of such franchise or right, and before adopting any resolution authorizing any such contract, will, at a meeting of said Board, to be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on Friday, December 18, 1908, at 10:30 o'clock a. m., hold a public hearing thereon, at which citizens shall be entitled to appear and be heard.

JOSEPH HAAG, Secretary.

Dated New York, November 13, 1908.

n24,d18

PUBLIC NOTICE.

PUBLIC NOTICE IS HEREBY GIVEN that at a meeting of the Board of Estimate and Apportionment held this day the following proceedings were had:

Whereas, The Union Railway Company of New York City has under date of July 28, 1908, made application to this Board for the grant of the right, privilege and franchise to construct, maintain and operate a street surface railway upon and along Fordham road and West One Hundred and Eighty-fourth street, in the Borough of The Bronx; and over and along the University Heights Bridge and the approaches thereto, and upon and along West Two Hundred and Seventh street and other streets and avenues in the Borough of Manhattan; and

Whereas, Section 92 of the Railroad Law and sections 72, 73 and 74 of the Greater New York Charter, as amended by chapters 629 and 630 of the Laws of 1905, provide for the manner and procedure of making such grants; and

Whereas, In pursuance of such laws, this Board adopted a resolution on October 2, 1908, fixing the date for public hearing thereon as October 30, 1908, at which citizens were entitled to appear and be heard, and publication was had for at least fourteen (14) days in the "New York Sun" and the "New York Tribune," newspapers designated by the Mayor, and in the City Record for ten days immediately prior to the date of hearing, and the public hearing was duly held on such day; and

Whereas, This Board has made inquiry as to the money value of the franchise or right applied for, and proposed to be granted to the Union Railway Company of New York City, and the adequacy of the compensation proposed to be paid therefor; now therefore, it is

Resolved, That the following form of the resolution for the grant of the franchise or right applied for by the Union Railway Company of New York City, containing the form of proposed contract for the grant of such franchise or right, be hereby introduced, and entered in the minutes of this Board, as follows, to wit:

Resolved, That the Board of Estimate and Apportionment hereby grants to the Union Railway Company of New York City the franchise or right fully set out and described in the following form of proposed contract for the grant thereof, embodying all the terms and conditions, including the provisions as to rates, fares and charges upon and subject to the terms and conditions in said proposed form of contract contained, and that the Mayor of The City of New York be and he hereby is authorized to execute and deliver such contract in the name and on behalf of The City of New York, as follows:

UNION RAILWAY COMPANY OF NEW YORK CITY.

Proposed Form of Contract.

This contract made this day of 1908 by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the Union Railway Company of New York City (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions herein set forth, the right and privilege to construct, maintain and operate a double-track extension to its present street surface railway, with the necessary wires and equipment, for the purpose of conveying persons and property in the Boroughs of The Bronx and Manhattan, in The City of New York, upon the following route:

Beginning at and connecting with the existing tracks of the Company at or near the intersection of Sedgwick avenue and Fordham road, in the Borough of The Bronx, and running thence southwesterly in, upon and along said Fordham road and Hampden place to West One Hundred and Eighty-fourth street, and thence southwesterly and westerly in, upon and along said West One Hundred and Eighty-fourth street to its intersection with the easterly approach to the University Heights Bridge; thence westerly upon and over said bridge, and the easterly and westerly approaches thereto, to West Two Hundred and Seventh street, in the Borough of Manhattan, and thence westerly in, upon and along said West Two Hundred and Seventh street to Amsterdam or Tenth avenue; thence southerly in, upon and along said Amsterdam or Tenth avenue to Emerson street; thence westerly in, upon and along said Emerson street to Broadway, and connecting with the existing double-track railway in said Broadway. The said route with turnouts, switches and crossovers hereby authorized is shown upon a map entitled:

"Map showing proposed railway of the Union Railway Company in the Boroughs of The Bronx and Manhattan, City of New York, to accompany petition to the Board of Estimate and Apportionment, dated July 28, 1908," and signed by F. W. Whitridge, Receiver; T. F. Mullany, Chief Engineer, and Edward A. Maher, President, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed, provided that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description and the other provisions of this contract may be permitted by resolution of the Board.

Sec. 2. The grant of this privilege is subject to the following conditions, which shall be complied with by the Company:

First—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months of the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained, the Company shall, within two months thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railroad ought to be constructed; otherwise this grant shall cease and determine.

Second—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of fifteen (15) years from the date upon which this contract is signed by the Mayor, with the privilege of renewal of said contract for the further

year of this original contract. If, in any case, the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third.—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of three thousand five hundred dollars (\$3,500) in cash within thirty (30) days after the date on which this contract is signed by the Mayor.

(b) During the first term of five years an annual sum which shall in no case be less than seven hundred and fifty dollars (\$750), and which shall be equal to three (3) per cent. of its gross annual receipts, if such percentage shall exceed the sum of seven hundred and fifty dollars (\$750).

During the second term of five years an annual sum which shall in no case be less than fourteen hundred dollars (\$1,400), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of fourteen hundred dollars (\$1,400).

During the third term of five years an annual sum which shall in no case be less than fifteen hundred and fifty dollars (\$1,550), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of fifteen hundred and fifty dollars (\$1,550).

The gross annual receipts mentioned above shall be that portion of the gross receipts of the company as shall bear the same proportion to its whole gross receipts as the length of the extension hereby granted shall bear to the entire length of the line of the company in operation.

The payment of such minimum sums shall begin from the day on which this contract is signed by the Mayor.

(c) For the use of the University Heights Bridge during the first term of five years the annual sum of \$2,000, during the second term of five years the annual sum of \$2,250, and during the third term of five years the annual sum of \$2,500. The compensation herein reserved shall commence from the date of the signing of this contract by the Mayor.

All such sums as above shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract, shall be strictly complied with.

The intention of this paragraph is to fix an annual charge to be paid by the Company, its successors or assigns, to the City of New York for the rights and franchises hereby granted, and it shall not be construed as providing for the payment by the Company, its successors or assigns, of a percentage of gross receipts within the meaning of any general or special statute, referring particularly to chapter 340 of the Laws of 1892.

Before any rights hereby conferred are exercised by the Company, and within three (3) months from the date on which this contract is signed by the Mayor, the Company shall pay to the City of New York the sum of twenty thousand three hundred and eighty-five dollars and eight cents (\$20,385.08) and within three (3) months thereafter the further sum of thirty-one thousand seven hundred and fifty-eight dollars and eighty-seven cents (\$31,758.87); said amounts being due under the franchise of the Company granted to it by the Legislature by chapter 340 of the Laws of 1892.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City, or by any law of the State of New York.

Fourth.—Upon the termination of this original contract, or if the same is renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract, within the streets, avenues and highways and upon the bridge, shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual. If, however, at the termination of this grant as above the City, (by the Board or its successors in authority) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of the tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways and the bridge shall be restored to their original condition at the sole cost and expense of the Company.

Fifth.—The annual charges or payments shall continue throughout the whole term of the contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of the route mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth.—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the company, its successors or assigns, or by operation of law, whether under the provisions of the statutes relating to the consolidation or merger of corporations or otherwise, without the consent of the City, acting by the Board, or its successors in authority, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh.—Nothing in this contract shall be deemed to affect in any way the rights of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions over the same streets, avenues, highways or bridge, hereinabove described in section 1.

The use of said railway, which shall be constructed by the Company under this contract, including the tracks, wires and other equipment, or any structures in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways, hereinabove described in section 1 for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway and structures and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used. Provided, however, that if in the opinion of the Company the legal rate of interest of the cost of such railway shall be an insufficient sum to pay for the use of such tracks, it may appeal to the Board, and the Board may fix a percentage of the cost to be paid to the Company at a sum in excess of the legal rate of interest, if in its opinion such action is justified.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Eighth.—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of The Bronx, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board and consented to by owners of property, in accordance with the provisions of law, and by the Public Service Commission for the First District of the State of New York.

Ninth.—The Company shall commence construction of the extension herein authorized within six (6) months from the date upon which the consents of the property owners are obtained for such extension, or from the date of the decision of the Appellate Division of the Supreme Court that such extension ought to be constructed, and shall complete the construction of the same within six (6) months from the same date, otherwise this grant shall cease and determine, and all sums which may be deposited with the Comptroller of the City, as hereinabove provided, shall be forfeited to the City. Provided that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided further that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by works of public improvement, or from other causes not within the control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company, and provided further that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall, in writing, consent that the Board either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Tenth.—Said railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided in the Charter of the City.

Eleventh.—Said railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the written direction of the Board within a reasonable time, the rights hereby granted shall cease and determine.

Twelfth.—The rate of fare for any passenger upon such railway shall not exceed five (5) cents, and the Company shall not charge any passenger more than five (5) cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized during the term of this contract, all members of the Police and Fire Departments of the City when such employees are in full uniform.

The rate for the carrying of property over the said railway upon the cars of the Company shall in all cases be reasonable in amount, subject to the control of the Board, or its successors in authority, and may be fixed by such Board after notice to the Company and a hearing had thereon, and when so fixed such rates shall be binding upon the Company, its successors or assigns, and no greater sums shall be charged for such service than provided for by it.

Thirteenth.—No cars shall be operated upon the railway hereby authorized other than passenger cars, cars for the transportation of express matter and cars necessary for the repair or maintenance of the railway, and no freight cars shall be operated upon the tracks of said railway; and the tracks hereby authorized shall not be used for the storage of cars.

Fourteenth.—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Provided, however, that the Company, during the first five years of this contract, shall not be required to operate its cars between the hours of 1 o'clock a. m. and 5 o'clock a. m. each day, unless the Board shall determine after a hearing had thereon that public convenience requires the operation of cars during said hours.

Fifteenth.—The Company shall attach to each car run over the said railway proper fenders and wheel guards in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Sixteenth.—All cars which are operated on said railway shall be heated during the cold weather in conformity with such laws and ordinances as

are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Seventeenth.—The Company, so long as it shall continue to use any of the tracks upon the streets, avenues or bridge, in or upon which said railway shall be constructed, shall cause to be watered at least three times every twenty-four hours when the temperature is above 35 degrees Fahrenheit, the entire width of the streets, avenues and bridge, except when the width of such streets, avenues or bridge shall exceed 60 feet between curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets, avenues and bridge in a satisfactory manner.

Eighteenth.—All cars operated on said railway shall be well lighted by electricity, or by some lighting system equally efficient, or as may be required by the Board.

Nineteenth.—The Company shall at all times keep the streets, avenues or highways and bridge upon which the said railway is constructed, between its tracks, the rails of its tracks and for a distance of two feet beyond the rails, on either side thereof, free and clear from ice and snow; provided, however, that the Company shall, at the option of the Commissioner of Street Cleaning, enter into an agreement for each winter season, or part thereof, to clean an equivalent amount of street surface from house line to house line.

Twentieth.—The Company shall cause to be paved that portion of the street between its tracks, the rails of its tracks and two feet in width outside of its tracks, upon and along the streets, avenues and highways of the routes hereby authorized, which are now unpaved. The work of such paving shall be done under the supervision of the municipal authorities having jurisdiction in such matters, and such authorities shall designate the character of the pavement to be laid.

As long as the said railway, or any portion thereof, remains in the streets, avenues, highways or upon the bridge, the Company shall pave and keep in permanent repair that portion of the surface of the street, avenue, highway or bridge in which said railway is constructed, between its tracks, the rails of its tracks, and for a distance of two feet beyond the rails on either side thereof, under the supervision of the local authorities, whenever required by them to do so, and in such manner as they may prescribe. And the City shall have the right to change the material or character of the pavement of any street, avenue, highway or upon the bridge, and in that event the Company, its successors or assigns, shall be bound to replace such pavements in the manner directed by the proper City officer, at its own expense, and the provision as to repairs herein contained shall apply to such renewed or altered pavement.

Twenty-first.—Any alteration to the sewerage or drainage system, or to any other subsurface, or to any surface structures in the streets required on account of the construction or operation of the railway, shall be made at the sole cost of the Company and in such manner as the proper City officials may prescribe.

Twenty-second.—Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the Presidents of the Boroughs of Manhattan and The Bronx, and the Commissioners of Water Supply, Gas and Electricity and Bridges, and the Company shall comply with any conditions which those officials may impose as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Twenty-third.—The Company agrees to comply with any and all the rules which may be made by the Commissioner of Water Supply, Gas and Electricity for the purpose of preventing the destruction of the pipes or structures in the street by electrolysis, which may be caused by the electric current used by the Company, whether such rules affect the method of the original construction of said railway or any reconstruction, maintenance or repairs upon such railway at any time during the term of this contract.

Twenty-fourth.—It is agreed that the right hereby given to operate a street surface railway shall not be in preference or in hindrance to public work of the City, and should the said railway in any way interfere with the construction of public works in the streets, or upon the bridge, whether the same is done by the City directly or by a contractor for the City, the Company shall at its own expense protect or move the tracks and appurtenances in a manner as directed by the President of the Borough in which said tracks are situated, or by the Commissioner of Bridges.

Twenty-fifth.—Should the grades or lines of the streets in which franchises are herein granted be changed at any time during the term of this contract, the Company shall change its tracks to conform with such new grades and lines, and during the construction of any public improvement upon said streets the Company shall take care of and protect the track and appurtenances at its own expense; all to be done subject to the direction of the President of the Borough in which such change is made or work done.

Twenty-sixth.—The Board may at any time require the Company to remove one track from the University Heights Bridge and approaches thereto, and to place the remaining track in the centre of the roadway of said bridge and operate the railway by means of said single track upon said bridge and its approaches.

Twenty-seventh.—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.

2. The amount paid in as by last report.

3. The total amount of capital stock paid in.

4. The funded debt by last report.

5. The total amount of funded debt.

6. The floating debt as by last report.

7. The total amount of floating debt.

8. The total amount of funded and floating debt.

9. The average rate per annum of interest on funded debt.

10. Statement of dividends paid during the year.

11. The total amount expended for same.

12. The names of the directors elected at the last meeting of the corporation held for such purpose.

13. Location, value and amount paid for real estate owned by the Company as by last report.

14. Location, value and amount paid for real estate now owned by the Company.

15. Number of passengers carried during the year.

16. Total receipts of Company for each class of business.

17. Amounts paid by the Company for damage to persons or property on account of construction and operation.

18. Total expenses for operation, including salaries, and such other information in regard to the business of the Company as may be required by the Board.

Twenty-eighth.—The Company shall at all times keep accurate books of account of the gross earnings from all sources within the limits of the City, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company, for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, the total miles in operation and the miles of railway constructed and operated under this contract, and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twenty-ninth.—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railway constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity. Provided, however, that such action by the Board shall give notice to the Company to appear before it on a certain day, not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contract forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Thirtieth.—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structures in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall for each day thereafter during which the default or defect remains, pay to the City the sum of one hundred dollars (\$100) as fixed or liquidated damages, or the Board, in case such structures which may affect the surface of the streets or of the bridge shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the cost of such repairs with legal interest thereon, all of which sums may be deducted from the fund herein-after provided.

Thirty-first.—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-second.—This grant upon the express condition that the Company within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of The City of New York the sum of three thousand five hundred dollars (\$3,500), either in money or securities to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street and bridge pavement, the removal of snow and ice and the quality of construction of the railroad; and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall collect the same with interest from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel-guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and, without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of three thousand five hundred dollars (\$3,500), and in default thereof this contract shall be cancelled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-third.—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-fourth.—The word "notice" or "direction" wherever used in this contract shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction and shall be deemed to have been given at the time of delivery or mailing.

Thirty-fifth.—If at any time the powers of the Board or any other of the authorities herein mentioned

Sec. 3. This contract is also upon the further and express condition that the provisions of the Railroad Law, applicable thereto, and all laws or ordinances now in force, or which may be adopted affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 4. The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms, conditions and requirements in this contract fixed and contained.

In witness whereof, the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of said City to be hereunto affixed; and the party of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,
By Mayor.

[CORPORATE SEAL.]

Attest:

..... City Clerk.

UNION RAILWAY COMPANY OF
NEW YORK CITY.

By President.

[SEAL.]

Attest:

..... Secretary.

(Here add acknowledgments.)

Resolved, That the results of the inquiry made by this Board as to the money value of the franchise or right proposed to be granted and the adequacy of the compensation proposed to be paid therefor, and of the terms and conditions, including the provision as to rates, fares and charges, are as hereinbefore specified and fully set forth in and by the foregoing form of proposed contract for the grant of such franchise or right.

Resolved, That these preambles and resolutions, including the said resolution for the grant of a franchise or right applied for by the Union Railway Company of New York City, and the said form of a proposed contract for the grant of such franchise or right containing said results of such inquiry, after the same shall be entered in the minutes of this Board, shall be published for at least twenty (20) days immediately prior to Friday, December 18, 1908, in the City Record, and at least twice during the ten days immediately prior to December 18, 1908, in two daily newspapers to be designated by the Mayor therefor, and published in The City of New York, at the expense of the Union Railway Company of New York City, together with the following notice:

Notice is hereby given that the Board of Estimate and Apportionment, before authorizing any contract for the grant of the franchise or right applied for by the Union Railway Company of New York City, and fully set forth and described in the foregoing form of proposed contract for the grant of such franchise or right, and before adopting any resolution authorizing any such contract, will, at a meeting of said Board, to be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on Friday, December 18, 1908, at 10:30 o'clock a. m., hold a public hearing thereon, at which citizens shall be entitled to appear and be heard.

JOSEPH HAAG, Secretary.

Dated New York, November 13, 1908.

n24,18

PUBLIC NOTICE.

PUBLIC NOTICE IS HEREBY GIVEN that at a meeting of the Board of Estimate and Apportionment held this day the following proceedings were had:

Whereas, The Union Railway Company of New York City has, under date of July 28, 1908, made application to this Board for the grant of the right, privilege and franchise to construct, maintain and operate a street surface railway upon and along Pelham avenue, from Third avenue to the Southern boulevard, in the Borough of The Bronx; and

Whereas, Section 92 of the Railroad Law and sections 72, 73 and 74 of the Greater New York Charter, as amended by chapters 629 and 630 of the Laws of 1905, provide for the manner and procedure of making such grants; and

Whereas, In pursuance to such laws, this Board adopted a resolution on October 2, 1908, fixing the date for public hearings thereon as October 30, 1908, at which citizens were entitled to appear and be heard, and publication was had for at least fourteen (14) days in the "New York Sun" and the "New York Tribune," newspapers designated by the Mayor, and in the City Record for ten days immediately prior to the date of hearing, and the public hearing was duly held on such day; and

Whereas, This Board has made inquiry as to money value of the franchise or right applied for, and proposed to be granted to the Union Railway Company of New York City, and the adequacy of the compensation proposed to be paid therefor; now therefore it is

Resolved, That the following form of the resolution for the grant of the franchise or right applied for by the Union Railway Company of New York City, containing the form of proposed contract for the grant of such franchise or right, be hereby introduced, and entered in the minutes of this Board, as follows, to wit:

Resolved, That the Board of Estimate and Apportionment hereby grants to the Union Railway Company of New York City the franchise or right fully set out and described in the following form of proposed contract for the grant thereof, embodying all of the terms and conditions, including the provisions as to rates, fares and charges upon and subject to the terms and conditions in said proposed form of contract contained, and that the Mayor of The City of New York be and he hereby is authorized to execute and deliver such contract in the name and on behalf of The City of New York, as follows, to wit:

UNION RAILWAY COMPANY OF NEW YORK CITY.

Proposed Form of Contract.

This Contract made this day of 1908, by and between The City of New York (hereinafter called the City), party of the first part, by the Mayor of said City, acting for and in the name of said City, under and in pursuance of the authority of the Board of Estimate and Apportionment of said City (hereinafter called the Board), and the Union Railway Company of New York City (hereinafter called the Company), party of the second part, witnesseth:

In consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

Section 1. The City hereby grants to the Company, subject to the conditions and provisions hereinafter set forth, the right and privilege to construct, maintain and operate a double track extension to its present street surface railway, with the necessary wires and equipment, for the purpose of conveying passengers in the Borough of The Bronx, in The City of New York, upon the following route:

Beginning at and connecting with the existing double track road of the Company in Third avenue at the intersection of said avenue with Pelham avenue, and running thence easterly in, upon and along said Pelham avenue to the

Southern boulevard. The said route, with turnouts, switches and crossovers, hereby authorized is shown upon a map entitled:

"Map showing proposed railway of the Union Railway Company, in the Borough of The Bronx, City of New York, to accompany petition to the Board of Estimate and Apportionment, dated July 28, 1908,"

— and signed by F. W. Whitridge, Receiver, T. F. Mullane, Chief Engineer, and Edward A. Maher, President, a copy of which is attached hereto, is to be deemed a part of this contract, is to be construed with the text thereof, and is to be substantially followed, provided that deviations therefrom and additional turnouts, switches and crossovers which are consistent with the foregoing description and the other provisions of this contract may be permitted by resolution of the Board.

Sec. 2. The grant of this right or privilege is subject to the following conditions, which shall be complied with by the Company:

First.—The consent in writing of the owners of half in value of the property bounded on said streets and avenues to the construction and operation of said railway shall be obtained by the Company within six months of the signing of this contract by the Mayor, and a copy of such consents shall be filed with the Board within such time, or in the event that such consents cannot be obtained within such time, the Company shall, within one month thereafter, make application to the Appellate Division of the Supreme Court for the appointment of Commissioners in the manner provided by the Railroad Law to determine if said railway ought to be constructed; otherwise this grant shall cease and determine.

Second.—The said right to construct, maintain and operate said railway shall be held and enjoyed by the Company for the term of fifteen (15) years from the date upon which this contract is signed by the Mayor, with the privilege of renewal of said contract for the further period of twenty (20) years upon a fair revaluation of such right and privilege.

If the Company shall determine to exercise its privilege of renewal it shall make application to the Board, or any authority which shall be authorized by law to act for the City in place of the Board. Such application shall be made at any time not earlier than two years and not later than one year before the expiration of the original term of this contract. The determination of the revaluation shall be sufficient if agreed to in writing by the Company and the Board, but in no case shall the annual rate of compensation to the City be fixed at a less amount than the sum required to be paid during the last year of this original contract.

If the Company and the Board shall not reach such agreement on or before the day one year before the expiration of the original term of this contract, then the annual rate of compensation for such succeeding twenty (20) years shall be reasonable, and either the City (by the Board) or the Company shall be bound, upon request of the other, to enter into a written agreement with each other fixing the rate of such compensation at such amount as shall be reasonable, but in no case shall the annual rate so fixed be less than the sum required to be paid for the last year prior to the termination of the original term of this contract, and if the parties shall not forthwith agree upon what is reasonable, then the parties shall enter into a written agreement fixing such annual rate, and at such amount as shall be determined by three disinterested freeholders selected in the following manner:

One disinterested freeholder shall be chosen by the Board; one disinterested freeholder shall be chosen by the Company; these two shall choose a third disinterested freeholder, and the three so chosen shall act as appraisers and shall make the revaluation aforesaid. Such appraisers shall be chosen at least six months prior to the expiration of this original contract, and their report shall be filed with the Board within three months after they are chosen. They shall act as appraisers and not as arbitrators. They may base their judgment upon their own experience and upon such information as they may obtain by inquiries and investigations, without the presence of either party. They shall have the right to examine any of the books of the Company and its officers under oath. The valuations so ascertained, fixed and determined shall be conclusive upon both parties, but no annual sum shall in any event be less than the sum required to be paid for the last year of this original contract. If, in any case, the annual rate shall not be fixed prior to the termination of the original term of this contract, then the Company shall pay the annual rate theretofore prevailing until the new rate shall be determined, and shall then make up to the City the amount of any excess of the annual rate then determined over the previous annual rate. The compensation and expenses of the said appraisers shall be borne jointly by the City and the Company, each paying one-half thereof.

Third.—The Company shall pay to the City for this privilege the following sums of money:

(a) The sum of three thousand dollars (\$3,000) in cash within thirty (30) days after the date on which this contract is signed by the Mayor.

(b) During the first term of five years an annual sum which shall in no case be less than five hundred dollars (\$500), and which shall be equal to three (3) per cent. of its gross annual receipts, if such percentage shall exceed the sum of five hundred dollars (\$500).

During the second term of five years an annual sum which shall in no case be less than nine hundred dollars (\$900), and which shall be equal to five (5) per cent. of its gross annual receipts, if such percentage shall exceed the sum of nine hundred dollars (\$900).

During the third term of five years, an annual sum which shall in no case be less than one thousand dollars (\$1,000), and which shall be equal to five (5) per cent. of its gross annual receipts if such percentage shall exceed the sum of one thousand dollars (\$1,000).

The gross annual receipts mentioned above shall be that portion of the gross receipts of the company as shall bear the same proportion to its whole gross receipts as the length of the extension hereby granted shall bear to the entire length of the line of the company in operation.

The payment of such minimum sums shall begin from the day on which this contract is signed by the Mayor.

All such sums as above shall be paid into the treasury of the City on November 1 of each year, and shall be for the amount due to September 30 next preceding.

Whenever the percentage required to be paid shall exceed the minimum amount as above, such sum over and above such minimum shall be paid to the said Comptroller on or before November 1 in each year for the year ending September 30 next preceding. The fiscal year shall end on September 30 next preceding said date of payment, and provisions of the Railroad Law as it now exists, or as it may hereafter be amended, relating to the matter of payments and statements of percentages of gross receipts of street railway companies not inconsistent with this contract shall be strictly complied with.

The intention of this paragraph is to fix an annual charge to be paid by the Company, its successors or assigns, to the City of New York for the rights and franchises hereby granted, and it shall not be construed as providing for the payment by the Company, its successors or assigns, of a percentage of gross receipts within

the meaning of any general or special statute, referring particularly to chapter 340 of the Laws of 1892.

Before any rights hereby conferred are exercised by the Company, and within three (3) months from the date on which this contract is signed by the Mayor, the Company shall pay to The City of New York the sum of twenty thousand three hundred and eighty-five dollars and eight cents (\$20,385.08) and within three (3) months thereafter the further sum of thirty-one thousand seven hundred and fifty-eight dollars and eighty-seven cents (\$31,758.87), said amounts being due under the franchise of the Company granted to it by the Legislature by chapter 340 of the Laws of 1892.

Any and all payments to be made by the terms of this contract to the City by the Company shall not be considered in any manner in the nature of a tax, but such payments shall be in addition to any and all taxes of whatsoever kind or description now or hereafter required to be paid by any ordinance of the City or by any law of the State of New York.

Fourth.—Upon the termination of this original contract, or if the same is renewed, then at the termination of the said renewal term, or upon the termination of the rights hereby granted for any other cause, or upon the dissolution of the Company before such termination, the tracks and equipment of the Company constructed pursuant to this contract, within the streets, avenues and highways shall become the property of the City without cost, and the same may be used or disposed of by the City for any purpose whatsoever, or the same may be leased to any company or individual.

If, however, at the termination of this grant as above the City (by the Board) shall so order by resolution, the Company shall, upon thirty (30) days' notice from the Board, remove any and all of the tracks and other equipment constructed pursuant to this contract, and the said streets, avenues and highways shall be restored to their original condition at the sole cost and expense of the Company.

Fifth.—The annual charges or payment shall continue throughout the whole term of this contract, whether original or renewal, notwithstanding any clause in any statute or in the charter of any other railway or railroad company providing for payments for railway or railroad rights or franchises at a different rate, and no assignment, lease or sublease of the rights or privileges hereby granted, whether original or renewal, or of any part thereof, or of the route mentioned herein, or of any part thereof, shall be valid or effectual for any purpose unless the said assignment, lease or sublease shall contain a covenant on the part of the assignee or lessee that the same is subject to all the conditions of this contract; and that the assignee or lessee assumes and will be bound by all of said conditions, and especially said conditions as to payments, anything in any statute or in the charter of such assignee or lessee to the contrary notwithstanding, and that the said assignee or lessee waives any more favorable conditions created by such statute or its charter, and that it will not claim by reason thereof or otherwise exemption from liability to perform each and all of the conditions of this contract.

Sixth.—The rights and privileges hereby granted shall not be assigned, either in whole or in part, or leased or sublet in any manner, nor shall title thereto, or right, interest or property therein, pass to or vest in any other person or corporation whatsoever, either by the act of the Company, or by operation of law, whether under the provisions of the statute relating to the consolidation or merger of corporations, or otherwise, without the consent of the City, acting by the Board, evidenced by an instrument under seal, anything herein contained to the contrary thereof in anywise notwithstanding, and the granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents.

Seventh.—Nothing in this contract shall be deemed to affect in any way the right of the City to grant to any individual or other corporation a similar right or privilege upon the same or other terms and conditions, over the same streets, avenues or highways hereinabove described in section 1.

The use of said railway which shall be constructed by the Company under this contract, including the tracks, wires and other equipment or any structure in public streets and avenues owned by the Company and used in connection therewith, shall be permitted by the Company, to any individual or corporation to which the City may have granted, or may hereafter grant, the right or privilege to use such streets, avenues or highways hereinabove described in section 1, for street railway purposes, upon payment of an annual sum by such individual or corporation to the Company, which shall not exceed the legal interest on such proportion of the whole cost of the construction of such railway and structures, and of the cost of keeping the tracks and track equipment in repair, as the number of cars operated by such company or individual shall bear to the number of cars operated by the companies then using the same, together with the actual cost of the power necessary for the operation of the cars thereon of such individual or corporation and the cost of laying and repairing of pavement and removal of snow and ice, and all the other duties imposed upon the Company by the terms of this contract, in connection with the maintenance or the operation of the said railway so used. Provided, however, that if in the opinion of the Company the legal rate of interest of the cost of such railway shall be an insufficient sum to pay for the use of such tracks, it may appeal to the Board, and the Board may fix a percentage of the cost to be paid to the Company at a sum in excess of the legal rate of interest, if in its opinion such action is justified.

The Company shall not at any time oppose, but shall, upon the request of the Board, consent to the construction or operation of any street surface railway which may necessitate the use of any portion of the railway which shall be constructed by the Company pursuant to this contract.

Eighth.—Said railway may be operated by overhead electric power substantially similar to the overhead electric system now in use by street surface railways in the Borough of The Bronx, or by any other motive power, except locomotive steam power or horse power, which may be approved by the Board, and consented to by the abutting property owners in accordance with the provisions of law, and by the Public Service Commission of the First District of the State of New York.

Ninth.—The Company shall commence construction of the railway herein authorized within six months from the date upon which the consents of the property owners are obtained, or from the date upon which the decision of the Appellate Division of the Supreme Court that such railway ought to be constructed is rendered in lieu of such consents, and shall complete the construction and place the same in full operation within six months from the date of obtaining such consents or such decision, otherwise this grant shall cease and determine, and all sums paid, or which may be deposited with the Comptroller of the City as hereinabove provided, shall thereupon be forfeited to the City; provided, that such periods may be extended by the Board for a period or periods not exceeding in the aggregate six months each; and provided, further, that when the commencement or completion of said construction shall be prevented by legal proceedings in any court or by

works of public improvement, or from other causes not within the control of the Company, the time for the commencement or completion of such construction may be extended for the period of such prevention, but no delay shall be allowed for unless the court proceedings shall be diligently prosecuted by the Company; and provided, further, that in no case shall such delay be deemed to begin until the Company shall have given written notice to the Board of any such court proceedings or other occasion of delay, and deliver to the Board copies of any injunction or other orders, and the papers upon which the same shall have been granted, and unless upon the request of the Board the Company shall in writing consent that the Board, either in its own name as a party, or in the name of the City as a party, may intervene in any such proceedings.

Tenth.—Such railway shall be constructed, maintained and operated subject to the supervision and control of all the authorities of the City who have jurisdiction in such matters, as provided by the Charter of the City. Before any construction shall be commenced upon any portion of the route, written permits shall be obtained from the President of the Borough of The Bronx and the Commissioner of Water Supply, Gas and Electricity, and the Company shall comply with any conditions which those officials may impose as a condition upon which such permit is granted, provided such conditions are imposed for the purpose of protecting the structures over which those officials have jurisdiction.

Eleventh.—Said railway shall be constructed and operated in the latest approved manner of street railway construction and operation, and it is hereby agreed that the Board may require the Company to improve or add to the railway equipment, including rolling stock and railway appurtenances, from time to time, as such additions and improvements are necessary, in the opinion of the Board. Upon failure on the part of the Company to comply with the direction of the Board within reasonable time, the rights hereby granted shall cease and determine.

Twelfth.—The rate of fare for any passenger upon such railway shall not exceed five (5) cents, and the Company shall not charge any passenger more than five (5) cents for one continuous ride from any point on said railway, or a line or branch operated in connection therewith, to any point thereof, or any connecting line or branch thereof, within the limits of the City.

The Company shall carry free upon the railway hereby authorized, during the term of this contract, all members of the Police and Fire Department of the City, when such employees are in full uniform.

The rate for the carrying of property over the railway hereby authorized shall in all cases be reasonable in amount, subject to the control of the Board, or its successor in authority, and may be fixed by such Board after notice to the Company and a hearing had thereon, and when so fixed such rates shall be binding upon the Company, its successors or assigns, and no greater sums shall be charged for such service than provided for by it.

Fourteenth.—No car shall be operated upon the railway hereby authorized, other than passenger cars, cars for the transportation of express matter and cars necessary for the repair or maintenance of the railway, and no freight cars shall be operated upon the tracks of said railway; and the tracks hereby authorized shall not be used for the storage of cars.

Fourteenth.—Cars on the said railway shall run at intervals of not more than thirty minutes both day and night, and as much oftener as reasonable convenience of the public may require or as may be directed by the Board.

Provided, however, that the Company, during the first five years of this contract, shall not be required to operate its cars between the hours of 1 o'clock a. m. and 5 o'clock a. m., each day, unless the Board shall determine after a hearing had thereon that public convenience requires the operation of cars during said hours.

Fifteenth.—The Company shall attach to each car run over the said railway hereby authorized proper fenders and wheel guards in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Sixteenth.—All cars which are operated on said railway shall be heated during the cold weather in conformity with such laws and ordinances as are now in force, or may hereafter, during the term of this contract, be enacted or adopted by the State or City authorities.

Seventeenth.—The Company, so long as it shall continue to use any of the tracks upon the streets and avenues in or upon which the said railway shall be constructed, shall cause to be watered at least three times every twenty-four hours, when the temperature is above 35 degrees Fahrenheit, the entire width of the streets and avenues, except when the width of said streets and avenues shall exceed 60 feet between the curb lines, in which case the Company shall cause to be watered only 60 feet in width of such roadway, and the Company shall provide for such purpose at least one tank car, the capacity of which shall be sufficient to water such streets and avenues in a satisfactory manner.

for the City, the Company shall at its own expense protect or move the tracks and appurtenances in a manner as directed by the President of the Borough of The Bronx.

Twenty-third—Any alteration to the sewerage or drainage system, or to any other subsurface or any surface structures in the streets, required on account of the construction or operation of the railway, shall be made at the sole cost of the Company and in such manner as the proper City officials may prescribe.

Twenty-fourth—The Company agrees to comply with any and all the rules which may be made by the Commissioner of Water Supply, Gas and Electricity for the purpose of preventing the destruction of the pipes or structures in the street by electrolysis, which may be caused by the electric current used by the Company, whether such rules affect the method of the original construction of said railway or any reconstruction, maintenance or repairs upon such railway at any time during the term of this contract.

Twenty-fifth—Should the grades or lines of the streets in which franchises are herein granted be changed at any time during the term of this contract, the Company shall, at its own expense, change its tracks to conform with such new grades and lines, and during the construction of any public improvement upon said street the Company shall take care of and protect the track at its own expense, all to be done subject to the direction of the President of the Borough of The Bronx.

Twenty-sixth—The Company shall submit to the Board a report not later than November 1 of each year for the year ending September 30 next preceding, or at any other time, upon request of the Board, which shall state:

1. The amount of stock issued, for cash, for property.

2. The amount paid in as by last report.

3. The total amount of capital stock paid in.

4. The funded debt by last report.

5. The total amount of funded debt.

6. The floating debt as by last report.

7. The total amount of floating debt.

8. The total amount of funded and floating debt.

9. The average rate per annum of interest on funded debt.

10. Statement of dividends paid during the year.

11. The total amount expended for ssmse.

12. The names of the directors elected at the last meeting of the corporation held for such purpose.

13. Location, value and amount paid for real estate owned by the Company as by last report.

14. Location, value and amount paid for real estate now owned by the Company.

15. Number of passengers carried during the year.

16. Total receipts of Company for each class of business.

17. Amounts paid by the Company for damage to persons or property on account of construction and operation.

18. Total expenses for operation, including salaries,

—and such other information in regard to the business of the Company as may be required by the Board.

Twenty-seventh—The Company shall at all times keep accurate books of account of the gross earnings from all sources, and shall, on or before November 1 of each year, make a verified report to the Comptroller of the City of the business done by the Company for the year ending September 30 next preceding, in such form as he may prescribe. Such report shall contain a statement of such gross earnings, total miles in operation and the miles of railway constructed and operated under this contract and such other information as the Comptroller may require. The Comptroller shall have access to all books of the Company for the purpose of ascertaining the correctness of its report, and may examine its officers under oath.

Twenty-eighth—In case of any violation or breach or failure to comply with any of the provisions herein contained, this contract may be forfeited by a suit brought by the Corporation Counsel, on notice of ten days to the Company, or at the option of the Board by resolution of said Board, which said resolution may contain a provision to the effect that the railroad constructed and in use by virtue of this contract shall thereupon become the property of the City without proceedings at law or in equity.

Provided, however, that such action by the Board shall not be taken until the Board shall give notice to the Company to appear before it on a certain day not less than ten (10) days after the date of such notice, to show cause why such resolution declaring the contracts forfeited should not be adopted. In case the Company fails to appear, action may be taken by the Board forthwith.

Twenty-ninth—If the Company shall fail to give efficient public service at the rates herein fixed, or fail to maintain its structure in good condition throughout the whole term of this contract, the Board may give notice to the Company specifying any default on the part of the Company, and requiring the Company to remedy the same within a reasonable time; and upon failure of the Company to remedy such default within a reasonable time, the Company shall for each day thereafter during which the default or defect remains pay to the City the sum of one hundred dollars (\$100) as fixed or liquidated damages, or the Board, in case such structures which may affect the surface of the streets, shall not be put in good condition within a reasonable time after notice by the Board as aforesaid, shall have the right to make all needed repairs at the expense of the Company, in which case the Company shall pay to the City the amount of the costs of such repairs with legal interest thereon, all of which sums may be deducted from the fund hereinafter provided for.

Thirtieth—The Company shall assume all liability to persons or property by reason of the construction or operation of the railway authorized by this contract, and it is a condition of this contract that the City shall assume no liability whatsoever to either persons or property on account of the same, and the Company hereby agrees to repay to the City any damage which the City shall be compelled to pay by reason of any acts or default of the Company.

Thirty-first—This grant is upon the express condition that the Company, within thirty (30) days after the signing of this contract by the Mayor, and before anything is done in exercise of the rights conferred hereby, shall deposit with the Comptroller of the City the sum of three thousand five hundred dollars (\$3,500), either in money or securities, to be approved by him, which fund shall be security for the performance by the Company of all of the terms and conditions of this contract, especially those which relate to the payment of the annual charges for the privilege hereby granted, the efficiency of the public service rendered, the repairs of the street pavement, the removal of snow and ice and the quality of construction of the railway; and in case of default in the performance by the Company of such terms and conditions the City shall have the right to cause the work to be done and the materials to be furnished for the performance thereof after due notice, and shall collect the reasonable cost thereof from the said fund without legal proceedings; or after default in the payment of the annual charges, shall col-

lect the same, with interest, from the said fund after ten days' notice in writing to the Company; or in case of failure to keep the said terms and conditions of this contract relating to the headway, heating and lighting of cars, fenders, wheel guards and watering of street pavements, the Company shall pay a penalty of fifty dollars (\$50) per day for each day of violation, and the further sum of ten dollars (\$10) per day for each car that shall not be properly heated, lighted or supplied with fenders or wheel guards, in case of the violation of the provisions relating to those matters.

The procedure for the imposition and collection of the penalties in this contract shall be as follows:

The Comptroller of the City, on complaint made, shall, in writing, notify the Company, through its president, to appear before him on a certain day not less than ten (10) days after the date of such notice, to show cause why it should not be penalized in accordance with the foregoing provisions. If the Company fails to make an appearance, or, after a hearing, appears in the judgment of the Comptroller to be in fault, said Comptroller shall forthwith impose the prescribed penalty, or where the amount of the penalty is not prescribed herein, such amount as appears to him to be just, and without legal procedure withdraw the amount of such penalty from the security fund deposited with him. In case of any drafts made upon the security fund the Company shall, upon ten (10) days' notice in writing, pay to the Comptroller of the City a sum sufficient to restore said security fund to the original amount of three thousand five hundred dollars (\$3,500), and in default thereof this contract shall be canceled and annulled at the option of the Board, acting in behalf of the City. No action or proceeding or right under the provisions of this contract shall affect any other legal rights, remedies or causes of action belonging to the City.

Thirty-second—The grant of this privilege is subject to whatever right, title or interest the owners of abutting property or others may have in and to the streets, avenues and highways in which the Company is authorized to operate.

Thirty-third—The words "notice" or "direction," wherever used in this contract, shall be deemed to mean a written notice or direction. Every such notice or direction to be served upon the Company shall be delivered at such office in the City as shall have been designated by the Company, or if no such office shall have been designated, or if such designation shall have for any reason become inoperative, shall be mailed in the City, postage prepaid, addressed to the Company at the City. Delivery or mailing of such notice or direction as and when above provided shall be equivalent to direct personal notice or direction, and shall be deemed to have been given at the time of delivery or mailing.

Thirty-fourth—If at any time the powers of the Board or any other of the authorities herein mentioned, or intended to be mentioned, shall be transferred by law to any other Board, authority, officer or officers, then and in such case such other Board, authority, officer or officers, shall have all the powers, rights and duties herein reserved to or prescribed for the Board, or other authorities, officer or officers.

Sec. 3. This contract is also upon the further and express condition that the provisions of the Railroad Law applicable thereto, and all laws or ordinances now in force, or which may be adopted, affecting the surface railways operating in the City, not inconsistent with the terms and conditions hereinbefore fixed, shall be strictly complied with by the Company.

Sec. 4. The Company promises, covenants and agrees on its part and behalf to conform to and abide by and perform all the terms and conditions and requirements in this contract fixed and contained.

In witness whereof the party of the first part, by its Mayor, thereunto duly authorized by the Board of Estimate and Apportionment of said City, has caused the corporate name of said City to be hereunto signed and the corporate seal of the second part, by its officers, thereunto duly authorized, has caused its corporate name to be hereunto signed and its corporate seal to be hereunto affixed, the day and year first above written.

THE CITY OF NEW YORK,

By Mayor.

[CORPORATE SEAL.]

Attest:

..... City Clerk.

UNION RAILWAY COMPANY OF NEW YORK CITY.

By President.

[SEAL.]

Attest:

..... Secretary.

(Here add acknowledgments.)

Resolved, That the results of the inquiry made by this Board as to the money value of the franchise or right proposed to be granted, and the adequacy of the compensation proposed to be paid therefor, and of the terms and conditions, including the provision as to rates, fares and charges, are as hereinbefore specified and fully set forth in and by the foregoing form of proposed contract for the grant of such franchise or right.

Resolved, That these preambles and resolutions, including the said resolution for the grant of a franchise or right applied for by the Union Railway Company of New York City, and the said form of proposed contract for the grant of such franchise or right contained said results of such inquiry, after the same shall be entered in the minutes of this Board, shall be published for at least twenty (20) days immediately prior to Friday, December 18, 1908, in the CITY RECORD, and at least twice during the ten days immediately prior to December 18, 1908, in two daily newspapers to be designated by the Mayor thereof and published in The City of New York, at the expense of the Union Railway Company of New York City, together with the following notice, to wit:

Notice is hereby given that the Board of Estimate and Apportionment, before authorizing any contract for the grant of the franchise or right applied for by the Union Railway Company of New York City, and fully set forth and described in the foregoing form of proposed contract for the grant of such franchise or right, and before adopting any resolution authorizing any such contract, will, at a meeting of said Board, to be held in the Old Council Chamber, City Hall, Borough of Manhattan, City of New York, on Friday, December 18, 1908, at 10:30 o'clock a. m., hold a public hearing thereon, at which citizens shall be entitled to appear and be heard.

JOSEPH HAAG, Secretary.

Dated New York, November 13, 1908.

[n24.11]

DEPARTMENT OF STREET CLEANING.

MAIN OFFICE OF THE DEPARTMENT OF STREET CLEANING, ROOM 1403, NOS. 13 TO 21 PARK ROW, BOROUGH OF MANHATTAN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE received by the Commissioner of Street Cleaning at the above office until 12 o'clock m.

TUESDAY, DECEMBER 29, 1908.

Borough of Brooklyn.

CONTRACT FOR FURNISHING AND DELIVERING FORAGE.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of Manhattan.

CONTRACT FOR FURNISHING AND DELIVERING FORAGE.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of The Bronx.

CONTRACT FOR FURNISHING AND DELIVERING FORAGE.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of The Bronx.

CONTRACT FOR FURNISHING AND DELIVERING FORAGE.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of The Bronx.

CONTRACT FOR FURNISHING AND DELIVERING FORAGE.

The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of The Bronx.

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The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of The Bronx.

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The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

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Borough of The Bronx.

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Borough of The Bronx.

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Borough of The Bronx.

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The time for the delivery of the articles, materials and supplies and the performance of the contract is by or before March 31, 1909.

The amount of security required is fifty per cent. (50%) of the amount of the bid or estimate.

Borough of The Bronx.

CONTRACT FOR FURNISHING AND DELIVERING FORAGE.

concrete foundation between Avenue O and Gravesend Neck road, to read as follows: "To pave with asphalt on concrete foundation East Fifteenth street, from Avenue O to Avenue R, and from Avenue S to Gravesend Neck road."

No. 55. President Street—To pave with asphalt on concrete foundation President street, between Utica and Schenectady avenues.

No. 56. West Fourth Street—To amend resolution of July 2, 1906, initiating proceedings to regulate, grade, set curb on concrete, lay brick gutters and cement sidewalks on West Fourth street, between Kings highway and Avenue T, to read as follows: "To regulate, grade, set cement curb and lay cement sidewalks on West Fourth street, between Kings highway and Avenue T."

No. 57. West Fourth Street—To amend resolution of July 2, 1906, initiating proceedings to pave with macadam West Fourth street, between Kings highway and Avenue T, to read as follows: "To pave with asphalt on concrete foundation West Fourth street, between Kings highway and Avenue T."

No. 58. West Fourth Street—To open West Fourth street, from Sixty-fifth street to Avenue T.

No. 59. Rutland Road—To regulate, grade, set cement curb and lay cement sidewalks on Rutland road, from Nostrand avenue to Kingston avenue.

No. 60. Rutland Road—To pave with asphalt on concrete foundation Rutland road, between Nostrand and Kingston avenues.

No. 61. Kingston Avenue—To regulate and grade Kingston avenue, from Hawthorne street to Winthrop street; set or reset curb on concrete and lay cement sidewalks, from Rutland road to Winthrop street, and relay brick gutters on concrete foundation, from Rutland road to Hawthorne street.

No. 62. Kingston Avenue—To pave with asphalt on concrete foundation Kingston avenue, between Rutland road and Winthrop street.

No. 63. Germania Place—To regulate, grade, set cement curb and pave with asphalt on concrete foundation Germania place, between Flatbush avenue and Amherst place.

No. 64. Avenue D—To pave with asphalt on concrete foundation Avenue D, from Flatbush avenue to Rogers avenue.

No. 65. East Third Street—To pave East Third street with asphalt block on concrete foundation, between Vanderbilt street and Greenwood avenue, and with sheet asphalt on concrete foundation, between Greenwood and Fort Hamilton avenues.

No. 66. Neptune Avenue—To amend resolution of July 2, 1906, initiating proceedings to set curb on concrete, lay brick gutters and cement sidewalks and pave with macadam Neptune avenue, between West Thirty-sixth and West Thirty-seventh streets, to read as follows: "To set curb on concrete, lay cement sidewalks and pave with asphalt on concrete foundation on Neptune avenue, between West Thirty-sixth and West Thirty-seventh streets."

No. 67. Avenue L—To amend resolution of July 2, 1906, initiating proceedings to regulate, grade, set curb on concrete, set brick gutters and lay cement sidewalks on Avenue L, from Ocean parkway to Coney Island avenue, by excluding from the provisions thereof the setting of brick gutters.

No. 68. Avenue L—To amend resolution of July 2, 1906, initiating proceedings to pave with macadam Avenue L, from Ocean parkway to Coney Island avenue, by substituting asphalt pavement on concrete foundation for macadam.

No. 69. Brooklyn Avenue—To regulate, grade, set cement curb and lay cement sidewalks on Brooklyn avenue, between Clarkson street and Ditmas avenue.

No. 70. Turner Place—To regulate, grade, set cement curb and lay cement sidewalks on Turner place, between Coney Island avenue and East Eleventh street.

No. 71. Turner Place—To pave with asphalt on concrete foundation Turner place, between Coney Island avenue and East Eleventh street.

No. 72. Fifty-seventh Street—To regulate, grade, set cement curb and lay cement sidewalks, where not already done, on Fifty-seventh street, between Fifteenth and Sixteenth avenues.

No. 73. Montgomery Street—To regulate, grade, set cement curb and lay cement sidewalks on Montgomery street, between Rogers and Nostrand avenues.

No. 74. Ocean Avenue—To set cement curb and lay cement sidewalks, where not already done, on Ocean avenue, from Avenue H to Avenue I.

No. 75. Avenue O—To regulate, grade, set cement curb and lay cement sidewalks on Avenue O, from East Fifteenth street to Coney Island avenue.

No. 76. Schenectady Avenue—To pave with cement five feet wide the sidewalk opposite lot lying on the west side of Schenectady avenue, between Pacific street and Dean street, known as No. 40, Block 1341.

No. 77. Emmons Avenue—To lay cement sidewalks five feet wide on the south side of Emmons avenue, from the line of the Brighton Beach Railroad to a point about 75 feet east of Covle street, where not already laid.

No. 78. St. Marks Avenue—To lay cement sidewalks five feet wide on the south side of St. Marks avenue, between Schenectady avenue and Utica avenue, where not already done.

No. 79. Park Place—To pave with cement five feet wide the sidewalk opposite lot lying on the north side of Park place, between Albany avenue and Kingston avenue, known as No. 56, Block 1327.

No. 80. Utica Avenue—To enclose with a wooden rail fence six feet high lots lying on the west side of Utica avenue, between St. Marks avenue and Prospect place, known as Nos. 52 and 54, Block 1360.

No. 81. Lincoln Road—To lay cement sidewalk to extend to the curb in Lincoln road, at the northwest corner of Rogers avenue, in front of Lot No. 54, Block 1328.

BIRD S. COLER, President.

CHARLES FREDERICK ADAMS, Secretary.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN, ROOM 2, BOROUGH HALL, BOROUGH OF BROOKLYN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE RECEIVED BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN AT THE ABOVE OFFICE UNTIL 11 O'CLOCK A.M. ON

WEDNESDAY, DECEMBER 30, 1908.

No. 1. REGULATING AND REPAVING WITH GRANITE ON A CONCRETE FOUNDATION THE ROADWAY OF FLUSHING AVENUE, FROM WASHINGTON TO KENT AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

4,150 square yards granite pavement, with tar and gravel joints, outside of railroad area (one year maintenance).

1,220 square yards granite pavement, with tar and gravel joints, within railroad area (no maintenance).

50 square yards old stone pavement, relaid in approaches, etc.

695 cubic yards concrete, outside railroad area.

200 cubic yards concrete, within railroad area.

3,050 linear feet new curbstone, set in concrete.

760 linear feet old curbstone, reset in concrete.

140 square feet new granite bridgestones, outside of railroad area.

30 square feet new granite bridgestones, within railroad area.

240 square feet old bridgestones relaid.

The time allowed for the completion of the work and the full performance of the contract is forty (40) working days.

The amount of security required is Seven Thousand Eight Hundred Dollars (\$7,800).

No. 2. FOR REGULATING, GRADING, CURBING AND LAYING SIDEWALKS ON FORREST STREET, FROM CENTRAL AVENUE TO FLUSHING AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

880 linear feet new curbstone, set in concrete.

20 linear feet old curbstone, reset in concrete.

930 cubic yards earth excavation.

50 cubic yards earth filling (not to be bid for).

50 cubic yards concrete (not to be bid for).

4,400 square feet cement sidewalk.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Eight Hundred and Twenty-five Dollars (\$825).

No. 3. FOR REGULATING AND REPAVING WITH GRANITE ON A CONCRETE FOUNDATION THE ROADWAY OF MYRTLE AVENUE, FROM WASHINGTON STREET TO LAWRENCE STREET, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,140 square yards granite pavement, with tar and gravel joints, outside railroad area (one year maintenance).

590 square yards granite pavement, with tar and gravel joints, within railroad area (no maintenance).

30 square yards old stone pavement, relaid in approaches, etc.

365 cubic yards concrete, outside railroad area.

100 cubic yards concrete, within railroad area.

1,540 linear feet new curbstone, set in concrete.

70 linear feet old curbstone, reset in concrete.

460 square feet new granite bridgestones, outside railroad area.

130 square feet new granite bridgestones, within railroad area.

220 square feet old bridgestones relaid.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Three Thousand Nine Hundred and Fifty Dollars (\$3,950).

No. 4. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF ROCKAWAY AVENUE, FROM ATLANTIC AVENUE TO BLAKE AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

6,280 square yards asphalt pavement, outside railroad area (5 years' maintenance).

1,630 square yards asphalt pavement, within railroad area (no maintenance).

10 square yards old stone pavement, relaid in approaches, etc.

880 cubic yards concrete, outside railroad area.

240 cubic yards concrete, within railroad area.

6,160 linear feet new curbstone, set in concrete.

700 linear feet old curbstone, reset in concrete.

The time allowed for the completion of the work and the full performance of the contract is forty (40) working days.

The amount of security required is Seventy-five Hundred Dollars (\$7,500).

No. 5. FOR GRADING A PORTION OF A LOT ON THE NORTHEAST CORNER OF GREENWOOD AND PROSPECT AVENUES, KNOWN AS NO. 1, BLOCK 5277.

Engineer's estimate of the quantity is as follows:

118 cubic yards earth excavation.

The time allowed for the completion of the work and the full performance of the contract is ten (10) working days.

The amount of security required is Twenty Dollars (\$20).

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per linear foot, square foot, square yard or other unit of measure, by which the bids will be tested. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Bureau of Highways, the Borough of Brooklyn, No. 14 Municipal Building, Brooklyn.

BIRD S. COLER, President.

Dated December 8, 1908.

The time allowed for the completion of the work and full performance of the contract will be thirty days.

The amount of security required will be \$700.

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, by which the bids will be tested. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Bureau of Public Buildings and Offices, the Borough of Brooklyn, No. 29 Municipal Building, Brooklyn.

BIRD S. COLER, President.

Dated December 14, 1908.

d15.30

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN, ROOM 2, BOROUGH HALL, BOROUGH OF BROOKLYN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE RECEIVED BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN AT THE ABOVE OFFICE UNTIL 11 O'CLOCK A.M. ON

WEDNESDAY, DECEMBER 23, 1908.

No. 1. FOR REGULATING, GRADING, CURBING AND LAYING SIDEWALKS ON A CONCRETE FOUNDATION THE ROADWAY OF FULTON STREET, BETWEEN HANOVER PLACE AND FLATBUSH AVENUE, AND FLATBUSH AVENUE, BETWEEN FULTON STREET AND FIFTH AVENUE (BOTH SIDES), AND THE EAST SIDE OF FLATBUSH AVENUE, BETWEEN FIFTH AVENUE AND PLAZA STREET, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

21,284 square yards asphalt pavement, including binder course, outside railroad area (5 years' maintenance).

3,006 square yards asphalt pavement, including binder course, within railroad area (no maintenance).

93 square yards old stone pavement, to be relaid in approaches, etc.

2,967 cubic yards concrete, outside railroad area.

419 cubic yards concrete, within railroad area.

3,846 linear feet new curbstone, set in concrete.

1,854 linear feet old curbstone, redressed, rejointed and reset in concrete.

2 noiseless manhole heads and covers.

20,886 square feet cement sidewalk.

The time allowed for the completion of the work and the full performance of the contract is eighty (80) working days.

The amount of security required is Twenty-two Thousand Dollars (\$22,000).

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per linear foot, square foot, square yard or other unit of measure, by which the bids will be tested. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Bureau of Highways, the Borough of Brooklyn, No. 14 Municipal Building, Brooklyn.

BIRD S. COLER, President.

Dated December 8, 1908.

d9.23

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE PRESIDENT OF THE BOROUGH OF BROOKLYN, ROOM 2, BOROUGH HALL, BOROUGH OF BROOKLYN, THE CITY OF NEW YORK.

SEALED BIDS OR ESTIMATES WILL BE RECEIVED BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN AT THE ABOVE OFFICE UNTIL 11 O'CLOCK A.M. ON

WEDNESDAY, DECEMBER 23, 1908.

No. 2. FOR REGULATING, GRADING, CURBING AND LAYING SIDEWALKS ON A CONCRETE FOUNDATION THE ROADWAY OF EAST TWENTY-THIRD STREET, FROM AVENUE F TO AVENUE G, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

880 square yards asphalt pavement, including binder course.

940 linear feet cement sidewalk.

The time allowed for the completion of the work and the full performance of the contract is twenty-five (25) working days.

The amount of security required is Two Thousand and Fifty Dollars (\$2,050).

No. 3. FOR REGULATING, GRADING, CURBING AND LAYING SIDEWALKS ON A CONCRETE FOUNDATION THE ROADWAY OF EAST TWENTY-THIRD STREET, FROM AVENUE F TO AVENUE G, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

880 square yards asphalt pavement, including binder course.

940 linear feet cement sidewalk.

The time allowed for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Eight Hundred Dollars (\$800).

No. 4. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF CLINTON STREET, FROM WARREN STREET TO BALTIC STREET, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

890 square yards asphalt pavement, including binder course.

10 square yards old stone pavement, to be relaid in approaches, etc.

125 cubic yards concrete.

No. 13. FOR REGULATING AND PAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF HAVEN PLACE, FROM ATLANTIC AVENUE TO HERKIMER STREET, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

1,180 square yards asphalt pavement, including binder course.

165 cubic yards concrete.

The time allowed for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Eight Hundred and Fifty Dollars (\$850).

No. 14. FOR REGULATING AND REPAVING WITH GRANITE ON A CONCRETE FOUNDATION THE ROADWAY OF JOHNSON AVENUE, FROM BUSHWICK AVENUE TO MORGAN AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,600 square yards granite pavement, with tar and gravel joints, outside railroad area (one year maintenance).

900 square yards granite pavement, with tar and gravel joints, within railroad area (no maintenance).

30 square yards old stone pavement, to be relaid in approaches, etc.

430 cubic yards concrete, outside railroad area.

160 cubic yards concrete, within railroad area.

3,530 linear feet new curbstone, set in concrete.

90 linear feet old curbstone, redressed, rejoined and reset in concrete.

640 square feet old bridgestones, rejoined and relaid.

The time allowed for the completion of the work and the full performance of the contract is forty (40) working days.

The amount of security required is Fifty-seven Hundred Dollars (\$5,700).

No. 15. FOR REGULATING, GRADING, CURBING AND LAYING SIDEWALKS ON PARK PLACE, FROM EASTERN PARKWAY EXTENSION TO RALPH AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

3,560 linear feet new curbstone, set in concrete.

50 linear feet old curbstone, redressed, rejoined and reset in concrete.

12,970 cubic yards excavation.

70 cubic yards filling, not to be bid for.

200 cubic yards concrete, not to be bid for.

12,730 square feet cement sidewalk.

The time allowed for the completion of the work and the full performance of the contract is seventy (70) working days.

The amount of security required is Fifty-six Hundred Dollars (\$5,600).

No. 16. FOR REGULATING AND PAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF PROSPECT PLACE, FROM BUFFALO AVENUE TO ROCKAWAY AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

12,900 square yards asphalt pavement, including binder course.

1,800 cubic yards concrete.

The time allowed for the completion of the work and the full performance of the contract is fifty (50) working days.

The amount of security required is Ninety-six Hundred and Fifty Dollars (\$9,500).

No. 17. FOR REGULATING AND PAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF SEVENTY-EIGHTH STREET, FROM THIRD AVENUE TO FOURTH AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,090 square yards asphalt pavement, including binder course.

290 cubic yards concrete.

The time allowed for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Fifteen Hundred and Fifty Dollars (\$1,550).

No. 18. FOR REGULATING AND PAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF SHEFFIELD AVENUE, FROM PITKIN AVENUE TO BLAKE AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,730 square yards asphalt pavement, including binder course.

380 cubic yards concrete.

The time allowed for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Two Thousand Dollars (\$2,000).

No. 19. FOR REGULATING AND REPAVING WITH ASPHALT BLOCK ON A CONCRETE FOUNDATION THE ROADWAY OF THIRY-THIRD STREET, FROM FOURTH AVENUE TO FIFTH AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,430 square yards asphalt block pavement.

10 square yards old stone pavement, to be relaid in approaches, etc.

370 cubic yards concrete.

730 linear feet new curbstone set in concrete.

730 linear feet old curbstone redressed, rejoined and reset in concrete.

7 noiseless covers and heads for sewer manholes.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Twenty-four Hundred Dollars (\$2,400).

No. 20. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF WASHINGTON AVENUE, FROM LAFAYETTE AVENUE TO DEKALB AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,900 square yards asphalt pavement, including binder course.

10 square yards old stone pavement, to be relaid in approaches, etc.

320 cubic yards concrete.

880 linear feet new curbstone, set in concrete.

100 linear feet old curbstone, redressed, rejoined and reset in concrete.

5 noiseless covers and heads for sewer manholes.

The time allowed for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Twenty-one Hundred Dollars (\$2,100).

No. 21. FOR REGULATING AND PAVING WITH ASPHALT ON A CONCRETE

FOUNDATION THE ROADWAY OF WINTHROP STREET, FROM ROGERS AVENUE TO NOSTRAND AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO. Engineer's estimate of the quantities is as follows:

2,510 square yards asphalt pavement, including binder course.

350 cubic yards concrete.

The time allowed for the completion of the work and the full performance of the contract is twenty (20) working days.

The amount of security required is Fifteen Hundred and Fifty Dollars (\$1,550).

The bidder will state the price of each item or article contained in the specifications or schedules herein contained or hereto annexed, per linear foot, square yard, cubic yard or other unit of measure, by which the bids will be tested. The bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Bureau of Highways, Room No. 14, Municipal Building, the Borough of Brooklyn.

BIRD S. COLER, President.

Dated December 8, 1908.

Engineer's estimate of the quantities is as follows:

2,410 square yards asphalt pavement, including binder course.

10 square yards old stone pavement, to be relaid in approaches, etc.

330 cubic yards concrete.

640 linear feet new curbstone, set in concrete.

800 linear feet old curbstone, redressed, rejoined and reset in concrete.

4 noiseless manhole heads and covers.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Twenty-one Hundred Dollars (\$2,100).

No. 7. FOR REGULATING AND REPAVING WITH ASPHALT BLOCK ON A CONCRETE FOUNDATION THE ROADWAY OF FLATBUSH AVENUE (WESTERLY SIDE), FROM FIFTH AVENUE TO PLAZA STREET, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

9,862 square yards asphalt block pavement, outside railroad area (five years' maintenance).

913 square yards asphalt block pavement, within railroad area (no maintenance).

26 square yards old stone pavement, to be relaid in approaches, etc.

852 cubic yards concrete, outside railroad area.

55 cubic yards concrete, within railroad area.

1,846 linear feet new curbstone, set in concrete.

806 linear feet old curbstone, redressed, rejoined and reset in concrete.

8,192 square yards old asphalt pavement, to be removed.

The time allowed for the completion of the work and the full performance of the contract is sixty (60) working days.

The amount of security required is Nine Thousand Dollars (\$9,000).

No. 9. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF FRANKLIN AVENUE, FROM JEFFERSON AVENUE TO ATLANTIC AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

1,920 square yards asphalt pavement, including binder course, outside railroad area (five years' maintenance).

495 square yards asphalt pavement, including binder course, within railroad area (no maintenance).

10 square yards old stone pavement, to be relaid in approaches, etc.

270 cubic yards concrete, outside railroad area.

70 cubic yards concrete, within railroad area.

1,674 linear feet new curbstone, set in concrete.

420 linear feet old curbstone, redressed, rejoined and reset in concrete.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Two Thousand Dollars (\$2,000).

No. 10. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF MARCY AVENUE, FROM MIDDLETON STREET TO FLUSHING AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

1,840 square yards asphalt pavement, including binder course, outside railroad area (five years' maintenance).

430 square yards asphalt pavement, including binder course, within railroad area (no maintenance).

70 square yards old stone pavement, to be relaid in approaches, etc.

260 cubic yards concrete, outside railroad area.

60 cubic yards concrete, within railroad area.

1,590 linear feet new curbstone, set in concrete.

170 linear feet old curbstone, redressed, rejoined and reset in concrete.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Two Thousand Dollars (\$2,000).

No. 11. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF SACKMAN STREET, FROM FULTON STREET TO ATLANTIC AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

1,920 square yards asphalt pavement, including binder course.

10 square yards old stone pavement, to be relaid in approaches, etc.

265 cubic yards concrete.

950 linear feet new curbstone, set in concrete.

200 linear feet old curbstone, redressed, rejoined and reset in concrete.

5 noiseless manhole heads and covers.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Six Hundred and Twenty-five Dollars (\$625).

No. 4. FOR REGULATING AND PAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF EIGHTIETH STREET, BETWEEN FIRST AND SECOND AVENUES, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

2,280 square yards asphalt pavement, including binder course.

320 cubic yards concrete.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Six Hundred and Twenty-five Dollars (\$625).

No. 12. FOR CONSTRUCTING CEMENT SIDEWALKS ON BOTH SIDES OF FIFTY-SECOND STREET, BETWEEN SEVENTH AND EIGHTH AVENUES, WHERE NOT ALREADY DONE, AND ON VARIOUS OTHER STREETS IN THE BOROUGH OF BROOKLYN.

Engineer's estimate of the quantity is as follows:

1,770 square yards granite pavement, with tar and gravel joints, laid outside railroad area (one year maintenance).

660 square yards granite pavement, with tar and gravel joints, laid within railroad area (no maintenance).

300 cubic yards concrete, outside railroad area.

110 cubic yards concrete, within railroad area.

1,210 linear feet new curbstone, set in concrete.

1,170 linear feet old curbstone, redressed, rejoined and reset in concrete.

120 cubic yards concrete, under curb (not to be bid for).

180 square feet new granite bridgestones, outside railroad area.

60 square feet new granite bridgestones, within railroad area.

The time allowed for the completion of the work and the full performance of the contract is thirty (30) working days.

The amount of security required is Forty-one Hundred and Fifty Dollars (\$4,150).

No. 6. FOR REGULATING AND REPAVING WITH ASPHALT ON A CONCRETE FOUNDATION THE ROADWAY OF FORTY-NINTH STREET, BETWEEN SECOND AND THIRD AVENUES, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantities is as follows:

3,484 cubic yards earth excavation.

91 cubic yards earth filling (not to be bid for).

The time allowed for the completion of the work and the full performance of the contract is seventy (70) working days.

The amount of security required is Six Hundred Dollars (\$600).

No. 14. FOR LAYING CROSSWALKS ON THE EASTERLY CROSSING OF SEVENTY-EIGHTH STREET AND FORT HAMILTON AVENUE, AND AT THE EASTERLY AND

SOUTHERLY CROSSINGS AT THE INTERSECTION OF SEVENTY-NINTH STREET AND SEVENTH AVENUE, TOGETHER WITH ALL WORK INCIDENTAL THERETO.

Engineer's estimate of the quantity is as follows:

540 square feet new bluestone bridging.

The amount of security required will be Eighteen Hundred Dollars (\$1,800).
No. 4. FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR CONSTRUCTING SEWER BASINS ON HOPKINSON AVENUE, AT THE NORTHEAST CORNER OF RIVERDALE AVENUE, AND AT THE NORTHEAST CORNER OF LIVONIA AVENUE, AND AT THE SOUTHWEST CORNER OF CHESTER STREET AND DUMONT AVENUE.

The Engineer's preliminary estimate of the quantities is as follows:

3 sewer basins, complete, of either standard design, with iron pans or gratings, iron basin hoods and connecting culverts, including all incidentals and appurtenances, per basin, \$160 \$480 00

The time allowed for the completion of the work and full performance of the contract will be twenty (20) working days.

The amount of security required will be Two Hundred and Forty Dollars (\$240).

No. 5. FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR CONSTRUCTING SEWER BASINS AT THE EASTERN AND SOUTHERLY CORNERS OF FIRST AVENUE AND SEVENTY-THIRD STREET.

The Engineer's preliminary estimate of the quantities is as follows:

30 linear feet of 12-inch pipe sewer, laid complete, including all incidentals and appurtenances, per linear foot, \$1.50 \$45 00
2 sewer basins, complete, of either standard design, with iron pans or gratings, iron basin hoods and connecting culverts, including all incidentals and appurtenances, per basin, \$150 300 00

Total \$345 00

The time allowed for the completion of the work and full performance of the contract will be fifteen (15) working days.

The amount of security required will be One Hundred and Seventy Dollars (\$170).

No. 6. FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR CONSTRUCTING SEWER BASINS AT THE NORTHWEST AND SOUTHWEST CORNERS OF NOSTRAND AND CHURCH AVENUES.

The Engineer's preliminary estimate of the quantities is as follows:

2 sewer basins, complete, of either standard design, with iron pans or gratings, iron basin hoods and connecting culverts, including all incidentals and appurtenances, per basin, \$155 \$310 00

The time allowed for the completion of the work and full performance of the contract will be fifteen (15) working days.

The amount of security required will be One Hundred and Fifty Dollars (\$150).

No. 7. FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR CONSTRUCTING SEWER BASIN AT THE NORTHERLY CORNER OF FIFTY-NINTH STREET AND SIXTH AVENUE.

The Engineer's preliminary estimate of the quantities is as follows:

1 sewer basin, complete, of either standard design, with iron pans or gratings, iron basin hood and connecting culvert, including all incidentals and appurtenances, per basin, \$190 \$190 00

The time allowed for the completion of the work and full performance of the contract will be ten (10) working days.

The amount of security required will be One Hundred Dollars (\$100).

No. 8. FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR CONSTRUCTING SEWER BASIN AT THE WESTERLY CORNER OF NEW Utrecht AVENUE AND EIGHTY-FOURTH STREET.

The Engineer's preliminary estimate of the quantities is as follows:

1 sewer basin, complete, of either standard design, with iron pans or gratings, iron basin hood and connecting culvert, including all incidentals and appurtenances, per basin, \$150 \$150 00

The time allowed for the completion of the work and full performance of the contract will be ten (10) working days.

The amount of security required will be Seventy-five Dollars (\$75).

No. 9. FOR FURNISHING ALL THE LABOR AND MATERIAL REQUIRED FOR CONSTRUCTING SEWER BASIN AT THE SOUTHWEST CORNER OF VANDAM STREET AND BRIDGEWATER STREET.

The Engineer's preliminary estimate of the quantities is as follows:

1 sewer basin, complete, of either standard design, with iron pans or gratings, iron basin hood and connecting culvert, including all incidentals and appurtenances, per basin, \$140 \$140 00

The time allowed for the completion of the work and full performance of the contract will be ten (10) working days.

The amount of security required will be Seventy Dollars (\$70).

The foregoing Engineer's preliminary estimates of total cost for the completed work are in each case to be taken as the 100 per cent. basis and test for bidding. Proposals shall each state a single percentage of such 100 per cent. cost (such as 95 per cent., 100 per cent., or 105 per cent.) for which all material and work called for in the proposed contracts, and the notices to bidders are to be furnished to the City. Such percentage, as bid for each contract, shall apply to all unit items specified in the Engineer's preliminary estimate to an amount necessary to complete the work described in the contract.

Blank forms and further information may be obtained and the plans and drawings may be seen at the office of the Bureau of Sewers, the Borough of Brooklyn, No. 215 Montague street, Brooklyn.

BIRD S. COLER, President.

Dated November 30, 1908.

dr.16

See General Instructions to Bidders on the last page, last column, of the "City Record."

BOARD OF CITY RECORD.

PROPOSALS FOR BIDS OR ESTIMATES.

SEALED BIDS OR ESTIMATES WILL BE received at the office of the Supervisor of the City Record, Room 807, Park Row Building, Nos. 13 to 21 Park row, in The City of New York, until 11 o'clock a. m., on

THURSDAY, DECEMBER 17, 1908.

FOR SUPPLYING PRINTED, LITHOGRAPHED OR BLANK BOOKS, DOCKETS,

LIBERS, BINDING COVERS, BINDING, ETC., FOR THE USE OF THE COURTS AND THE DEPARTMENTS AND BUREAUS OF THE GOVERNMENT OF THE CITY OF NEW YORK DURING THE YEAR 1909.

The time of delivery of the materials and supplies and the performance of the contract shall not be later than June 30, 1909. The Supervisor, however, may require delivery at an earlier date of any item or items on this contract by notice to the contractor, whereupon the item or items called for must be delivered no later than thirty days after said notice.

The amount of security shall be twenty-five per cent. of the amount of the bid.

The person or persons making an estimate shall furnish the same, in a sealed envelope indorsed with the title given above, of the work for which the estimate is made, with his or their name or names, and the date of presentation to the Supervisor of the City Record, at the said office, on or before the date and hour above named, at which time and in the office of the Mayor the estimates received will be publicly opened by the Board of City Record and read, and the award of the contract made according to law as soon thereafter as practicable.

The bidder must state the item price for each item and the total price of each Department, Bureau or Court schedule. The bids will be tested and the award made by the schedule.

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

The said Board reserves the right to reject all bids or estimates if it deems it to be for the interest of the City so to do.

Delivery will be required to be made at the office of the City Record from time to time and in such quantities as may be directed by the Supervisor of the City Record.

For particulars as to the quantity and quality of the supplies or the nature and extent of the work reference must be made to the specifications, to be had at the office of the Supervisor and on file in the office of the Comptroller.

GEORGE B. McCLELLAN, Mayor;
FRANCIS KEY PENDLETON,
Corporation Counsel;

HERMAN A. METZ, Comptroller;
Board of City Record.

The City of New York, December 7, 1908.

dr.17

See General Instructions to Bidders on the last page, last column, of the "City Record."

BOROUGH OF RICHMOND.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF RICHMOND, BOROUGH HALL, ST. GEORGE, NEW BRIGHTON, NEW YORK CITY.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of Richmond, at the above office, until 12 o'clock noon on

TUESDAY, DECEMBER 22, 1908.

Borough of Richmond.

FOR FURNISHING AND DELIVERING FORTY-FIVE THOUSAND (45,000) FEET (B. M.) SPRUCE AND TWENTY THOUSAND (20,000) FEET (B. M.) YELLOW PINE LUMBER AT CITY STABLE, COLUMBIA STREET, WEST NEW BRIGHTON.

The time for the completion of the work and the full performance of the contract is ten (10) days.

The amount of security required is One Thousand Dollars (\$1,000).

The contracts must be bid for separately, and the bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Bidders are requested to make their bids or estimates upon the blank form prepared by the President, a copy of which, with the proper envelope in which to enclose the bid, together with a copy of the contract, including the specifications, in the form approved by the Corporation Counsel, can be obtained upon application therefor at the office of the said President. The plans and drawings may be seen and other information obtained at the office of the Commissioner of Public Works of the Borough of Richmond, Borough Hall, New Brighton, Borough of Richmond.

GEORGE CROMWELL, President.
The City of New York, December 5, 1908.

dr.22

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE PRESIDENT OF THE BOROUGH OF RICHMOND, BOROUGH HALL, ST. GEORGE, NEW BRIGHTON, NEW YORK CITY.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of Richmond, at the above office, until 12 o'clock noon on

TUESDAY, DECEMBER 15, 1908.

Borough of Richmond.

FOR FURNISHING AND DELIVERING ONE (1) TEN (10) TON STEAM ROAD ROLLER.

The time for the completion of the work and the full performance of the contract is fifteen (15) days.

The amount of security required is Fifteen Hundred Dollars (\$1,500).

The contracts must be bid for separately, and the bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Bidders are requested to make their bids or estimates upon the blank form prepared by the President, a copy of which, with the proper envelope in which to enclose the bid, together with a copy of the contract, including the specifications, in the form approved by the Corporation Counsel, can be obtained upon application therefor at the office of the said President. The plans and drawings may be seen and other information obtained at the office of the Commissioner of Public Works of the Borough of Richmond, Borough Hall, New Brighton, Borough of Richmond.

GEORGE CROMWELL, President.
The City of New York, November 27, 1908.

dr.15

See General Instructions to Bidders on the last page, last column, of the "City Record."

OFFICE OF THE PRESIDENT OF THE BOROUGH OF RICHMOND, BOROUGH HALL, ST. GEORGE, NEW BRIGHTON, NEW YORK CITY.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of Richmond at the above office until 12 o'clock

TUESDAY, DECEMBER 15, 1908.

Borough of Richmond.

FOR FURNISHING AND DELIVERING FORAGE AT STABLE A, ON SWAN STREET, TOMPKINSVILLE, S. I.

The Superintendent's estimate of the quantity and quality of the material, and the nature and

extent, as near as possible, of the work required is as follows:

140,000 pounds hay.
20,000 pounds straw.
145,000 pounds oats.
7,000 pounds bran.
125 pounds fine salt.
100 pounds oat meal.
150 pounds oil meal.
100 pounds ground corn.
10 dozen salt bricks.

The time for the completion of the work and the full performance of the contract is by or before June 30, 1909.

The amount of security required is Eighteen Hundred Dollars (\$1,800).

No. 2. FOR FURNISHING AND DELIVERING FORAGE AT STABLE B, ON COLUMBIA STREET, WEST NEW BRIGHTON, S. I.

The Superintendent's estimate of the quantity and quality of the material, and the nature and extent, as near as possible, of the work required is as follows:

90,000 pounds hay.
15,000 pounds straw.
90,000 pounds oats.
2,800 pounds bran.
50 pounds fine salt.
100 pounds oat meal.
600 pounds oil meal.
100 pounds ground corn.
6 dozen salt bricks.

The time for the completion of the work and the full performance of the contract is by or before June 30, 1909.

The amount of security required is Eleven Hundred Dollars (\$1,100).

No. 3. FOR SHOEING THE HORSES AT STABLE A, ON SWAN STREET, TOMPKINSVILLE, S. I.

The Superintendent's estimate of the quantity and quality of the material, and the nature and extent, as near as possible, of the work required is as follows:

26 draught horses.
13 light driving horses.

The time for the completion of the work and the full performance of the contract is by or before December 31, 1909.

The amount of security required is Four Hundred Dollars (\$400).

No. 4. FOR SHOEING THE HORSES AT STABLE B, ON COLUMBIA STREET, WEST NEW BRIGHTON, S. I.

The Superintendent's estimate of the quantity and quality of the material, and the nature and extent, as near as possible, of the work required is as follows:

23 draught horses.
4 light driving horses.

The time for the completion of the work and the full performance of the contract is by or before December 31, 1909.

The amount of security required is Three Hundred Dollars (\$300).

The contracts must be bid for separately and the bids will be compared and the contract awarded at a lump or aggregate sum for each contract.

Bidders are requested to make their bids or estimates upon the blank form prepared by the President, a copy of which, with the proper envelope in which to enclose the bid, together with a copy of the contract, including the specifications, in the form approved by the Corporation Counsel, can be obtained upon application therefor at the office of the said President. The plans and drawings may be seen and other information obtained at the office of the Commissioner of Public Works of the Borough of Richmond, Borough Hall, New Brighton, Borough of Richmond.

GEORGE CROMWELL, President.
The City of New York, November 24, 1908.

dr.25

See General Instructions to Bidders on the last page, last column, of the "City Record."

NORMAL COLLEGE OF THE CITY OF NEW YORK.

EXAMINATIONS FOR POSITIONS ON the Eligible List of College Instructors, High School Tutors and Laboratory Assistants (college and high school) will be held in the College building, Sixty-eighth street and Park avenue, Tuesday, December 29, 1908, and Wednesday, December 30, 1908, at 9 a. m.

For circular of information, etc., apply to Ernest. C. Hunt, Secretary, Normal College, Park avenue and Sixty-eighth street.

GEORGE S. DAVIS, LLD., President.

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DEPARTMENT OF FINANCE.

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessment for LOCAL IMPROVEMENTS in the BOROUGH OF BROOKLYN:

TWENTY-NINTH WARD, SECTION 16.
SEWER in CHURCH AVENUE, from East Eleventh street to East Fifteenth street, and in CATON AVENUE, from Parade place to East Seventeenth street; also BASINS at the northeast, northwest and southeast corners of CHURCH AVENUE AND EAST SIXTEENTH AND SEVENTEENTH STREETS, and BASIN at the northeast corner of OCEAN AVENUE

AND CHURCH AVENUE, and BASIN at the northeast corner of EAST EIGHTEENTH STREET AND ALBEMARLE ROAD. Area of assessment: Both sides of Church avenue, from East Eleventh to East Fifteenth street; east side of East Eleventh street, from Church avenue to Caton avenue; south side of Caton avenue, from East Eleventh to East Twelfth street; both sides of East Thirteenth street, from Caton avenue to Church avenue; both sides of East Fourteenth street, commencing about 147 feet south of Caton avenue and extending southerly to Church avenue; both sides of East Sixteenth street and East Seventeenth street, from Caton to Church avenue; south side of Caton avenue, from East Sixteenth to East Eighteenth street; north side of Caton avenue, extending about 77 feet east of Parade place; north side of Church avenue, from East Fifteenth to East Eighteenth street; south side of Church avenue, from East Sixteenth to East Seventeenth street; east side of Ocean avenue, from Church avenue to Caton avenue; east side of East Eighteenth street, from Church avenue to Albemarle road, and north side of Albemarle road, from East Eighteenth street to East Nineteenth street.

—that the same was confirmed by the Board of Revision of Assessments on December 10, 1908, and entered December 10, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assess-

ment, interest will be collected thereon, as provided by section 1019 of the Greater New York Charter.

Said section provides, in part, "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount

of labor and machinery necessary thereto, and will place proper and sufficient guards and fences and warning signs by day and night for the prevention of accidents, and will indemnify and save harmless The City of New York, its officers, agents and servants, and each of them, against any and all suits and actions, claims and demands of every name and description brought against it, them or any of them, and against and from all damage and costs to which it, they or any of them be put by reason of injury to the person or property of another, resulting from negligence or carelessness in the performance of the work, or in guarding the same, or from any improper or defective materials or machinery, implements or appliances used in the removal of said buildings.

Party walls and fences, when existing against adjacent property not sold, shall not be taken down. All furrings, plaster, chimneys, projecting brick, etc., on the faces of such party walls are to be taken down and removed. The walls shall be made permanently self-supporting, beam-holes, etc., bricked up, and the wall painted and made to exclude wind and rain and present a clean exterior. The roofs of adjacent buildings shall be properly flashed and painted and made watertight where they have been disturbed by the operations of the contractor.

The Comptroller of The City of New York reserves the right on the day of sale to withdraw from sale any of the buildings, parts of buildings and machinery included therein, or to reject any and all bids; and it is further

Resolved, That, while the said sale is held under the supervision of the Commissioners of the Sinking Fund, the Comptroller is authorized to cause the sale to be advertised and to direct the sale thereof as financial officer of the City.

H. A. METZ, Comptroller.

City of New York, Department of Finance, Comptroller's Office, December 10, 1908.

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annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before February 8, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became a lien to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 10, 1908.

d11,24

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF QUEENS:

FIRST WARD.

ACADEMY STREET—REGULATING, GRADING, CURBING AND FLAGGING, from Grand avenue to Broadway. Area of assessment: Both sides of Academy street, from Grand avenue to Broadway, and to the extent of half the block, at the intersecting streets.

ACADEMY STREET (West Side)—RECEIVING BASIN, opposite Washington place. Area of assessment: West side of Academy street, between Wilbur and Payntar avenues, and south side of Payntar avenue, between Academy and Radde streets.

FIRST AVENUE—REGULATING, GRADING, CURBING, FLAGGING AND LAYING CROSSWALKS, from Webster avenue to Payntar avenue. Area of assessment: Both sides of First avenue, from Webster avenue to Payntar avenue, and to the extent of half the block at the intersecting streets and avenues.

—that the same were confirmed by the Board of Revision of Assessments December 10, 1908, and entered December 10, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. until 12 m., and all payments made thereon on or before February 6, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became a lien to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 10, 1908.

d11,24

NOTICE OF ASSESSMENTS FOR LOCAL IMPROVEMENTS IN THE BOROUGH OF BROOKLYN, CITY OF NEW YORK.

NOTICE IS HEREBY GIVEN THAT THE assessment roll in the following entitled matter has been completed and will be due and payable on the 15th inst., and that the authority for the collection of the same has been delivered to the Collector of Assessments and Arrears, and all persons liable to pay such assessment are required to pay the same without delay at his office, in the Mechanics' Bank Building, Court and Montague streets, in the Borough of Brooklyn.

Assessment for benefit from Prospect Park (for lands taken) under chapter 244, Laws of 1878, thirty-first instalment.

Extracts from the Law.

Chapter 583, Laws of 1888, title 7, section 10, as amended by chapter 888, Laws of 1895; chapter 775, Laws of 1896, and section 937, chapter 328, Laws of 1897, and chapter 466 of the Laws of 1901 amendatory thereof.

On all * * * assessments which shall be paid to the Collector of Assessments and Arrears, before the expiration of thirty days from the time the same shall become due and payable, an allowance shall be made to the person or persons making such payments at the rate of seven and three-tenths per centum per annum for the unexpired portion thereof. On all * * * assessments * * * paid after the expiration of thirty days from the time the same shall have become due and payable there shall be added to and collected as part of every such assessment * * * interest at the rate of nine per cent. per annum, to be computed from the time the same became due and payable to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 9, 1908.

d11,24

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF QUEENS:

FIRST WARD.

FOURTH AVENUE—SEWER, from Broadway to Graham avenue. Area of assessment: Both sides of Fourth avenue, from Broadway to Graham avenue.

EIGHTH AVENUE (POMEROY STREET)—SEWER, from Grand avenue to Vandewater avenue. Area of assessment: Both sides of Eighth avenue, from Grand avenue to Vandewater avenue.

FOURTEENTH AVENUE (STEMLER STREET)—SEWER, from Vandewater avenue to Grand avenue. Area of assessment: Both sides of Fourteenth avenue, from Vandewater avenue to Grand avenue.

THIRD WARD.

TENTH AVENUE—TEMPORARY SEWER, from the Long Island Railroad Bridge to Fourteenth street; and FOURTEENTH STREET—TEMPORARY SEWER, from Eighth to Tenth avenue. Area of assessment: Both sides of Fourteenth street, from Eighth to Tenth avenue, and both sides of Tenth avenue, from Fourteenth to Seventeenth street.

MAPLE AVENUE—SEWER, from Summit street to Lawrence street. Area of assessment: Both sides of Maple avenue, from Summit street to Lawrence street.

NINETEENTH STREET—TEMPORARY SEWER, from the southerly side of Sixth avenue to a point about 250 feet southerly. Area of assessment: Both sides of Nineteenth street, between Sixth and Seventh avenues.

—that the same were confirmed by the Board of Assessors December 8, 1908, and entered on December 8, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. until 12 m., and all payments made thereon on or before February 6, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became a lien to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 8, 1908.

d11,23

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF MANHATTAN:

TWELFTH WARD, SECTION 8 (MARBLE HILL).

TERRACE VIEW AVENUE (south)—PAVING, CURBING AND RECURBING, from the westerly line of Jansen avenue to the westerly side of Kingsbridge avenue. Area of assessment: Both sides of Terrace View avenue, south, from Jansen avenue to the westerly side of Kingsbridge avenue; —that the same was confirmed by the Board of Revision of Assessments on December 10, 1908, and entered December 10, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before February 8, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became a lien to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 10, 1908.

d11,24

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF THE BRONX:

TWENTY-FOURTH WARD, SECTION 11.

PARK AVENUE, EAST SIDE—PAVING AND CURBING, from East One Hundred and Seventy-seventh street to One Hundred and Eighty-third street. Area of assessment: Both sides of Park avenue, east side, from One Hundred and Seventy-seventh to One Hundred and Eighty-third street, and to the extent of half the block at the intersecting streets.

PARK AVENUE—REGULATING, GRADING, SETTING CURBSTONE, FLAGGING SIDEWALKS, LAYING CROSSWALKS, PLACING FENCES AND PLANTING TREES, from Pelham avenue to Tremont avenue. Area of assessment: Both sides of Park avenue, from Tremont avenue to Pelham avenue, and to the extent of half the block at the intersecting and terminating streets and avenues.

—that the same were confirmed by the Board of Revision of Assessments on December 10, 1908, and entered December 10, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before February 8, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became a lien to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 9, 1908.

d11,24

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF QUEENS:

FIRST WARD.

FOURTH AVENUE—SEWER, from Broadway to Graham avenue. Area of assessment: Both sides of Fourth avenue, from Broadway to Graham avenue.

EIGHTH AVENUE (POMEROY STREET)—SEWER, from Grand avenue to Vandewater avenue. Area of assessment: Both sides of Eighth avenue, from Grand avenue to Vandewater avenue.

per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller. City of New York, Department of Finance, Comptroller's Office, December 8, 1908.

d11,23

CORPORATION SALE OF BUILDINGS AND APPURTENANCES THERETO ON CITY REAL ESTATE.

AT THE REQUEST OF THE BRIDGE

Commissioner, public notice is hereby given that the Commissioners of the Sinking Fund, by virtue of the powers vested in them by law, will offer for sale at public auction the building now standing upon property owned by The City of New York, acquired by it for bridge purposes in the Borough of Brooklyn, said building being situated at the northeast corner of Jay and High streets, in the

Borough of Brooklyn.

Being that two and one-half story frame building known as No. 169 Jay street, Borough of Brooklyn, and which is more particularly described on a certain map on file in the office of the Collector of City Revenue, Department of Finance, Room 141, No. 280 Broadway, Borough of Manhattan.

Pursuant to a resolution of the Commissioners of the Sinking Fund, adopted at a meeting held June 11, 1908, the sale of the above described building and appurtenances thereto will be held under the direction of the Comptroller on

WEDNESDAY, DECEMBER 23, 1908,

at 10 a. m., on the premises, upon the following terms and conditions:

The buildings and appurtenances thereto will be sold to the highest bidder, who must pay immediately cash or a certified check drawn to the order of the Comptroller of The City of New York, and must also at the time of sale give a certified check or cash in half the amount of the purchase price as security for the faithful performance of the terms and conditions of the sale. Where the amount of the purchase price does not equal or exceed the sum of fifty dollars, the sum of fifty dollars shall be the amount of the security to be deposited. This security may at any time after the expiration of the contract period be applied by the City to the cost of completing any of the work required under the contract, but unfinished at the expiration of the contract period.

The purchaser shall not lease, occupy, cause or permit the building or buildings, etc., purchased by him to be used or occupied for any purpose other than that of their speedy removal, nor shall he collect any rental or other revenue for the use of either the land or the buildings, etc., situated thereon. The breach of either or any of these conditions shall forthwith void the sale and cause immediate forfeiture of the purchase money and the security deposited for the faithful performance of the conditions of the sale. The placing therein or permitting the occupancy of any such building by any tenant free, for rent or otherwise, excepting the necessary watchmen or the workmen engaged in the actual demolition thereof, shall of itself be a breach of the above conditions of sale.

All the material of the buildings, sheds, walks, structures and cellars of whatever nature, with their exterior and interior fixtures, appurtenances and foundations of all kinds, except the sidewalk and curb in front of said buildings, extending within the described area and down to the level of the cellar bottom, shall be torn down and removed from the premises. None of the dirt, debris or waste resulting from demolition shall be allowed to remain on the premises, except old mortar or plaster only, which may be left, but not higher at any point than two feet below the curb opposite that point; also the foundation walls of all classes shall be taken down only to a plane whose elevation shall be the level of the curb in front of the building.

The purchaser at the sale shall also withdraw and remove all abandoned water taps and old service mains, and in place thereof cause to be inserted a brass plug in the main water pipe in the street, in compliance with the rules and regulations of the Department of Water Supply, Gas and Electricity, and furnish the Department of Finance with a certificate from the Department of Water Supply, Gas and Electricity that this has been performed.

The purchaser at the sale shall also remove all house sewer connections to the main sewer in the street, and the opening of the main sewer in the street shall be properly closed in compliance with the directions of the Bureau of Sewers, Borough of Brooklyn, and furnish the Department of Finance with a certificate from the Bureau of Sewers that the work has been properly performed.

The permit for all opening in the street to be obtained by and at the expense of the purchaser of the building.

Failure to remove said buildings, appurtenances or any part thereof within sixty days from the day of the sale will work forfeiture of ownership of such buildings, appurtenances or portion as shall then be left standing, together with all moneys paid by said purchaser on account thereof at the time of the sale, and the bidder's assent to the above conditions being understood to be implied by the act of bidding, and The City of New York will, without notice to the purchaser, cause the same to be removed, and the costs and expense thereof charged against the security above mentioned.

The work of removal must be carried on in every respect in a thorough and workmanlike manner, and must be completed within sixty days from the day of sale, and the successful bidder will provide and furnish all materials of labor and machinery necessary thereto, and will place proper and sufficient guards and fences and warning signs by day and night for the prevention of accidents, and will indemnify

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears, at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, in the Mechanics' Bank Building, Court and Montague streets, Borough of Brooklyn, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before February 1, 1909, will be exempt from interest as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when such assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 3, 1908.

d4,17

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF THE BRONX:

TWENTY-THIRD AND TWENTY-FOURTH WARDS, SECTION 11.

WEST ONE HUNDRED AND SEVENTIETH STREET—REGULATING, GRADING, CURBING, FLAGGING, LAYING CROSSWALKS, BUILDING APPROACHES AND ERECTING FENCES, from Jerome avenue to Cromwell avenue. Area of assessment: Both sides of One Hundred and Seventieth street, from Jerome avenue to Cromwell avenue, and to the extent of half the block at the intersecting streets and avenues.

TWENTY-FOURTH WARD, SECTION 12.

BAILEY AVENUE—REGULATING, GRADING, CURBING, FLAGGING, LAYING CROSSWALKS, BUILDING APPROACHES AND ERECTING FENCES, from a line north of West Two Hundred and Thirty-third street to its junction with Fort Independence street. Area of assessment: East side of Bailey avenue, from Two Hundred and Thirty-first street to Albany road; both sides of Bailey avenue, from Albany road to Fort Independence street; east side of Albany road and west side of Fort Independence street, between Bailey avenue and Two Hundred and Thirty-eighth street.—that the same were confirmed by the Board of Revision of Assessments on December 3, 1908, and entered December 3, 1908, in the Record of Titles of Assessments kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears, at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before February 1, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 3, 1908.

d4,17

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF QUEENS:

FIRST WARD.

GRAHAM AVENUE AND SIXTH AVENUE—CATCH BASINS, on the northeast and northwest corners. Area of assessment: Both sides of Sixth avenue, and west side of Seventh avenue, between Graham avenue and Broadway, and north side of Graham avenue, between Fifth and Sixth avenues.

THIRD WARD.

TEMPORARY SEWER IN CHESTNUT STREET, from a point 150 feet west of Parsons avenue to Whitestone avenue; and WHITESTONE AVENUE—TEMPORARY SEWER, from Chestnut to State street. Area of assessment: Both sides of Chestnut street, between Parsons and Whitestone avenues, and both sides of Whitestone avenue, between Chestnut and State streets.

FOURTH WARD.

UNION AND SHELTON AVENUES—CATCH BASIN, on the southeast corner. Area of assessment: East side of Union avenue, from Shelton avenue to a point about 708 feet southwesterly, and south side of Shelton avenue, between Union and Hardenbrook avenues.

—that the same were confirmed by the Board of Assessors December 1, 1908, and entered on December 1, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. until 12 m., and all payments made thereon on or before January 2, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 1, 1908.

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annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 3, 1908.

d4,17

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF MANHATTAN:

TWELFTH WARD, SECTION 8.

WEST TWO HUNDRED AND FIRST STREET—PAVING, CURBING AND RECURBING, from the easterly line of Academy street to a point 200 feet east of the easterly line of Ninth avenue. Area of assessment: Both sides of Two Hundred and First street, from Academy street to a point about 200 feet east of the easterly line of Ninth avenue.

WEST TWO HUNDRED AND SECOND STREET—PAVING, CURBING AND RECURBING, from the easterly line of Tenth avenue to a point 200 feet east of the easterly line of Ninth avenue. Area of assessment: Both sides of Two Hundred and Second street, from Tenth avenue to a point about 200 feet east of the easterly line of Ninth avenue.

—that the same were confirmed by the Board of Revision of Assessments on December 3, 1908, and entered December 3, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before January 30, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before February 1, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 3, 1908.

d4,17

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF MANHATTAN:

FIRST WARD.

GRAHAM AVENUE AND SIXTH AVENUE—CATCH BASINS, on the northeast and northwest corners. Area of assessment: Both sides of Sixth avenue, and west side of Seventh avenue, between Graham avenue and Broadway, and north side of Graham avenue, between Fifth and Sixth avenues.

THIRD WARD.

TEMPORARY SEWER IN CHESTNUT STREET, from a point 150 feet west of Parsons avenue to Whitestone avenue; and WHITESTONE AVENUE—TEMPORARY SEWER, from Chestnut to State street. Area of assessment: Both sides of Chestnut street, between Parsons and Whitestone avenues, and both sides of Whitestone avenue, between Chestnut and State streets.

FOURTH WARD.

UNION AND SHELTON AVENUES—CATCH BASIN, on the southeast corner. Area of assessment: East side of Union avenue, from Shelton avenue to a point about 708 feet southwesterly, and south side of Shelton avenue, between Union and Hardenbrook avenues.

—that the same were confirmed by the Board of Assessors December 1, 1908, and entered on December 1, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessments are payable to the Collector of Assessments and Arrears at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, at the Hackett Building, No. 51 Jackson avenue, Long Island City, Borough of Queens, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. until 12 m., and all payments made thereon on or before January 2, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 1, 1908.

d3,16

NOTICE TO PROPERTY OWNERS.

IN PURSUANCE OF SECTION 1018 OF THE Greater New York Charter, the Comptroller of The City of New York hereby gives public notice to all persons, owners of property, affected by the following assessments for LOCAL IMPROVEMENTS in the BOROUGH OF MANHATTAN:

SEVENTH WARD, SECTION 1.

SCAMMEL STREET—SEWER, between Cherry and Water streets. Area of assessment: Both sides of Scammon street, between Cherry and Water streets.

—that the same was confirmed by the Board of Assessors on December 1, 1908, and entered December 1, 1908, in the Record of Titles of Assessments, kept in the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, and unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessment, interest will be collected thereon, as provided in section 1019 of said Greater New York Charter.

Said section provides, in part, that "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated to the date of payment from the date when such assessment became a lien, as provided by section 159 of this act."

Section 159 of this act provides * * * "An assessment shall become a lien upon the real estate affected thereby ten days after its entry in the said record."

The above assessment is payable to the Collector of Assessments and Arrears, at the Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents, Room H, No. 280 Broadway, Borough of Manhattan, between the hours of 9 a. m. and 2 p. m., and on Saturdays from 9 a. m. to 12 m., and all payments made thereon on or before January 30, 1909, will be exempt from interest, as above provided, and after that date will be subject to a charge of interest at the rate of seven per centum per annum from the date when above assessments became liens to the date of payment.

HERMAN A. METZ, Comptroller.
City of New York, Department of Finance, Comptroller's Office, December 1, 1908.

d3,16

DEPARTMENT OF FINANCE, BUREAU FOR THE COLLECTION OF TAXES, NEW YORK, December 1, 1908.

NOTICE TO TAXPAYERS.

UNDER THE PROVISIONS OF SECTION 919 of the Greater New York Charter, notice is hereby given to all persons or corporations who have omitted to pay their taxes, "To pay the same in the Borough in which the property is located," as follows:

Borough of Manhattan, No. 57 Chambers street, Manhattan, N. Y.;

Borough of The Bronx, corner Third and Tremont avenues, The Bronx, N. Y.;

Borough of Brooklyn, Rooms 2, 4, 6 and 8, Municipal Building, Brooklyn, N. Y.;

Borough of Queens, corner Jackson avenue and Fifth street, Long Island City, N. Y.;

Borough of Richmond, Borough Hall, St. George, Staten Island, N. Y.;

—and that under the provisions of section 917 of said Charter, "If any such tax shall remain unpaid on the first day of November it shall be the duty of the Receiver of Taxes to charge, receive and collect upon such tax so remaining unpaid on that day, in addition to the amount of such tax, seven per centum per annum upon the amount thereof from the day on which said taxes became due and payable (October 5, 1908), as provided by section nine hundred and fourteen of this act, to the date of payment."

DAVID E. AUSTEN, Receiver of Taxes.

d1,31

DEPARTMENT OF FINANCE, CITY OF NEW YORK, December 14, 1908.

UNTIL FURTHER NOTICE AND UNLESS otherwise directed in any special case surety companies will be accepted as sufficient upon the following contracts to the amounts named:

Supplies of Any Description, including Gas and Electricity—

One company on a bond up to \$50,000.

Two companies on a bond up to \$125,000.

Three companies on a bond up to \$200,000. Asphalt, Asphalt Block and Wood Block Pavements—

Two companies on a bond up to \$50,000.

Three companies on a bond up to \$125,000. Regulating, Grading, Paving, Sewers, Water Mains, Dredging, Construction of Parks, Parkways, Etc.—

One company on a bond up to \$25,000.

Two companies on a bond up to \$75,000.

Three companies on a bond up to \$150,000.

Four companies on a bond up to \$250,000. New Docks, Buildings, Bridges, Aqueducts, Tunnels, Etc.—

One company on a bond up to \$25,000.

Two companies on a bond up to \$75,000.

Three companies on a bond up to \$150,000.

Four companies on a bond up to \$250,000. On bonds regarded as hazardous risks additional surety will be required as the Comptroller sees fit in each instance.

All bonds exceeding \$250,000 will by that fact alone be considered hazardous risks, no matter what the nature of the work.

MUNICIPAL CIVIL SERVICE COMMISSION.

MUNICIPAL CIVIL SERVICE COMMISSION, No. 299 BROADWAY, NEW YORK, December 3, 1908.

PUBLIC NOTICE IS HEREBY GIVEN that the time for receiving applications for the position of

PATROLMAN, POLICE DEPARTMENT, has been extended to

THURSDAY, DECEMBER 31, 1908, AT 4 P. M.

(NO APPLICATION RECEIVED BY THE COMMISSION, BY MAIL OR OTHERWISE, AFTER 4 P. M. ON DECEMBER 31 WILL BE ACCEPTED.)

The subjects and weights are as follows:

Physical development and strength..... 50

Mental test..... 50

The subjects and weights of the mental test are as follows:

Memory test..... 2

Government..... 5

Localities..... 1

Arithmetic..... 2

Se

such examinations as are scheduled. No application will be accepted at the office of the Commission, by mail or otherwise, after the closing hour for the receipt of same set forth in the advertisement.

When an examination is advertised, a person desiring to compete in the same may obtain an application blank upon request made in writing or by personal application at the office of the Commission, Room 1119.

The Commission cannot guarantee that applications mailed in response to written requests will be received in time to permit of their being prepared and filed prior to closing hour.

All notices of examinations will be posted in the office of the Commission, and advertised in the CITY RECORD for two weeks in advance of the date upon which the receipt of applications will close for any stated position.

Public notice will also be given by advertisement in most of the City papers.

Wherever an examination is of a technical character, due notice is given by advertisement in the technical journals appertaining to the particular profession for which the examination is called.

Such notices will be sent to the daily papers as matters of news. The scope of the examination will be stated, but for more general information application should be made at the office of the Commission.

Specimen questions of previous examinations may be obtained at Room 1108.

Unless otherwise specifically stated, the minimum age requirement for all positions is 21.

FRANK L. POLK,
President;
R. ROSS APPLETON,
ARTHUR J. O'KEEFFE,
Commissioners.

FRANK A. SPENCER,
Secretary.

POLICE DEPARTMENT.

POLICE DEPARTMENT OF THE CITY OF NEW YORK, PROPERTY CLERK'S OFFICE, NO. 300 MULBERRY STREET, NEW YORK, December 10, 1908.

PUBLIC NOTICE IS HEREBY GIVEN that the one hundredth public auction sale of unclaimed property, consisting of watches, chains, fobs, charms, pins, rings, opera glasses, purses, pocketbooks, cameras, tools, knives, plated ware, clothing, shoes, hats, fur goods, trunks, suit cases, horse blankets, liquors, metal, rope, etc., will be held at the office of the Property Clerk, Room 9, No. 300 Mulberry street, Manhattan, at 10 a. m. on

MONDAY, DECEMBER 28, 1908.

THEODORE A. BINGHAM,
Police Commissioner.

d12,28

POLICE DEPARTMENT—CITY OF NEW YORK.

OWNERS WANTED BY THE PROPERTY CLERK of the Police Department of The City of New York, No. 300 Mulberry street, Room No. 9, for the following property, now in his custody, without claimants: Boats, rope, iron, lead, male and female clothing, boots, shoes, wine, blankets, diamonds, canned goods, liquors, etc.; also small amount of money taken from prisoners and found by Patrolmen of this Department.

THEODORE A. BINGHAM,
Police Commissioner.

POLICE DEPARTMENT—CITY OF NEW YORK, BOROUGH OF BROOKLYN.

OWNERS WANTED BY THE PROPERTY CLERK of the Police Department of The City of New York—Office, No. 209 State street, Borough of Brooklyn—for the following property, now in his custody, without claimants: Boats, rope, iron, lead, male and female clothing, boots, shoes, wine, blankets, diamonds, canned goods, liquors, etc.; also small amount of money taken from prisoners and found by Patrolmen of this Department.

THEODORE A. BINGHAM,
Police Commissioner.

BOROUGH OF THE BRONX.

OFFICE OF THE PRESIDENT OF THE BOROUGH OF THE BRONX, MUNICIPAL BUILDING, CROTONA PARK, ONE HUNDRED AND SEVENTY-SEVENTH STREET AND THIRD AVENUE.

SEALED BIDS OR ESTIMATES WILL BE received by the President of the Borough of The Bronx at the above office until 11 o'clock a. m. on

THURSDAY, DECEMBER 24, 1908.

NO. 1. FOR FURNISHING AND DELIVERING 100,000 GALLONS OF CRUDE OIL MIXTURE, EQUAL TO SAMPLE, TO BE FURNISHED AND DELIVERED AS DIRECTED IN BULK TO ANY RAILROAD STATION IN THE BOROUGH OF THE BRONX.

The time allowed for the delivery of the articles will be 60 days.

The amount of security required will be Twenty-five Hundred Dollars.

NO. 2. FOR FURNISHING AND DELIVERING HARD COAL CLEAN STEAM BOILER ASHES.

Six thousand cubic yards of hard coal clean steam boiler ashes to be furnished and delivered within two and one-half miles of the docks east of the Bronx River at such times and in such quantities as may be directed during 60 days following execution.

The amount of security required will be Eighteen Hundred Dollars.

NO. 3. FOR FURNISHING AND DELIVERING BROKEN TRAP-ROCK STONE OR SCREENINGS.

Nine thousand cubic yards of broken trap-rock stone or screenings to be furnished and delivered by the contractor at such time and at such points as shall be designated by the President, and shall be hauled and delivered as required to any designated place or places. The broken trap-rock stone is to be newly broken, with sharp edges and of uniform quality throughout; free from dirt or disintegrated stone or screenings, or any other foreign matter. It shall be of such size as to pass through a screen having a 2-inch mesh, and be retained by a screen having a $\frac{1}{4}$ -inch mesh. The screenings shall be of trap-rock and of uniform quality, free from dirt and other foreign matter. The particles of stone in the screenings shall not exceed in size $\frac{1}{4}$ inch. The screenings shall not contain more than 25 per cent. of stone dust, which shall be distributed evenly throughout the entire mass.

Samples must be submitted on day of letting.

The amount of security required will be Eight Thousand Dollars.

The time allowed for delivery will be sixty days.

NO. 4. FOR CONSTRUCTING SEWERS AND APPURTENANCES IN THE GRAND

BOULEVARD AND CONCOURSE (BOTH SIDES), BETWEEN EAST TWO HUNDRED AND FOURTH STREET AND EAST TWO HUNDREDTH STREET.

The Engineer's estimate of the work is as follows:

7 linear feet of pipe sewer, 18-inch.
242 linear feet of pipe sewer, 15-inch.
1,010 linear feet of pipe sewer, 12-inch.
85 spurs for house connections, over and above the cost per linear foot of sewer.
15 manholes, complete.
575 cubic yards of rock to be excavated and removed.
10 cubic yards of Class "B" concrete, in place, additional to that shown on the plan.
625 cubic yards of dry rubble masonry, in place.
1,000 feet (B. M.) of timber for foundations, furnished and laid, and sheeting furnished and laid.
25 linear feet of 12-inch drain pipe, furnished and laid.

The time allowed for the completion of the work will be 150 working days.

The amount of security required will be Four Thousand Dollars.

No. 5. FOR REGULATING, GRADING, SETTING CURBSTONE, FLAGGING THE SIDEWALKS, LAYING CROSSWALKS, BUILDING APPROACHES AND PLACING FENCES IN EDENWALD AVENUE (JEFFERSON AVENUE), BETWEEN EAST TWO HUNDRED AND THIRTY-THIRD STREET AND THE BOUNDARY LINE BETWEEN NEW YORK AND MOUNT VERNON.

The Engineer's estimate of the work is as follows:

9,200 cubic yards of earth excavation.
5,200 cubic yards of rock excavation.
29,300 cubic yards of filling.
6,900 linear feet of new curbstone, furnished and set.
25,400 square feet of new flagging, rejoined and relaid.
500 square feet of old flagging, rejoined and relaid.
7,650 square feet of new bridgestone for crosswalks, furnished and laid.
1,000 cubic yards of dry rubble masonry in retaining walls, culverts and gutters.
125 cubic yards of rubble masonry in mortar.
225 linear feet of vitrified stoneware pipe, 12 inches in diameter.
1,150 linear feet of vitrified stoneware pipe, 15 inches in diameter.
15 cubic yards of concrete.
3,000 pounds of cast iron frames and covers for rubble masonry inlets, other than Types "A" and "B".
5 drainage inlets, Type "A".
8 drainage inlets, Type "B".
2,350 linear feet of guard rail.

The time allowed for the completion of the work will be 150 working days.

The amount of security required will be Seven Thousand Dollars.

Blank forms can be obtained upon application therefor, and the plans and specifications may be seen and other information obtained at said office.

LOUIS F. HAFFEN, President.

d12,24

See General Instructions to Bidders on the last page, last column, of the "City Record."

SUPREME COURT—FIRST DEPARTMENT.

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of the NEW STREET, located between Broome and Spring streets, and extending from the Bowery to Elm street, as laid out by a resolution of the Board of Estimate and Apportionment on May 29, 1903, and approved by the Mayor on June 17, 1903, in the Fourteenth Ward, Borough of Manhattan, City of New York.

NOTICE IS HEREBY GIVEN THAT THE supplemental and additional bill of 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 of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House, in the Borough of Manhattan, in The City of New York, on the 23d day of December, 1908, at 10:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by section 999 of the Greater New York Charter, as amended by chapter 466 of the Laws of 1901.

Dated Borough of Manhattan, New York, December 12, 1908.

NATHAN FERNBACHER,
WILLIAM J. CARROLL,
Commissioners.

JOHN P. DUNN, Clerk.

d12,23

FIRST DEPARTMENT.

In the matter of the application of The City of New York, acting by and through the Commissioner of Docks, relative to acquiring right and title to and possession of the wharfage rights, terms, easements, emoluments and privileges appertaining to PIER (OLD) NO. 13, EAST RIVER, in the Borough of Manhattan, City of New York, not now owned by The City of New York, and all right, title and interest in and to said pier, or any portion thereof, not now owned by The City of New York, and all wharfage rights, terms, easements, emoluments and privileges appertaining to said bulkheads, dock or wharf property, on or near the southerly line of South street, in said Borough and City, lying on both the easterly and westerly sides of said Pier (old) No. 13, or Market Slip Pier, West, not now owned by The City of New York, for the improvement of the water-front of The City of New York on the East River, pursuant to the plan heretofore adopted by the Board of Docks and approved by the Commissioners of the Sinking Fund.

NOTICE IS HEREBY GIVEN THAT A supplemental bill of 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 of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House, in the Borough of Manhattan, City of New York, on the 23d day of December, 1908, at 10:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by section 999 of the Greater New York Charter, as amended.

Dated Borough of Manhattan, New York, December 10, 1908.

Borough of Manhattan, in The City of New York, on the 23d day of December, 1908, at 10:30 o'clock in forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by section 999 of the Greater New York Charter, as amended.

Dated Borough of Manhattan, New York, December 10, 1908.

JOSEPH M. SCHENCK, Clerk.

d11,22

FIRST JUDICIAL DEPARTMENT.

In the matter of the application of The City of New York, acting by and through the Commissioner of Docks, relative to acquiring right and title to and possession of certain uplands and lands, wharf property, wharfage rights, terms, easements, emoluments and privileges necessary to be taken for the improvement of the water-front of The City of New York on the North River, between West Fifteenth and West Eighteenth streets, and the easterly side of the marginal street, wharf or place adopted by the Board of Docks and approved by the Commissioners of the Sinking Fund, and the North River, pursuant to the plan heretofore adopted by the Board of Docks and approved by the Commissioners of the Sinking Fund.

NOTICE IS HEREBY GIVEN THAT A bill of 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 of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House in the Borough of Manhattan, in The City of New York, on the 23d day of December, 1908, at 10:30 o'clock in forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by section 999 of the Greater New York Charter, as amended.

Dated Borough of Manhattan, New York, December 10, 1908.

JOSEPH M. SCHENCK, Clerk.

d11,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, acting by and through the Commissioner of Docks, relative to acquiring right and title to and possession of the wharfage rights, terms, easements, emoluments and privileges appertaining to the dock or wharf property known as PIER (OLD) No. 53, near the foot of Jackson street, East River, in the Borough of Manhattan, City of New York, not now owned by The City of New York, and all right, title and interest in and to said pier or any portion thereof not now owned by The City of New York, and all right, title and interest in and to the said pier or any portion thereof not now owned by The City of New York, for the improvement of the water-front of The City of New York, on the East River, pursuant to the plan heretofore adopted by the Board of Docks, and approved by the Commissioners of the Sinking Fund.

NOTICE IS HEREBY GIVEN THAT A supplemental bill of 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 of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House, in the Borough of Manhattan, in The City of New York, on the 23d day of December, 1908, at 10:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by section 999 of the Greater New York Charter as amended.

Dated Borough of Manhattan, New York, December 10, 1908.

JOSEPH M. SCHENCK, Clerk.

d11,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, acting by and through the Commissioner of Docks, relative to acquiring right and title to and possession of the wharfage rights, terms, easements, emoluments and privileges appertaining to PIER (OLD) No. 36, OR MARKET SLIP PIER, WEST, EAST RIVER, in the Borough of Manhattan, City of New York, not now owned by The City of New York, and all right, title and interest in and to said pier, or any portion thereof, not now owned by The City of New York, and all wharfage rights, terms, easements, emoluments and privileges appertaining to said bulkheads, dock or wharf property, on or near the southerly line of South street, in said Borough and City, lying on both the easterly and westerly sides of said Pier (old) No. 36, or Market Slip Pier, West, not now owned by The City of New York, for the improvement of the water-front of The City of New York on the East River, pursuant to the plan heretofore adopted by the Board of Docks and approved by the Commissioners of the Sinking Fund.

NOTICE IS HEREBY GIVEN THAT A bill of 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 of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House, in the Borough of Manhattan, City of New York, on the 23d day of December, 1908, at 10:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by section 999 of the Greater New York Charter, as amended.

Dated Borough of Manhattan, New York, December 10, 1908.

JOSEPH M. SCHENCK, Clerk.

d11,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of HAVEN AVENUE (although not yet named by proper authority), from West One Hundred and Seventy-seventh street to West One Hundred and Eighty-first street, in the Twelfth Ward, Borough of Manhattan, City of New York.

NOTICE IS HEREBY GIVEN THAT THE bill of 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 of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House, in the Borough of Manhattan, in The City of New York, on the 24th day of December, 1908, at 10:30 o'clock in forenoon of that day, or as soon thereafter as counsel can be heard thereon; and that the said bill of costs, charges and expenses has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of ten days, as required by the provisions of section 999 of the Greater New York Charter, as amended by chapter 466 of the Laws of 1901.

Dated Borough of Manhattan, New York, December 11, 1908.

EDWARD J. McGEEAN,
EDWARD D. FARRELL,
JOHN J. O'CONNELL,
Commissioners.

JOHN P. DUNN, Clerk.

d11,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of WEST ONE HUNDRED AND SEVENTY-FOURTH STREET, from Aqueduct avenue to Undercliff avenue; WEST ONE HUNDRED AND SEVENTY-FIFTH STREET, from Aqueduct avenue to Undercliff avenue; WEST ONE HUNDRED AND SEVENTY-SIXTH STREET, from Aqueduct avenue to Sedgwick avenue; MONTGOMERY AVENUE, from West One Hundred and Seventy-fourth street to West One Hundred and Seventy-sixth street, and POPHAM AVENUE, from West One Hundred and Seventy-fourth street to West One Hundred and Seventy-sixth street (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held in Part III. thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Thursday, the 24th day of December, 1908, at 10:30 o'clock in forenoon of that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above-entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New

3. Thence southwesterly along last mentioned line for 63.11 feet;
4. Thence easterly deflecting 108 degrees 3 minutes 40 seconds to the left for 210.36 feet to the point of beginning.

Parcel "C."

Beginning at a point in the eastern line of Undercliff avenue distant 1,153 feet southwesterly from the intersection of said line with the southern line of Sedgwick avenue;
1. Thence southwesterly along the eastern line of Undercliff avenue for 31.55 feet;
2. Thence easterly deflecting 108 degrees 3 minutes 40 seconds to the left for 210.36 feet to the western line of Popham avenue;
3. Thence northeasterly along last mentioned line for 31.55 feet;
4. Thence westerly for 210.36 feet to the point of beginning.

Parcel "D."

Beginning at a point in the western line of Undercliff avenue distant 1,011.24 feet southwesterly from the intersection of said line with the southern line of Sedgwick avenue;
1. Thence southwesterly along the western line of Undercliff avenue for 31.55 feet;
2. Thence westerly deflecting 71 degrees 56 minutes 21 seconds to the right for 236.96 feet to the eastern line of Sedgwick avenue;
3. Thence northeasterly along last mentioned line for 31.55 feet;
4. Thence easterly for 236.97 feet to the point of beginning.

MONTGOMERY AVENUE.

Beginning at a point in the western line of Montgomery avenue distant 851.80 feet southwesterly from the intersection of said line with the southern line of Popham avenue;
1. Thence easterly along the southern line of West One Hundred and Seventy-sixth street for 63.11 feet;
2. Thence southwesterly deflecting 108 degrees 3 minutes 40 seconds to the right for 984.23 feet;
3. Thence westerly deflecting 76 degrees 50 minutes 26 seconds to the right for 61.62 feet;
4. Thence northeasterly for 978.69 feet to the point of beginning.

POPHAM AVENUE.

Beginning at a point in the western line of Popham avenue, distant 914.24 feet southwesterly from the intersection of said line with the southern line of Palisade place;

1. Thence easterly along the southern line of West One Hundred and Seventy-sixth street for 63.11 feet;
2. Thence southwesterly deflecting 108 degrees 3 minutes 40 seconds to the right for 962.17 feet;
3. Thence westerly deflecting 52 degrees 50 minutes 5 seconds to the right for 75.29 feet;

4. Thence northeasterly for 988.09 feet to the point of beginning.

West One Hundred and Seventy-fourth street, West One Hundred and Seventy-fifth street, West One Hundred and Seventy-sixth street, Montgomery avenue and Popham avenue are shown on the following maps: "Map or plan of Section 15 of the final maps and profiles of the Twenty-third and Twenty-fourth Wards, filed in the office of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards of The City of New York, on December 16, 1895; in the office of the Secretary of State of the State of New York on December 17, 1895." And also on a map entitled "Map or plan showing the locating and laying out and the grades of the streets and avenues and public parks within the area bounded by Undercliff avenue, West One Hundred and Seventy-sixth street, Aqueduct avenue and Washington Bridge, in the Twenty-fourth Ward, Borough of The Bronx, City of New York. Prepared by the President of the Borough of The Bronx, under authority of chapter 266 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx on February 9, 1907; in the office of the Register of the County of New York on February 7, 1907, as Map No. 1157; and in the office of the Corporation Counsel of The City of New York on or about the same date in pigeonhole 69.

Land taken for the above streets is located in Blocks 2877, 2878 and 2880 of the Land Map of The City of New York.

Dated New York, December 2, 1908.
The Board of Estimate and Apportionment, on the 20th day of December, 1907, duly fixed and determined the area of assessment in the proceeding as follows:

Beginning at a point on the easterly line of Undercliff avenue, distant 400 feet southerly from its intersection with the southerly line of West One Hundred and Seventy-fourth street, and running thence westerly at right angles to Undercliff avenue a distance of 100 feet; thence northwardly and always parallel with and 100 feet distant from the westerly line of Undercliff avenue to a point distant 400 feet southwesterly from the southerly line of West One Hundred and Seventy-sixth street as West One Hundred and Seventy-sixth street is laid out between Sedgwick avenue and Popham avenue, the said distance being measured at right angles to the line of West One Hundred and Seventy-sixth street; thence westwardly and parallel with West One Hundred and Seventy-sixth street to a point distant 100 feet westerly from the westerly line of Sedgwick avenue, the said distance being measured at right angles to the line of Sedgwick avenue; thence northwardly and always parallel with and 100 feet distant from the westerly line of Sedgwick avenue to the intersection with the prolongation of a line distant 400 feet northerly from the northerly line of West One Hundred and Seventy-sixth street as laid out east of Sedgwick avenue, the said distance being measured at right angles to the line of West One Hundred and Seventy-sixth street; thence eastwardly and parallel with West One Hundred and Seventy-sixth street as laid out east of Sedgwick avenue to the westerly line of Andrews avenue; thence southeastwardly at right angles to Andrews avenue to its intersection with the prolongation of a line distant 100 feet southeasterly from the southeasterly line of Aqueduct avenue as laid out in the tangent southwest of Macombs road, the said distance being measured at right angles to the said line of Aqueduct avenue; thence southwesterly along the said line easterly from and parallel with Aqueduct avenue to its intersection with a line at right angles to the westerly line of Aqueduct avenue, and passing through a point on the southerly line of Aqueduct avenue distant 500 feet southerly from its intersection with the southerly line of West One Hundred and Seventy-fourth street, the said

distance being measured along the line of Aqueduct avenue; thence westwardly along the said line at right angles to Aqueduct avenue to the westerly line of Aqueduct avenue; thence westwardly in a straight line to the point or place of beginning.

Dated New York, December 11, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

d12,24

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired for the same purpose in fee, to the lands, tenements and hereditaments required for the opening and extending of KNOX PLACE, from Mosholu Parkway North to Gun Hill road, and GATES PLACE, from Mosholu Parkway North to Gun Hill road (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN such cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III, thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Thursday, the 24th day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of certain streets or avenues known as Teller avenue, at a width of 60 feet, from East One Hundred and Seventieth street to Morris avenue, Twenty-third Ward, Borough of The Bronx, City of New York, being the following described lots, pieces or parcels of land, viz.:

Parcel "A."

Beginning at a point in the southern line of East One Hundred and Seventy-first street distant 242.91 feet easterly from the intersection of said line with the eastern line of College avenue;

1. Thence easterly along the southern line of East One Hundred and Seventy-first street for 62.09 feet to the western line of Claremont Park;

2. Thence southerly along last mentioned line curving to the right on the arc of a circle of 1,250 feet radius for 317.14 feet to a point of reverse curve;

3. Thence southerly still along said line on the arc of a circle of 205 feet radius for 67.87 feet to the northern line of East One Hundred and Seventieth street;

4. Thence westerly along last mentioned line for 72.89 feet;

5. Thence northerly curving to the right on the arc of a circle of 1,190 feet radius for 380.32 feet to the point of beginning.

Parcel "B."

Beginning at a point in the northern line of East One Hundred and Seventy-first street distant 244.80 feet easterly from the intersection of said line with the eastern line of College avenue;

1. Thence easterly along the northern line of East One Hundred and Seventy-first street for 63.03 feet to the western line of Claremont Park;

2. Thence northerly along said last mentioned line curving to the left on the arc of a circle of 1,250 feet radius for 373.12 feet;

3. Thence northerly still along said line on a line tangent to the preceding course for 121.84 feet to the southern line of East One Hundred and Seventy-second street;

4. Thence westerly along last-mentioned line for 69.83 feet to the eastern line of College avenue as legally opened;

5. Thence southerly for 157.56 feet along last-mentioned line and its prolongation;

6. Thence southerly on the arc of a circle of 1,190 feet radius for 336.36 feet.

Parcel "C."

Beginning at the intersection of the western line of Claremont Park with the northern line of East One Hundred and Seventy-second street;

1. Thence northerly along the western line of Claremont Park for 461.88 feet to the intersection of said line with the southern line of Morris avenue;

2. Thence southwesterly along the southern line of Morris avenue for 105.93 feet;

3. Thence southerly deflecting 34 degrees 30 minutes to the left for 338.86 feet to the northern line of East One Hundred and Seventy-second street;

4. Thence easterly along last-mentioned line for 69.83 feet to the point of beginning.

Teller avenue, from East One Hundred and Seventieth street to Morris avenue, is shown on Section 9 of the final maps and profiles of the Twenty-third and Twenty-fourth Wards, filed in the office of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards of The City of New York, on October 31, 1895; in the office of the Register of the County of New York on November 2, 1895, as Map No. 1061, and in the office of the Secretary of State of the State of New York on November 2, 1895.

Land to be taken for Teller avenue is located in Blocks 2784, 2788 and 2787 of Section 11 of the Land Map of The City of New York.

The Board of Estimate and Apportionment on the 25th day of September, 1908, duly fixed and determined the area of assessment in this proceeding as follows:

Beginning at a point on the westerly line of Morris avenue distant 100 feet northerly from the angle point at Teller avenue, and running thence eastwardly at right angles to the line of Morris avenue a distance of 180 feet; thence southwardly and always distant 100 feet easterly from and parallel with the easterly line of Teller avenue to the intersection with the northerly line of East One Hundred and Seventieth street; thence southwardly at right angles to the line of East One Hundred and Seventieth street a distance of 180 feet; thence westwardly and always distant 100 feet southerly and parallel with the southerly line of East One Hundred and Seventieth street to the intersection with a line distant 125 feet easterly from and parallel with the easterly line of College avenue, the said distance being measured at right angles to the line of College avenue; thence northwardly along the said line parallel with College avenue to the intersection with a line always distant 100 feet westerly from and parallel with the westerly line of Teller avenue, the said distance being measured at right angles to the line of Teller avenue; thence northwardly along the said line parallel with Teller avenue to the intersection with a line at right angles to the line of Morris avenue, and pass-

ing through the point of beginning; thence eastwardly along the said line at right angles to Morris avenue to the point or place of beginning.

Dated New York, December 11, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

d12,24

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired for the same purpose in fee, to the lands, tenements and hereditaments required for the opening and extending of KNOX PLACE, from Mosholu Parkway North to Gun Hill road, and GATES PLACE, from Mosholu Parkway North to Gun Hill road (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

NOTICE IS HEREBY GIVEN TO ALL persons interested in the above entitled proceeding, and to the owner or owners, occupant or occupants of all houses and lots and improved and unimproved lands affected thereby, and to all others whom it may concern, to wit:

First—That the undersigned, Commissioners of Estimate, have completed their estimate of damage, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with them at their office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 4th day of January, 1909, and that the said Commissioners will hear parties so objecting, and for that purpose will be in attendance at their said office on the 5th day of January, 1909, at 2 o'clock p.m.

Second—That the undersigned, Commissioner of Assessment, has completed his estimate of benefit and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with him at his office, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in The City of New York, on or before the 4th day of January, 1909, and that the said Commissioner will hear parties so objecting, and for that purpose will be in attendance at his said office on the 5th day of January, 1909, at 3 o'clock p.m.

Third—That the Commissioner of Assessment has assessed any or all such lands, tenements and hereditaments and premises as are within the area of assessment fixed and prescribed as the area of assessment for benefit by the Board of Estimate and Apportionment on the 14th day of June, 1907, and that the said area of assessment includes all those lands, tenements and hereditaments and premises situate and being in the Borough of The Bronx, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Beginning at the intersection of a line 100 feet northwesterly from and parallel with the northwesterly line of Gates place, the said distance being measured at right angles to the line of Gates place with the Mosholu Parkway North, and running thence northeastwardly and parallel with the line of Gates place to the intersection of the northeasterly line of Gun Hill road; thence northeasterly on a radial line 100 feet; thence southeasterly and always parallel with and distant 100 feet from the northeasterly line of Gun Hill road to the intersection with a line distant 100 feet southwesterly from and parallel with the southeasterly line of Knox place, the said distance being measured at right angles to the line of Knox place; thence southwesterly and parallel with the southeasterly line of Knox place to the intersection with the easterly line of Mosholu Parkway North; thence westwardly at right angles to the line of Mosholu Parkway North 160 feet; thence northwardly and always parallel with the line of Mosholu Parkway North to the intersection with a line at right angles to the line of Mosholu Parkway North, and passing through the point described as the point or place of beginning; thence eastwardly to the point or place of beginning.

Fourth—That the abstracts of said estimate of damage and of said assessment for benefit, together with the damage and benefit maps and also all the affidavits, estimates, proofs and other documents used by the Commissioners of Estimate in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, Nos. 90 and 92 West Broadway, in the Borough of Manhattan, in said City, there to remain until the 4th day of January, 1909.

Fifth—That, provided there be no objections filed to either of said abstracts, the reports as to awards and as to assessments for benefit herein, will be presented for confirmation to the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part III, to be held in the County Court House in the Borough of Manhattan, in The City of New York, on the 8th day of February, 1909, at the opening of the Court on that day.

Sixth—In case, however, objections are filed to the foregoing abstracts of estimate and assessment, or to either of them, the motion to confirm the reports as to awards and as to assessments shall stand adjourned to the date to be hereafter specified in the notice provided in such cases to be given in relation to filing the final reports, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Manhattan, New York, December 7, 1908.

JOHN P. COHALAN, Chairman;

RODERICK KENNEDY,

R. J. BARRY,

Commissioners of Estimate.

JOHN P. COHALAN,

Commissioner of Assessment.

JOHN P. DUNN, Clerk.

d10,29

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of WEST ONE HUNDRED AND SIXTY-SECOND STREET (Adée avenue), from Broadway to Riverside drive, in the Twelfth Ward, Borough of Manhattan, City of New York.

NOTICE IS HEREBY GIVEN THAT THE final last partial and separate report of the Commissioners of Estimate and Assessment in the above-entitled matter will be presented for confirmation to the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part III, to be held in

the County Court House in the Borough of Manhattan, in The City of New York, on the 17th day of December, 1908, at 10:30 o'clock in forenoon of that day; and that the said final last partial and separate report has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of five days, as required by law.

Dated Borough of Manhattan, New York, December 10, 1908.

DANIEL O'CONNELL,
PHILIP F. DONOHUE,
Commissioners.

JOHN P. DUNN, Clerk.

d10,16

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of WATERLOO PLACE (although not yet named by proper authority), from East One Hundred and Seventy-fifth street to East One Hundred and Seventy-sixth street, in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

NOTICE IS HEREBY GIVEN THAT THE final report of the Commissioners of Estimate and Assessment in the above-entitled matter will be presented for confirmation to the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part III, to be held in the County Court House in the Borough of Manhattan, in The City of New York, on the 15th day of December, 1908, at 10:30 o'clock in forenoon of that day; and that the said final report has been deposited in the office of the Clerk of the County of New York, there to remain for and during the space of five days, as required by law.

Dated Borough of Manhattan, New York, December 9, 1908.

EDWARD D. DOWLING,
JOHN J. MACKIN,
MARTIN C. DYER,
Commissioners.

JOHN P. DUNN, Clerk.

d9,14

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of TWO HUNDRED AND FIFTH STREET (Adée avenue), from White Plains road to Boston Post road, in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN such cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III, thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Tuesday, the 22nd day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be

Court House in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above-entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street or avenue known as Van Courtlandt avenue, from Sedgwick avenue to Van Courtlandt Park South, in the Twenty-fourth Ward, Borough of The Bronx, City of New York, being the following-described lots, pieces or parcels of land, viz.:

Beginning at the intersection of the southern line of Van Courtlandt Park with the eastern line of Albany road;

1. Thence easterly along the southern line of Van Courtlandt Park for 157.41 feet;

2. Thence southerly deflecting 90 degrees to the right for 61.53 feet;

3. Thence southeasterly curving to the left on the arc of a circle of 31.53 feet radius and tangent to the preceding course for 30 feet to a point of reverse curve;

4. Thence southerly on the arc of a circle 180 feet radius for 139.56 feet to a point of reverse curve;

5. Thence southeasterly on the arc of a circle of 236 feet radius for 257.81 feet to a point of reverse curve;

6. Thence southeasterly on the arc of a circle of 185.35 feet radius for 135.15 feet;

7. Thence southeasterly on a line tangent to the preceding course for 630 feet;

8. Thence northwesterly deflecting 133 degrees 10 minutes 37 seconds to the right for 109.70 feet;

9. Thence northwesterly deflecting 46 degrees 49 minutes 23 seconds to the right for 554.93 feet;

10. Thence northwesterly curving to the left on the arc of a circle of 105.35 feet radius and tangent to the preceding course for 76.82 feet to a point of reverse curve;

11. Thence northwesterly on the arc of a circle of 316 feet radius for 345.20 feet to a point of reverse curve;

12. Thence northwesterly on the arc of a circle of 100 feet radius for 177.70 feet to the eastern line of Albany road;

13. Thence northerly for 143.96 feet to the point of beginning.

Van Courtlandt avenue, from Sedgwick avenue to Van Courtlandt Park South, is shown on Section 21 of the final maps and profiles of the Twenty-third and Twenty-fourth Wards, filed in the office of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards of The City of New York, on December 16, 1895; in the office of the Register of the County of New York December 17, 1895, as Map No. 1065, and in the office of the Secretary of State of the State of New York on December 17, 1895.

Land taken for Van Courtlandt avenue is located in Blocks 3252 and 3263 of Section 12 of the Land Map of The City of New York.

The Board of Estimate and Apportionment, on the 26th day of June, 1908, duly fixed and determined the area of assessment in this proceeding as follows:

Bounded on the west by a line distant 400 feet westerly from and parallel with the westerly line of Van Courtlandt avenue as laid out in the tangent between Bailey avenue and Sedgwick avenue, and by the prolongation of the said line, the said distance being measured at right angles to the line of Van Courtlandt avenue; on the north by a line distant 100 feet northerly from and parallel with the northerly line of Van Courtlandt Park South; on the east by a line distant 400 feet easterly from and parallel with the easterly line of Van Courtlandt avenue, as laid out in the tangent between Bailey avenue and Gouverneur avenue, and by the prolongation of said line, the said distance being measured at right angles to the line of Van Courtlandt avenue; and on the south by a line always distant 100 feet southerly from and parallel with the southerly line of Sedgwick avenue, the said distance being measured at right angles to the line of Sedgwick avenue.

Dated New York, December 8, 1908.

FRANCIS K. PENDLETON,
Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

d8,22

Doris Street.

Beginning at a point in the western line of Westchester avenue distant 271.52 feet northerly from the first angle point in said line east of Castle Hill avenue;

1. Thence northeasterly along the western line of Westchester avenue for 60 feet;

2. Thence northwesterly deflecting 90 degrees 15 minutes 55 seconds to the left for 707.50 feet;

3. Thence southerly deflecting 143 degrees 23 minutes to the left for 100.50 feet;

4. Thence southeasterly for 626.48 feet to the point of beginning.

Glover street and Doris street are shown on a map or plan entitled "Map or Plan showing the locating, laying out and the grades of the streets in the area bounded by Castle Hill Avenue, Bear Swamp Road, the line of The New York, New Haven and Hartford Railroad, Blondell Avenue and Westchester Avenue, in the Twenty-fourth Ward, Borough of The Bronx, City of New York. Prepared by the President of the Borough of The Bronx, under authority of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx on June 10, 1907; in the office of the Register of the County of New York on June 4, 1907, and in the office of the Counsel to the Corporation of The City of New York, on or about the same date, in pigeonhole 78.

Land taken for Glover street (Grace avenue) and Doris street (avenue) is located east of the Bronx River.

The Board of Estimate and Apportionment on the 22d day of May, 1908, duly fixed and determined the area of assessment in this proceeding as follows:

Beginning at a point on the northwesterly line of Westchester avenue where it is intersected by the line bisecting the angle formed by the intersection of the prolongations of the centre line of Glebe avenue as laid out southerly from Glover street and the centre line of Doris street, and running thence northerly along the said bisecting line to the intersection with a line distant one hundred feet southwesterly from and parallel with the southwesterly line of Doris street, the said distance being measured at right angles to the line of Doris street; thence northwestwardly along the said line parallel with Doris street and the prolongation thereof to the intersection with a line distant 100 feet westerly from and parallel with the westerly line of Glebe avenue, the said distance being measured at right angles to the line of Glebe avenue; thence northwestwardly along the said line parallel with Glebe avenue to the intersection with a line distant 100 feet southwesterly from and parallel with the southwesterly line of Glover street, the said distance being measured at right angles to the line of Glover street; thence northwestwardly along the said line parallel with Glover street to the intersection of the easterly line of Castle Hill avenue; thence westwardly at right angles to the line of Castle Hill avenue a distance of 200 feet; thence northwestwardly and parallel with Castle Hill avenue to the intersection with a line at right angles to the line of Castle Hill avenue and passing through a point on its westerly side where it is intersected by the prolongation of a line midway between Glover street and Parker street; thence eastwardly along the said line at right angles to Castle Hill avenue to its westerly side; thence southeastwardly along the said line midway between Glover street and Parker street, and the prolongation thereof, to a point distant 100 feet southeasterly from the southeasterly line of Westchester avenue; thence southwestwardly and parallel with Westchester avenue to the intersection with a line at right angles to Westchester avenue and passing through the point of beginning; thence northwestwardly along the said line at right angles to Westchester avenue to the point or place of beginning.

Dated New York, December 8, 1908.

FRANCIS K. PENDLETON,
Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

d8,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of BRONXWOOD AVENUE, from Burke avenue to Gun Hill road; BARNES AVENUE from Williamsbridge road to Tilden street, and WALLACE AVENUE, from Williamsbridge road to Gun Hill road (although not yet named by proper authority), in the Twenty-third Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III. thereof, in the County Court House in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above-entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street or avenue known as Bronxwood avenue, from Burke avenue to Gun Hill road; Barnes avenue, from Williamsbridge road to Tilden street, and Wallace avenue, from Williamsbridge road to Gun Hill road (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York, being the following-described lots, pieces or parcels of land, viz.:

Bronxwood Avenue.

Beginning at a point in the southern line of Gun Hill road distant 1,625 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the southern line of Gun Hill road for 100 feet;

2. Thence southerly deflecting 90 degrees to the right for 496.94 feet;

3. Thence southerly deflecting 21 degrees 22 minutes 20 seconds to the left for 943.25 feet to the northern line of Burke avenue (Morris street);

4. Thence westerly along last-mentioned line for 100 feet;

5. Thence northerly deflecting 90 degrees to the right for 1,076.06 feet;

6. Thence northeasterly deflecting 51 degrees 22 minutes 48 seconds to the right for 83.68 feet;

7. Thence northerly for 336.41 feet to the point of beginning.

Barnes Avenue.

Beginning at a point in the southern line of Burke avenue (Morris street) distant 980 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the southern line of Burke avenue (Morris street) for 60 feet;

2. Thence southerly deflecting 90 degrees to the right for 851.52 feet;

3. Thence southwesterly deflecting 71 degrees 34 minutes to the right for 63.24 feet;

4. Thence northerly for 871.52 feet to the point of beginning.

Parcel "B."

Beginning at a point in the southern line of Gun Hill road distant 1,155.62 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the southern line of Gun Hill road for 60 feet;

2. Thence southerly deflecting 90 degrees to the right for 251.76 feet;

3. Thence southerly deflecting 14 degrees 10 minutes 50 seconds to the left for 1,367.96 feet to the northern line of Burke avenue (Morris street);

4. Thence westerly along the northern line of Burke avenue (Morris street) for 60.48 feet;

5. Thence northerly deflecting 97 degrees 11 minutes 30 seconds to the right for 1,382.99 feet;

6. Thence northeasterly for 259.23 feet to the point of beginning.

Parcel "C."

Beginning at a point in the northern line of Gun Hill road distant 1,155.62 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the northern line of Gun Hill road for 80 feet;

2. Thence northerly deflecting 90 degrees to the left for 279.62 feet to the southern line of Tilden street;

3. Thence westerly deflecting 113 degrees 4 minutes 30 seconds to the left for 1,138.83 feet along the southern line of Tilden street;

4. Thence southeasterly deflecting 156 degrees 55 minutes 30 seconds to the left for 24.73 feet;

5. Thence southwesterly for 235 feet to the point of beginning.

Wallace Avenue.

Beginning at a point in the southern line of Gun Hill road distant 1,155.62 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the northern line of Gun Hill road for 80 feet;

2. Thence northerly deflecting 90 degrees to the left for 279.62 feet to the southern line of Tilden street;

3. Thence westerly deflecting 113 degrees 4 minutes 30 seconds to the left for 1,138.83 feet along the southern line of Tilden street;

4. Thence southeasterly deflecting 156 degrees 55 minutes 30 seconds to the left for 24.73 feet;

5. Thence southwesterly for 235 feet to the point of beginning.

Parcel "A."

Beginning at a point in the southern line of Burke avenue (Morris street) distant 720 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the northern line of Burke avenue (Morris street) for 60 feet;

2. Thence southerly, deflecting 90 degrees to the right for 918.52 feet;

3. Thence northwesterly deflecting 115 degrees 51 minutes 20 seconds to the right for 66.67 feet;

4. Thence northerly for 889.44 feet to the point of beginning.

Parcel "B."

Beginning at a point in the northern line of Burke avenue (Morris street) distant 720 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the northern line of Burke avenue (Morris street) for 60 feet;

2. Thence northerly deflecting 90 degrees to the left for 237.21 feet;

3. Thence southwesterly curving to the right on the arc of a circle of 444.72 feet radius for 61.08 feet, the radius of said circle drawn northwesterly from the northern extremity of the preceding course deflects 14 degrees 29 minutes 4 seconds to the left from the prolongation of said course;

4. Thence southerly for 226.04 feet to the point of beginning.

Parcel "C."

Beginning at a point in the southern line of Gun Hill road distant 795.45 feet easterly from the intersection of said line with the eastern line of White Plains road;

1. Thence easterly along the southern line of Gun Hill road for 61.89 feet;

2. Thence southerly deflecting 75 degrees 49 minutes 30 seconds to the right for 1,094.79 feet;

3. Thence southwesterly curving to the right on the arc of a circle of 343 feet radius and tangent to the preceding course for 178.11 feet to a point of reverse curve;

4. Thence southerly curving to the right on the arc of a circle of 10 feet radius for 16.86 feet;

5. Thence westerly on a line tangent to the preceding course for 64.31 feet;

6. Thence westerly deflecting 15 degrees 9 minutes 35 seconds to the left for 50.78 feet;

7. Thence northeasterly curving to the left on the arc of a circle of 61.75 feet radius and tangent to the preceding course for 79.51 feet to a point of compound curve;

8. Thence northerly curving to the left on the arc of a circle of 283 feet radius for 119.72 feet;

9. Thence northerly for 1,109.95 feet to the point of beginning.

Bronxwood avenue, from Burke avenue to Gun Hill road; Barnes avenue, from Williamsbridge road to Tilden street, and Wallace avenue, from Williamsbridge road to Gun Hill road; Barnes avenue, from Burke avenue to Gun Hill road; Barnes avenue, from Williamsbridge road to Gun Hill road (although not yet named by proper authority), in the Twenty-third Ward, Borough of The Bronx, City of New York.

Bronxwood avenue, from Burke avenue to Gun Hill road; Barnes avenue, from Williamsbridge road to Tilden street, and Wallace avenue, from Williamsbridge road to Gun Hill road; Barnes avenue, from Burke avenue to Gun Hill road; Barnes avenue, from Williamsbridge road to Gun Hill road (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

The Board of Estimate and Apportionment, on the 25th day of September, 1908, duly fixed and determined the area of assessment in this proceeding as follows:

Beginning at the point where the southerly line of Tilden street intersects the prolongation of a line midway between Barnes avenue and Bronxwood avenue, as these streets are laid out between Gun Hill road and East Two Hundred and Eleventh street, and running thence southwesterly along the said line midway between Barnes avenue and Bronxwood avenue and the prolongation of a line midway between Gun Hill road and East Two Hundred and Eleventh street, and running thence southwesterly along the said line midway between Barnes avenue and Bronxwood avenue and the prolongation of a line midway between Gun Hill road and East Two Hundred and Eleventh street, and running thence southwesterly along the said line midway between Barnes avenue and Bronxwood avenue and the prolongation of a line midway between Gun Hill road and East Two Hundred and Eleventh street, and running thence southwesterly along the said line midway between Barnes avenue and Bronxwood avenue and the prolongation of a line midway between Gun Hill road and East Two Hundred and Eleventh street, and running thence southwesterly

Parcel "B."

Beginning at a point in the northern line of East One Hundred and Fifty-sixth street distant 210 feet northwesterly from the intersection of said line with the western line of Southern boulevard.

First—Thence northwesterly along the northern line of East One Hundred and Fifty-sixth street for 60 feet;

Second—Thence northeasterly deflecting 90 degrees to the right for 560 feet to the southern line of Longwood avenue;

Third—Thence easterly along last mentioned line for 60 feet;

Fourth—Thence southwesterly for 560 feet to the point of beginning.

Fox street is shown on Section 3 of the Final Maps and Profiles of the Twenty-third and Twenty-fourth Wards, filed in the office of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards of The City of New York, on January 18, 1894; in the office of the Register of the County of New York, on January 19, 1894, as Map No. 355; and in the office of the Secretary of State of the State of New York, on January 20, 1894.

Land to be taken for Fox street is located in Blocks 2707 and 2720 of Section 10 of the Land Map of The City of New York.

The Board of Estimate and Apportionment on the 17th day of January, 1908, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at the intersection of a line distant 100 feet westerly from and parallel with the westerly line of Leggett avenue, the said distance being measured at right angles to the line of Leggett avenue, with a line midway between Fox street and Beck street, and running thence eastwardly along the said line midway between Beck street and Fox street as the said streets are laid out west of Leggett avenue, and along the prolongation of the said course to the intersection w'ith a line midway between Fox street and Beck street as the said streets are laid out northeast of Leggett avenue; thence northeasterly and along the said line midway between Beck street and Fox street as laid out northeast of Leggett avenue, to the intersection with a line distant 100 feet northeasterly from and parallel with the northeasterly line of Longwood avenue, the said distance being measured at right angles to the line of Longwood avenue; thence southeasterly and parallel with Longwood avenue to the intersection with a line midway between Fox street and the Southern boulevard; thence southwesterly and along the said line midway between Fox street and the Southern boulevard as the said streets are laid out north of East One Hundred and Fifty-sixth street, and along the prolongation of the said course to the intersection with a line midway between Fox street and the Southern boulevard as the said streets are laid out at and east of Avenue St. John; thence westwardly and along the said line midway between Fox street and the Southern boulevard as the said streets are laid out at and east of Avenue St. John to the intersection with a line distant 100 feet westerly from and parallel with the westerly line of Leggett avenue, the said distance being measured at right angles to the line of Leggett avenue; thence northerly and parallel with the westerly line of Leggett avenue to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of ROSEWOOD STREET, from Bronx boulevard to White Plains road and from White Plains road to Cruger avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, NOTICE IS HEREBY GIVEN THAT AN APPLICATION WILL BE MADE TO THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT, AT A SPECIAL TERM OF SAID COURT, TO BE HELD AT PART III. THEREOF, IN THE COUNTY COURT HOUSE, IN THE BOROUGH OF MANHATTAN, IN THE CITY OF NEW YORK, ON TUESDAY, THE 22D DAY OF DECEMBER, 1908, AT THE OPENING OF THE COURT ON THAT DAY, OR AS SOON THEREAFTER AS COUNSEL CAN BE HEARD THEREON, FOR THE APPOINTMENT OF COMMISSIONERS OF ESTIMATE IN THE ABOVE ENTITLED MATTER, ONE OF WHOM SHALL BE DESIGNATED AS A COMMISSIONER OF ASSESSMENT. THE NATURE AND EXTENT OF THE IMPROVEMENT HEREBY INTENDED IS THE ACQUISITION OF TITLE IN FEES BY THE CITY OF NEW YORK, FOR THE USE OF THE PUBLIC, TO ALL LANDS AND PREMISES, WITH THE BUILDINGS THEREON AND THE APPURTENANCES THERETO BELONGING, REQUIRED FOR THE OPENING OF A CERTAIN STREET OR AVENUE KNOWN AS ROSEWOOD STREET, FROM BRONX BOULEVARD TO WHITE PLAINS ROAD, AND FROM WHITE PLAINS ROAD TO CRUGER AVENUE (ALTHOUGH NOT YET NAMED BY PROPER AUTHORITY), IN THE TWENTY-FOURTH WARD, BOROUGH OF THE BRONX, CITY OF NEW YORK, BEING THE FOLLOWING DESCRIBED LOTS, PIECES OR PARCELS OF LAND, VIZ.:

Parcel "A."

Beginning at a point in the western line of White Plains road distant 564.088 feet northerly from the intersection of said line with the northern line of Morris street (Burke avenue).

First—Thence northerly along the western line of White Plains road for 60.002 feet;

Second—Thence westerly deflecting 89 degrees 34 minutes 30 seconds to the left for 805.022 feet;

Third—Thence southerly deflecting 90 degrees 25 minutes 30 seconds to the left for 60.002 feet;

Fourth—Thence westerly for 805.022 feet to the point of beginning.

Parcel "B."

Beginning at a point in the eastern line of White Plains road distant 525 feet northerly from the intersection of said line with the northern line of Morris street.

First—Thence northerly along the eastern line of White Plains road for 150 feet;

Second—Thence southeasterly curving to the left on the arc of a circle of 25 feet radius and tangent to the preceding course for 39.27 feet;

Third—Thence easterly on a line tangent to the preceding course for 105 feet;

Fourth—Thence northeasterly curving to the left on the arc of a circle of 50 feet radius and tangent to the preceding course for 76.806 feet;

Fifth—Thence southerly on a line tangent to the preceding course for 28.357 feet;

Sixth—Thence southerly deflecting 9 degrees 28 minutes 43 seconds to the right for 135.761 feet;

Seventh—Thence westerly curving to the left on the arc of a circle of 25 feet radius for 26.897 feet, the centre of said circle lies in a line drawn southwesterly from the southern extremity of the preceding course and which deflected 50 degrees 10 minutes 37 seconds to the right from said course;

Eighth—Thence westerly on a line tangent to the preceding course for 105 feet;

Ninth—Thence southwesterly curving to the left on the arc of a circle of 25 feet radius and tangent to the preceding course for 39.27 feet to the point of beginning.

Widening of Tiebout Avenue.

Beginning at the intersection of the eastern line of Tiebout avenue with the southern line of East One Hundred and Eighty-third street.

First—Thence southerly along the eastern line of Tiebout avenue for 200 feet to the northern line for 19.37 feet;

Third—Thence northerly deflecting 90 degrees to the left for 200 feet to the southern line of East One Hundred and Eighty-third street;

Fourth—Thence westerly along last mentioned line for 18.68 feet to the point of beginning.

East One Hundred and Eighty-second street from Tiebout avenue to Folin street is shown on a map entitled "Map or Plan showing the Extension of East One Hundred and Eighty-second street from Tiebout avenue to Folin street (East One Hundred and Eighty-first street), in the Twenty-fourth Ward, Borough of The Bronx, City of New York. Prepared by the President of the Borough of The Bronx under authority

of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx, on September 19, 1906; in the office of the Register of the County of New York, on September 18, 1906, as Map No. 1132B, and in the office of the Counsel to the Corporation of The City of New York, on or about the same date in pigeonhole 63.

The widening of Tiebout avenue from Ford street to East One Hundred and Eighty-third street is shown on a map entitled "Map or Plan showing the widening of Tiebout avenue from Ford street to East One Hundred and Eighty-third street and the grades of Ford street and East One Hundred and Eighty-third street from Tiebout avenue to Webster avenue, in the Twenty-fourth Ward, Borough of The Bronx, City of New York. Prepared by the President of the Borough of The Bronx under authority of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx, on October 29, 1906; in the office of the Register of the County of New York, on October 16, 1906, as Map No. 1136, and in the office of the Counsel to the Corporation of The City of New York, on or about the same date in pigeonhole 47, and on February 20, 1908, in pigeonhole 92.

Land to be taken for Tiebout street is located

east of the Bronx River.

The Board of Estimate and Apportionment on the 17th day of January, 1908, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at a point on the prolongation of a line midway between Rosewood street and Burke avenue, as laid out between Bronx boulevard and White Plains road, distant 100 feet westerly from the westerly line of Bronx boulevard, and running thence northwardly and parallel with Bronx Boulevard to the intersection with a line midway between Rosewood street and Magenta street; thence eastwardly along the said line midway between Rosewood street and Magenta street to a point distant 100 feet westerly from the westerly line of White Plains road; thence northwardly and parallel with White Plains road to the intersection with the prolongation of a line distant 100 feet northerly from and parallel with the northerly line of Bartholdi street, the said distance being measured at right angles to the line of Bartholdi street; thence eastwardly along the said line parallel with Bartholdi street and the prolongation thereof to a point distant 100 feet easterly from the easterly line of Cruger avenue; thence southwardly and parallel with Cruger avenue and the prolongation thereof to the southerly line of North Oak drive; thence southwardly in a straight line to a point on the northerly line of South Oak drive, where it is intersected by the prolongation of a line distant 100 feet easterly from and parallel with the easterly line of Cruger avenue, as laid out south of South Oak drive; thence southwardly along the said line parallel with Cruger avenue to the intersection with a line which is the bisector of the angle formed by the intersection of the northerly line of Burke avenue and the prolongation of the southerly line of South Oak drive, as laid out immediately east of Cruger avenue; thence westwardly along the said bisecting line to the intersection with the prolongation of a line midway between Rosewood street and Burke avenue, as laid out between Bronx boulevard and White Plains road; thence westwardly along the said line midway between Rosewood street and Burke avenue and the prolongations thereof, to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of WEST TWO HUNDRED AND THIRTY-FIRST STREET, from Bailey avenue to Riverdale avenue, in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, NOTICE IS HEREBY GIVEN THAT AN APPLICATION WILL BE MADE TO THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT, AT A SPECIAL TERM OF SAID COURT, TO BE HELD AT PART III. THEREOF, IN THE COUNTY COURT HOUSE, IN THE BOROUGH OF MANHATTAN, IN THE CITY OF NEW YORK, ON TUESDAY, THE 22D DAY OF DECEMBER, 1908, AT THE OPENING OF THE COURT ON THAT DAY, OR AS SOON THEREAFTER AS COUNSEL CAN BE HEARD THEREON, FOR THE APPOINTMENT OF COMMISSIONERS OF ESTIMATE IN THE ABOVE ENTITLED MATTER, ONE OF WHOM SHALL BE DESIGNATED AS A COMMISSIONER OF ASSESSMENT. THE NATURE AND EXTENT OF THE IMPROVEMENT HEREBY INTENDED IS THE ACQUISITION OF TITLE IN FEES BY THE CITY OF NEW YORK, FOR THE USE OF THE PUBLIC, TO ALL LANDS AND PREMISES, WITH THE BUILDINGS THEREON AND THE APPURTENANCES THERETO BELONGING, REQUIRED FOR THE OPENING OF A CERTAIN STREET OR AVENUE KNOWN AS WEST TWO HUNDRED AND THIRTY-FIRST STREET, FROM BAILEY AVENUE TO RIVERDALE AVENUE, IN THE TWENTY-FOURTH WARD, BOROUGH OF THE BRONX, CITY OF NEW YORK.

Parcel "A."

Beginning at a point in the western line of Broadway distant 430.21 feet southerly from the intersection of said line with the southern line of West Two Hundred and Thirty-second street.

First—Thence southerly along the western line of Broadway for 80.28 feet;

Second—Thence westerly deflecting 94 degrees 48 minutes 15 seconds to the right for 509.63 feet;

Third—Thence westerly deflecting 4 seconds to the right for 70.12 feet;

Fourth—Thence westerly deflecting 3 degrees 17 minutes 21 seconds to the right for 922.44 feet to the eastern line of Riverdale avenue (legally opened July 2, 1866);

Fifth—Thence northerly along last mentioned line for 80.15 feet;

Sixth—Thence southeasterly deflecting 10 minutes 39 seconds to the left from the eastern prolongation of the radius of the preceding course drawn through its northern extremity for 918.11 feet;

Seventh—Thence easterly deflecting 3 degrees 23 minutes 49 seconds to the left for 70.12 feet;

Eighth—Thence easterly for 498.30 feet to the point of beginning.

Parcel "B."

Beginning at the intersection of the eastern line of Broadway with the southern line of West Two Hundred and Thirty-first street (as legally acquired).

First—Thence southerly along the eastern line of Broadway for 20.01 feet;

Second—Thence easterly deflecting 92 degrees 8 minutes 36 seconds to the left for 291.07 feet to the western line of Albany road;

Third—Thence northerly along last mentioned line for 20.01 feet to the southern line of West Two Hundred and Thirty-first street (as legally acquired);

Fourth—Thence westerly for 289.61 feet to the point of beginning.

Parcel "C."

Beginning at the intersection of the western line of Bailey avenue with the southern line of West Two Hundred and Thirty-first street (as legally acquired).

First—Thence southerly along the western line of Bailey avenue for 20.16 feet;

Second—Thence westerly deflecting 82 degrees 49 minutes 22 seconds to the right for 303.74 feet to the eastern line of Albany road;

Third—Thence northerly along last mentioned line for 20.01 feet to the southern line of West Two Hundred and Thirty-first street (as legally acquired);

Beginning at a point in the western line of Lafontaine avenue distant 244.39 feet northerly from the intersection of said line with the southern line of East One Hundred and Eighty-first street;

First—Thence northerly along the western line of Lafontaine avenue for 103.75 feet to the southern line of Quarry road;

Second—Thence southwesterly along last mentioned line for 123.25 feet;

Fourth—Thence easterly for 307 feet to the point of beginning.

West Two Hundred and Thirty-first street is shown on a map entitled "Map or Plan showing the change of lines of West Two Hundred and Thirty-first street, from Riverdale avenue to Kingsbridge avenue and from Albany road to Bailey avenue and changing the grades of West Two Hundred and Thirty-first street, between Riverdale avenue and Bailey avenue and of the intersecting streets affected thereby, Borough of The Bronx. Prepared by the President of the Borough of The Bronx under authority of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx, in the office of the Register of the County of New York and in the office of the Counsel to the Corporation of The City of New York.

West Two Hundred and Thirty-first street is also shown on a map entitled "Map or Plan showing the widening of West Two Hundred and Thirty-first street, between Kingsbridge avenue and Albany road, and West Two Hundred and Thirty-eighth street, between Kingsbridge avenue and Putnam Avenue West, and changing the line of West Two Hundred and Thirty-first street, between Broadway and Kingsbridge avenue, in the Twenty-fourth Ward, Borough of The Bronx. Prepared by the President of the Borough of The Bronx under authority of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx, in the office of the Register of the County of New York, on December 9, 1907, as Map No. 1235; and in the office of the Counsel to the Corporation of The City of New York, on December 10, 1907, in pigeonhole 90.

Land to be taken for West Two Hundred and Thirty-first street, from Bailey avenue to Riverdale avenue is located in Blocks 3403, 3404 and 3406 of Section 13 and Blocks 3266 and 3267 of Section 12 of the Land Map of The City of New York.

The Board of Estimate and Apportionment on the 5th day of June, 1908, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at a point on a line bisecting the angle formed by the intersection of the prolongations of the centre lines of West Two Hundred and Thirty-second street and West Two Hundred and Thirty-fourth street, as laid out between Spuyten Duyvil road and Kingsbridge avenue distant 100 feet westerly from the westerly line of Riverdale avenue, the said distance being measured at right angles to the line of Riverdale avenue, and running thence southwesterly along the said line bisecting the angle formed by the intersection of the prolongations of the centre lines of West Two Hundred and Thirty-fourth street and West Two Hundred and Thirty-second street, as laid out between Kingsbridge avenue and Broadway; thence southwesterly along the said line midway between West Two Hundred and Thirty-second street and West Two Hundred and Thirty-fourth street, as laid out between Kingsbridge avenue and Broadway; thence southwesterly along the said line midway between West Two Hundred and Thirty-fourth street and West Two Hundred and Thirty-second street to the northwesterly line of Broadway; thence eastwardly in a straight line to a point on the southeasterly line of Broadway where it is intersected by a line bisecting the angle formed by the intersection of the prolongations of the centre lines of West Two Hundred and Thirty-third street and West Two Hundred and Thirty-fourth street, as laid out between Broadway and Bailey avenue; thence southwesterly along the said line midway between West Two Hundred and Thirty-fourth street and West Two Hundred and Thirty-second street to the northwesterly line of Bailey avenue, the said distance being measured at right angles to the line of Bailey avenue; thence southwesterly and always distant 100 feet southeasterly from and parallel with the southeasterly line of Bailey avenue to the intersection with the prolongation of a line distant 200 feet southwesterly from and parallel with the southwesterly line of West Two Hundred and Thirtieth street, as laid out between Bailey and Thirtieth street, thence northwesterly along the said line parallel with West Two Hundred and Thirtieth street, the said distance being measured at right angles to the line of West Two Hundred and Thirtieth street; thence northwesterly along the said line parallel with the southwesterly line of West Two Hundred and Thirtieth street to the northwesterly line of Tibbett avenue where it is intersected by a line distant 200 feet southwesterly from and parallel with the southwesterly line of West Two Hundred and Thirtieth street, as laid out between Tibbett and Spuyten Duyvil road; thence northwesterly along the said line parallel with West Two Hundred and Thirtieth street to a point distant 100 feet northwesterly from the northwesterly line of Spuyten Duyvil road, the said distance being measured at right angles to the line of Spuyten Duyvil road; thence northwesterly and always distant 100 feet northwesterly from and parallel with the northwesterly lines of Spuyten Duyvil road and Riverdale avenue to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of THE TRIANGULAR AREA bounded by Lafontaine avenue, Quarry road and the south side of Oak Tree place, in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, NOTICE IS HEREBY GIVEN THAT AN APPLICATION WILL BE MADE TO THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT, AT A SPECIAL TERM OF SAID COURT, TO BE HELD AT PART III. THEREOF, IN THE COUNTY COURT HOUSE, IN THE BOROUGH OF MANHATTAN, IN THE CITY OF NEW YORK, ON TUESDAY, THE 22D DAY OF DECEMBER, 1908, AT THE OPENING OF THE COURT ON THAT DAY, OR AS SOON THEREAFTER AS COUNSEL CAN BE HEARD THEREON, FOR THE APPOINTMENT OF COMMISSIONERS OF ESTIMATE IN THE ABOVE-ENTITLED MATTER, ONE OF WHOM SHALL BE DESIGNATED AS A COMMISSIONER OF ASSESSMENT. THE NATURE AND EXTENT OF THE IMPROVEMENT HEREBY INTENDED IS THE ACQUISITION OF TITLE IN FEES BY THE CITY OF NEW YORK, FOR THE USE OF THE PUBLIC, TO ALL LANDS AND PREMISES, WITH THE BUILDINGS THEREON AND THE APPURTENANCES THERETO BELONGING, REQUIRED FOR THE OPENING OF A CERTAIN STREET OR AVENUE KNOWN AS THE TRIANGULAR AREA BOUNDED BY LAFONTAINE AVENUE, QUARRY ROAD AND THE SOUTH SIDE OF OAK TREE PLACE, IN THE TWENTY-FOURTH WARD, BOROUGH OF THE BRON

Third—Thence easterly for 66.09 feet to the point of beginning.
The Triangular Area bounded by Lafontaine avenue, Quarry road and the south side of Oak Tree place is shown as street area on Section 13 of the Final Maps and Profiles of the Twenty-third and Twenty-fourth Wards, filed in the office of the Commissioner of Street Improvements of the City of New York, on October 31, 1895; in the office of the Register of the City and County of New York on November 2, 1895, as Map No. 1061, and in the office of the Secretary of State of the State of New York, on November 2, 1895.

The land to be taken for the Triangular Area bounded by Lafontaine avenue, Quarry road and the south side of Oak Tree place is located in Block 3063 of Section 11 of the Land Map of The City of New York.

The Board of Estimate and Apportionment on the 6th day of December, 1907, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at the intersection of a line 125 feet distant southerly from and parallel with the southerly line of Oak Tree place, the said distance being measured at right angles to the line of Oak Tree place, with the southeasterly side of Quarry road and running thence northwardly at right angles to the line of the Quarry road to a point distant 100 feet northwardly from the northwesterly side of the said road; thence northeastwardly and parallel with the Quarry road to the intersection with a line drawn at right angles to the said road from a point on its northwesterly side where it is intersected by a line distant 200 feet northerly from and parallel with the northerly line of Oak Tree place, the said distance being measured at right angles to the line of Oak Tree place; thence southeasterly to the last mentioned point on the northwesterly side of the Quarry road; thence eastwardly along a line parallel with the northerly side of Oak Tree place, and along the prolongation of the said line to the intersection with a line 100 feet distant easterly from and parallel with the easterly line of Lafontaine avenue, the said distance being measured at right angles to the line of Lafontaine avenue; thence southwardly along a line parallel with Lafontaine avenue to the intersection with a line distant 125 feet southerly from and parallel with the southerly line of Oak Tree place; thence westwardly along the said line parallel with Oak Tree place to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of WEST TWO HUNDRED AND THIRTY-FOURTH STREET, from Albany road to Kingsbridge avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III. thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street or avenue known as West Two Hundred and Thirty-fourth street, from Albany road to Kingsbridge avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York, being the following described lots, pieces or parcels of land, viz.:

Parcel "B."

Beginning at a point in the western line of Broadway distant 586.94 feet northerly from the intersection of said line with the northern line of West Two Hundred and Thirty-second street.

First—Thence northerly along the western line of Broadway for 60.55 feet;

Second—Thence westerly deflecting 82 degrees 16 minutes to the left for 348.94 feet;

Third—Thence southerly deflecting 89 degrees 51 minutes 50 seconds to the left for 60 feet;

Fourth—Thence easterly for 357.24 feet to the point of beginning.

Parcel "A."

Beginning at a point in the eastern line of Broadway distant 363.10 feet northerly from the intersection of said line with the northern line of West Two Hundred and Thirty-third street.

First—Thence northerly along the eastern line of Broadway for 60.55 feet;

Second—Thence easterly deflecting 97 degrees 44 minutes to the right for 672.96 feet to the western line of Albany road as legally acquired;

Third—Thence southerly along last mentioned line for 60.54 feet;

Fourth—Thence westerly for 672.88 feet to the point of beginning.

West Two Hundred and Thirty-fourth street is shown as East and West Two Hundred and Thirty-fourth street on Section 21 of the Final Maps and Profiles of the Twenty-third and Twenty-fourth Wards, filed in the office of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards of The City of New York, on December 16, 1895; in the office of the Register of The City and County of New York, on December 17, 1895, as Map No. 1065, and in the office of the Secretary of State of the State of New York, on December 17, 1895.

The land to be taken for West Two Hundred and Thirty-fourth street is located in Blocks 3268 and 3269 of Section 12 and Block 3405 of Section 13 of the Land Map of The City of New York.

The Board of Estimate and Apportionment on the 6th day of December, 1907, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at the intersection of a line 200 feet southerly from and parallel with the southerly line of West Two Hundred and Thirty-fourth street, the said distance being measured at right angles to the line of West Two Hundred and Thirty-fourth street, with a line 120 feet westerly from and parallel with the westerly line of Kingsbridge avenue, the said distance being measured at right angles to the line of Kingsbridge avenue, and running thence northwardly and parallel with the line of Kingsbridge avenue to the intersection with a line passing through a point on the easterly side of Kingsbridge avenue distant 200 feet north of the in-

tersection of the said east line of Kingsbridge avenue with the northerly side of West Two Hundred and Thirty-fourth street, and through a point on the westerly side of Albany road distant 232 feet north of the point where the said westerly line of Albany road intersects the northerly line of West Two Hundred and Thirty-fourth street; thence eastwardly along the said line passing through a point on the easterly line of Kingsbridge avenue distant 200 feet north of its intersection with the northerly line of West Two Hundred and Thirty-fourth street and through a point on the westerly side of Albany road distant 232 feet north of its intersection with the northerly side of West Two Hundred and Thirty-fourth street, and along the prolongation of the said line, to the intersection with a line distant 100 feet easterly from and parallel with the easterly line of Albany road, the said distance being measured at right angles to the line of Albany road; thence southwardly and parallel with Albany road and always distant 100 feet from the easterly line of the said road to the intersection with a line passing through a point on the westerly side of Albany road distant 139 feet southerly from the intersection of the said line with the southerly line of West Two Hundred and Thirty-fourth street, and through a point on the easterly side of Broadway distant 182 feet south of the intersection of the said easterly line of Broadway with the southerly line of West Two Hundred and Thirty-fourth street; thence westwardly and passing through the previously described points located on the westerly side of Albany road distant 139 feet south of the intersection of the said westerly line of Albany road with the southerly line of West Two Hundred and Thirty-fourth street, and through a point on the easterly line of Broadway distant 182 feet south of the intersection of the said easterly line of Broadway with the southerly line of West Two Hundred and Thirty-fourth street; thence westwardly and parallel with the easterly line of Kingsbridge avenue, the said distance being measured at right angles to the line of Kingsbridge avenue; thence southwardly and parallel with Kingsbridge avenue to the intersection with a line distant 290 feet southerly from and parallel with the southerly line of West Two Hundred and Thirty-fourth street as laid out west of Kingsbridge avenue, the said distance being measured at right angles to the line of West Two Hundred and Thirty-fourth street; thence westwardly and parallel with West Two Hundred and Thirty-fourth street as laid out west of Kingsbridge avenue to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

Fourth—Thence southeasterly on the arc of a circle of 46.803 feet radius for 85.880 feet;

Fifth—Thence southerly on a line tangent to the preceding course for 38.970 feet to the western line of Morris Park avenue;

Sixth—Thence northeasterly along last-mentioned line for 258.290 feet;

Seventh—Thence westerly curving to the right on the arc of a circle tangent to the preceding course and of 115.300 feet radius for 121.898 feet to a point of reverse curve;

Eighth—Thence southwesterly on the arc of a circle of 640 feet radius for 956.589 feet;

Ninth—Thence southerly for 1,008.908 feet to the point of beginning.

East One Hundred and Seventy-seventh street, or Wyatt street, and Bronx Park avenue (Berrian street) are shown on a map entitled "Map or Plan showing the location, laying out and the grades of the streets within the area bounded by Bronx River, Bronx Park, Rhinelander avenue, Bear Swamp road, the line of the New York, New Haven and Hartford Railroad, Bronx River avenue and East One Hundred and Seventy-seventh street, in the Twenty-fourth Ward, Borough of The Bronx, City of New York. Prepared by the President of the Borough of The Bronx, under authority of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx, on October 24, 1907; in the office of the Register of the County of New York, on October 17, 1907; as Map No. 1227; and in the office of the Counsel to the Corporation of The City of New York, on or about the same date in pinhole.

Land to be taken for East One Hundred and Seventy-seventh street, or Wyatt street, and Bronx Park avenue (Berrian street) is located east of the Bronx River.

The Board of Estimate and Apportionment on the 22d day of November, 1907, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at the intersection of a line distant 100 feet southerly from and parallel with the southerly line of East One Hundred and Seventy-seventh street, the said distance being measured at right angles to the line of East One Hundred and Seventy-seventh street, and along the prolongation of the said line, to the intersection with a line distant 200 feet easterly from and parallel with the easterly line of Kingsbridge avenue, the said distance being measured at right angles to the line of Kingsbridge avenue; thence southwardly and parallel with Kingsbridge avenue to the intersection with a line distant 290 feet southerly from and parallel with the southerly line of West Two Hundred and Thirty-fourth street, with a line distant 200 feet westerly from and parallel with the westerly line of Bronx Park avenue, the said distance being measured at right angles to the line of Bronx Park avenue, and running thence northwardly and parallel with Bronx Park avenue to the intersection with the northerly line of East One Hundred and Seventy-seventh street and with the northerly line of Wyatt street; thence westwardly and parallel with Wyatt street to the easterly line of Devoe avenue; thence northwardly along the easterly line of Devoe avenue to a point distant 100 feet north of the northerly line of Wyatt street; thence eastwardly and parallel with Wyatt street 200 feet; thence northwardly and eastwardly and always distant 200 feet westerly and northerly from the westerly and northerly line of Bronx Park avenue to the intersection with the westerly line of Morris Park avenue; thence across Morris Park avenue to a point on its easterly side midway between Melville street and Taylor street; thence southeastwardly at right angles to the line of Morris Park avenue 100 feet; thence southwardly at right angles to the line of Melville street 250 feet; thence northwardly and parallel with the northerly line of Morris Park avenue; thence across Morris Park avenue to a point on its westerly side, where the same meets a line distant 200 feet southerly from the southerly line of Bronx Park avenue, the said distance being measured at right angles to the line of Bronx Park avenue; thence westwardly and parallel with the northerly line of Morris Park avenue; thence across Morris Park avenue to a point on its easterly side of Morris Park avenue; thence across Morris Park avenue to a point on its westerly side, where the same meets a line distant 200 feet southerly from the southerly line of Bronx Park avenue, the said distance being measured at right angles to the line of Bronx Park avenue; thence westwardly and southwardly along the easterly line of Bronx Park avenue to a point distant 200 feet easterly from and parallel with the southerly line of Wyatt street, the said distance being measured at right angles to the line of Bronx Park avenue; thence southwardly and parallel with the line of Bronx Park avenue to the intersection with a line distant 100 feet southerly from and parallel with the southerly line of East One Hundred and Seventy-seventh street, the said distance being measured at right angles to the line of East One Hundred and Seventy-seventh street; and thence westwardly and parallel with East One Hundred and Seventy-seventh street to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8,22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of EAST ONE HUNDRED AND SEVENTY-SEVENTH STREET, or WYATT STREET, from Tremont avenue to Morris Park avenue, and BRONX PARK AVENUE (Berrian street), from Tremont avenue to Morris Park avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III. thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street or avenue known as East One Hundred and Seventy-seventh street or Wyatt street, from Tremont avenue to Morris Park avenue, and Bronx Park avenue (Berrian street), from Tremont avenue to Morris Park avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York, being the following described lots, pieces or parcels of land, viz.:

EAST ONE HUNDRED AND SEVENTY-SEVENTH STREET, OR WYATT STREET.

Beginning at a point in the eastern line of Tremont avenue (East One Hundred and Seventy-seventh street) distant 137.811 feet southerly from the intersection of said line with the southern line of West Farms road (Walker avenue);

First—Thence southerly along the eastern line of Tremont avenue (East One Hundred and Seventy-seventh street) for 60 feet;

Second—Thence easterly deflecting 90 degrees to the left for 874.654 feet;

Third—Thence southerly deflecting 92 degrees 46 minutes 20 seconds to the right for 14.923 feet;

Fourth—Thence northeasterly deflecting 145 degrees 32 minutes 40 seconds to the left for 94.974 feet;

Fifth—Thence westerly for 930.845 feet to the point of beginning.

BRONX PARK AVENUE (BERRIAN STREET).

Beginning at a point in the southern line of West Farms road (Walker avenue) distant 431.01 feet easterly from the intersection of said line with the eastern line of Tremont avenue (East One Hundred and Seventy-seventh street);

First—Thence easterly along the southern line of West Farms road (Walker avenue) for 64.651 feet;

Second—Thence southerly deflecting 111 degrees 52 minutes to the right for 584.998 feet to the northern line of Tremont avenue (East One Hundred and Seventy-seventh street);

Third—Thence westerly along last-mentioned line for 60.486 feet;

Fourth—Thence northerly for 553.271 feet to the point of beginning.

Parcel "B."

Beginning at a point in the northern line of West Farms road (Walker avenue) distant 431.01 feet easterly from the intersection of said line with the eastern line of Devoe avenue;

First—Thence easterly along the northern line of West Farms road (Walker avenue) for 86.202 feet;

Second—Thence northerly deflecting 68 degrees 8 minutes to the left for 976.804 feet;

Third—Thence northeasterly curving to the right on the arc of a circle tangent to the preceding course and of 560 feet radius for 788.553 feet to a point of compound curve;

Fourth—Thence southeasterly on the arc of a circle of 46.803 feet radius for 85.880 feet;

Fifth—Thence southerly on a line tangent to the preceding course for 38.970 feet to the western line of Morris Park avenue;

Sixth—Thence northeasterly along last-mentioned line for 258.290 feet;

Seventh—Thence westerly curving to the right on the arc of a circle tangent to the preceding course and of 115.300 feet radius for 121.898 feet to a point of reverse curve;

Eighth—Thence southwesterly on the arc of a circle of 640 feet radius for 956.589 feet;

Ninth—Thence southerly for 1,008.908 feet to the point of beginning.

East One Hundred and Seventy-seventh street, or Wyatt street, and Bronx Park avenue (Berrian street) are shown on a map entitled "Map or Plan showing the location, laying out and the grades of the streets within the area bounded by Bronx River, Bronx Park, Rhinelander avenue, Bear Swamp road, the line of the New York, New Haven and Hartford Railroad, Bronx River avenue and East One Hundred and Seventy-seventh street, in the Twenty-fourth Ward, Borough of The Bronx, City of New York. Prepared by the President of the Borough of The Bronx, under authority of chapter 466 of the Laws of 1901." Which map was filed in the office of the President of the Borough of The Bronx, on October 24, 1907; in the office of the Register of the County of New York, on October 17, 1907; as Map No. 1227; and in the office of the Counsel to the Corporation of The City of New York, on or about the same date in pinhole.

Land to be taken for East One Hundred and Seventy-seventh street, or Wyatt street, and Bronx Park avenue (Berrian street) is located east of the Bronx River.

The Board of Estimate and Apportionment on the 22d day of November, 1907, duly fixed and determined the area of assessment in these proceedings as follows:

Beginning at the intersection of a line distant 100 feet southerly from and parallel with the southerly line of East One Hundred and Seventy-seventh street, the said distance being measured at right angles to the line of East One Hundred and Seventy-seventh street, and along the prolongation of the said line, to the intersection with a line distant 200 feet easterly from and parallel with the easterly line of Kingsbridge avenue, the said distance being measured at right angles to the line of Kingsbridge avenue; thence southwardly and parallel with Kingsbridge avenue to the intersection with a line distant 290 feet southerly from and parallel with the southerly line of West Two Hundred and Thirty-fourth street, with a line distant 200 feet westerly from and parallel with the westerly line of Bronx Park avenue, the said distance being measured at right angles to the line of Bronx Park avenue, and running thence northwardly and parallel with Bronx Park avenue to the intersection with the northerly line of East One Hundred and Seventy-seventh street and with the northerly line of Wyatt street; thence westwardly and parallel with Wyatt street to the easterly line of Devoe avenue; thence northwardly along the easterly line of Devoe avenue to a point distant 100 feet north of the northerly line of Wyatt street; thence eastwardly and parallel with Wyatt street 200 feet; thence northwardly and eastwardly and always distant 200 feet westerly and northerly from the westerly and northerly line of Bronx Park avenue to the intersection with the westerly line of Morris Park avenue; thence across Morris Park avenue to a point on its easterly side midway between Melville street and Taylor street; thence southeastwardly at right angles to the line of Morris Park avenue 100 feet; thence southwardly at right angles to the line of Melville street 250 feet; thence northwardly and parallel with the northerly line of Morris Park avenue; thence across Morris Park avenue to a point on its westerly side, where the same meets a line distant 200 feet southerly from the southerly line of Bronx Park avenue, the said distance being measured at right angles to the line of Bronx Park avenue; thence westwardly and parallel with the northerly line of Morris Park avenue; thence across Morris Park avenue to a point on its westerly side, where the same meets a line distant 200 feet southerly from the southerly line of Bronx Park avenue, the said distance being measured at right angles to the line of Bronx Park avenue; thence westwardly and southwardly along the easterly line of Bronx Park avenue to a point distant 200 feet easterly from and parallel with the southerly line of Wyatt street, the said distance being measured at right angles to the line of Bronx Park avenue; thence southwardly and parallel with the line of Bronx Park avenue to the intersection with a line distant 100 feet southerly from and parallel with the southerly line of East One Hundred and Seventy-seventh street, the said distance being measured at right angles to the line of East One Hundred and Seventy-seventh street; and thence westwardly and parallel with East One Hundred and Seventy-seventh street to the point or place of beginning.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

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ern line of Mosholu Parkway, now Mosholu Parkway North.

First—Thence northerly along the western line of Jerome avenue for 103.84 feet;

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said line and in a curved line, distance 25.98 feet; thence northerly and tangent to said curve distance 151.31 feet; thence easterly along said line, radius 60.00 feet, distance 94.54 feet; thence southerly distance 240.87 feet to the point or place of beginning.

WEST ONE HUNDRED AND SEVENTY-EIGHTH STREET.

Beginning at a point in the westerly line of Haven avenue distant 255.00 feet northerly from West One Hundred and Seventy-seventh street; thence westerly at right angle to said Haven avenue, distance 272 feet to easterly line of Buena Vista avenue; thence northerly along said line, distance 60 feet; thence westerly and parallel to first course, distance 272 feet to Haven avenue; thence southerly along said line, distance 60 feet to the point or place of beginning.

WEST ONE HUNDRED AND SEVENTY-NINTH STREET.

Beginning at a point in the westerly line of Haven avenue, distant 500 feet northerly from West One Hundred and Seventy-seventh street; thence westerly at a right angle to Haven avenue, distance 272 feet to Buena Vista avenue; thence northerly along said avenue, distance 60 feet; thence easterly and parallel to first course, distance 272 feet to Haven avenue; thence southerly along said line, distance 60 feet to the point or place of beginning.

Said streets to be found in Section 8, Blocks 2139 and 2177 of the Land Map of the Borough of Manhattan, City of New York.

The land to be taken for the above streets is shown on a certain map entitled "Map, plan and profiles of New street, with their established grades within the area bounded by One Hundred and Seventy-first street, One Hundred and Eighty-first street, Kingsbridge road and Boulevard Lafayette, to be known as One Hundred and Seventy-third Street, One Hundred and Seventy-fourth street and One Hundred and Seventy-fifth street, between Kingsbridge road and Fort Washington, One Hundred and Seventy-sixth, One Hundred and Seventy-eighth, One Hundred and Seventy-ninth and One Hundred and Eighty-first streets, between Kingsbridge road and Buena Vista avenue; Haven avenue, between One Hundred and Seventy-seventh and One Hundred and Eighty-first streets, and Buena Vista from the present terminus of Haven avenue north of One Hundred and Seventy-first street to One Hundred and Eighty-first street, in the Twelfth Ward, Borough of Manhattan, City of New York," which said map was filed in the offices of the President of the Borough of Manhattan, City of New York, and also shown on a certain map entitled "Map, plan and profile of the laying out and extending of West One Hundred and Seventy-second street, West One Hundred and Seventy-third street and West One Hundred and Seventy-fifth street, from Fort Washington avenue to Buena Vista avenue, a new avenue between Fort Washington avenue and Buena Vista avenue, from West One Hundred and Seventy-third street to West One Hundred and Seventy-seventh street; the widening of Buena Vista avenue from the present terminus of Haven avenue to West One Hundred and Seventy-seventh street, and the change of grade on West One Hundred and Seventy-sixth street from Fort Washington avenue to Buena Vista avenue, in the Twelfth Ward, Borough of Manhattan, City of New York," which said map was filed in the offices of the President of the Borough of Manhattan, City of New York, the Register of the County of New York and the office of the Corporation Counsel of The City of New York on or about the 1st day of August, 1907.

The Board of Estimate and Apportionment on the 8th day of July, 1907, duly fixed and determined the area of assessment for benefit in this proceeding, as follows:

Beginning at the intersection of a line distant 100 feet northerly from and parallel with the northerly side of West One Hundred and Eightieth street, the said distance being measured at right angles to the line of West One Hundred and Eightieth street, with a line midway between Haven avenue and the unnamed street immediately adjoining on the east, and running thence southwardly along the said line midway between Haven avenue and the unnamed street immediately adjoining on the east, and along the prolongation of the said line to the intersection with a line midway between West One Hundred and Seventy-seventh street and West One Hundred and Seventy-sixth street; thence westwardly along the said line midway between West One Hundred and Seventy-seventh street and West One Hundred and Seventy-sixth street to the intersection with a line 100 feet distant easterly from and parallel with the easterly line of Buena Vista avenue, the said distance being measured at right angles to the line of Buena Vista avenue; thence southwardly along a course, always parallel with and one hundred feet easterly from the easterly side of Buena Vista avenue to the intersection with a line midway between West One Hundred and Seventy-sixth street and West One Hundred and Seventy-fifth street; thence westwardly along the said line to the intersection with a line 100 feet distant westerly from and parallel with the westerly line of Buena Vista avenue, the said distance being measured at right angles to the line of Buena Vista avenue; thence northwardly, and always parallel with and 100 feet distant westerly from the westerly line of Buena Vista avenue, and along the prolongation of the said line, to the intersection with the northerly side of West One Hundred and Eightieth street; thence northwardly along the course last described, passing through the said points on the southerly side of West One Hundred and Eightieth street and on the northerly side of West One Hundred and Eightieth street to the intersection with a line distant 100 feet northerly from and parallel with the northerly line of West One Hundred and Eightieth street, the said distance being measured at right angles to the line of West One Hundred and Eightieth street; thence eastwardly to the point or place of beginning.

Dated New York, December 8, 1908.

FRANCIS K. PENDLETON,

Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

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FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the widening of that portion of JEROME

AVENUE, on the easterly side, from Cameron place to East One Hundred and Eighty-fourth street, in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III, thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above-entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street or avenue known as Jerome avenue, from White Plains road to Colden avenue, and Bartholdi street, from White Plains road to Bronxwood avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York, being the following-described lots, pieces or parcels of land, viz.:

Magenta Street.

Beginning at a point in the eastern line of White Plains road distant 740.914 feet from the intersection of said line with the southern line of Gun Hill road.

First—Thence southerly along the eastern line of White Plains road for 60.48 feet;

Second—Thence easterly deflecting 82 degrees 48 minutes 30 seconds to the left for 2,076.34 feet;

Third—Thence northerly deflecting 80 degrees 54 minutes 35 seconds to the left for 60.76 feet;

Fourth—Thence westerly for 2,093.51 feet to the point of beginning.

Bartholdi Street.

Beginning at a point in the eastern line of White Plains road distant 1,043.293 feet from the intersection of said line with the southern line of Gun Hill road.

First—Thence southerly along the eastern line of White Plains road for 60.48 feet;

Second—Thence easterly deflecting 82 degrees 48 minutes 30 seconds to the left for 1,511.89 feet;

Third—Thence northerly deflecting 97 degrees 11 minutes 30 seconds to the left for 60.48 feet;

Fourth—Thence westerly for 1,511.89 feet to the point of beginning.

Parcel "A."

Beginning at a point in the southern line of East One Hundred and Eighty-second street distant 195 feet westerly from the intersection of said line with the western line of Walton avenue.

First—Thence westerly along the southern line of East One Hundred and Eighty-second street, for 1.09 feet to the eastern line of Jerome avenue;

Second—Thence southerly along last mentioned line for 395.02 feet, to the northern line of Cameron place;

Third—Thence easterly along last mentioned line for 1 foot;

Fourth—Thence northerly for 395.02 feet to the point of beginning.

Parcel "B."

Beginning at a point in the northern line of East One Hundred and Eighty-second street distant 195 feet westerly from the intersection of said line with the western line of Walton avenue.

First—Thence westerly along the northern line of East One Hundred and Eighty-second street for 1.11 feet to the eastern line of Jerome avenue;

Second—Thence northerly along the last mentioned line for 490.02 feet, to the southern line of East One Hundred and Eighty-third street;

Third—Thence easterly along the last mentioned line for 1.23 feet;

Fourth—Thence southerly for 490.02 feet to the point of beginning.

Parcel "C."

Beginning at a point in the southern line of East One Hundred and Eighty-fourth street, distant 195 feet westerly from the intersection of said line with the western line of Walton avenue.

First—Thence westerly along the southern line of East One Hundred and Eighty-fourth street for 1.41 feet, to the eastern line of Jerome avenue;

Second—Thence southerly along the last mentioned line for 693.03 feet to the northern line of East One Hundred and Eighty-third street;

Third—Thence easterly along the last mentioned line for 1.24 feet;

Fourth—Thence northerly for 693.03 feet to the point of beginning.

Parcel "D."

Beginning at a point in the southern line of East One Hundred and Eighty-fourth street, distant 195 feet westerly from the intersection of said line with the western line of Walton avenue.

First—Thence westerly along the southern line of East One Hundred and Eighty-fourth street for 1.41 feet, to the eastern line of Jerome avenue;

Second—Thence southerly along the last mentioned line for 693.03 feet to the northern line of East One Hundred and Eighty-third street;

Third—Thence easterly along the last mentioned line for 1.24 feet;

Fourth—Thence northerly for 693.03 feet to the point of beginning.

Parcel "E."

Beginning at a point in the southern line of East One Hundred and Eighty-fourth street, distant 195 feet westerly from the intersection of said line with the western line of Walton avenue.

First—Thence westerly along the southern line of East One Hundred and Eighty-fourth street for 1.41 feet, to the eastern line of Jerome avenue;

Second—Thence southerly along the last mentioned line for 693.03 feet to the northern line of East One Hundred and Eighty-third street;

Third—Thence easterly along the last mentioned line for 1.24 feet;

Fourth—Thence northerly for 693.03 feet to the point of beginning.

The widening of that portion of Jerome avenue on the easterly side from Cameron place to East One Hundred and Eighty-fourth street, is shown on a map entitled "Map or Plan showing the widening of Jerome avenue from Cameron place to East One Hundred and Eighty-fourth street, in the Twenty-fourth Ward, Borough of The Bronx, City of New York," which map was filed in the office of the President of the Corporation Counsel of The City of New York on or about the 1st day of August, 1907.

Land to be taken for the widening of Jerome avenue is located in Blocks Nos. 3186 and 3187 of Section 11 of the Land Map of the former City of New York.

The Board of Estimate and Apportionment on the 29th day of September, 1907, duly fixed and determined the area of assessment in these proceedings as follows:

Bounded on the north by the southerly line of East One Hundred and Eighty-fourth street; on the east by a line distant 100 feet easterly from and parallel with the easterly line of Jerome avenue, the said distance being measured at right angles to the line of Jerome avenue; on the south by the northerly line of Cameron place, and the midway between West One Hundred and Seventy-sixth street and West One Hundred and Seventy-fifth street, and along the prolongation of the said line to the intersection with a line midway between West One Hundred and Seventy-seventh street and West One Hundred and Seventy-sixth street; thence westwardly along the said line midway between West One Hundred and Seventy-seventh street and West One Hundred and Seventy-sixth street to the intersection with a line 100 feet distant easterly from and parallel with the easterly line of Buena Vista avenue, the said distance being measured at right angles to the line of Buena Vista avenue; thence southwardly along a course, always parallel with and one hundred feet easterly from the easterly side of Buena Vista avenue to the intersection with a line midway between West One Hundred and Seventy-sixth street and West One Hundred and Seventy-fifth street; thence westwardly along the said line to the intersection with a line 100 feet distant westerly from and parallel with the westerly line of Buena Vista avenue, the said distance being measured at right angles to the line of Buena Vista avenue; thence northwardly, and always parallel with and 100 feet distant westerly from the westerly line of Buena Vista avenue, and along the prolongation of the said line, to the intersection with the northerly side of West One Hundred and Eightieth street; thence northwardly along the course last described, passing through the said points on the southerly side of West One Hundred and Eightieth street and on the northerly side of West One Hundred and Eightieth street to the intersection with a line distant 100 feet northerly from and parallel with the northerly line of West One Hundred and Eightieth street, the said distance being measured at right angles to the line of West One Hundred and Eightieth street; thence eastwardly to the point or place of beginning.

Dated New York, December 8, 1908.

FRANCIS K. PENDLETON,

Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

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FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of MAGENTA STREET, from White Plains road to Colden avenue, and BARTHOLDI STREET, from White Plains road to Bronxwood avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III, thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above-entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title in fee by The City of New York, for the use of the public, to all lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street or avenue known as Magenta street, from White Plains road to Colden avenue, and Bartholdi street, from White Plains road to Bronxwood avenue (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York, being the following-described lots, pieces or parcels of land, viz.:

Magenta Street.

Beginning at a point in the eastern line of White Plains road distant 740.914 feet from the intersection of said line with the southern line of Gun Hill road.

First—Thence southerly along the eastern line of White Plains road for 60.48 feet;

Second—Thence easterly deflecting 82 degrees 48 minutes 30 seconds to the left for 2,076.34 feet;

Third—Thence northerly deflecting 80 degrees 54 minutes 35 seconds to the left for 60.76 feet;

Fourth—Thence westerly for 2,093.51 feet to the point of beginning.

Bartholdi Street.

Beginning at a point in the eastern line of White Plains road distant 1,043.293 feet from the intersection of said line with the southern line of Gun Hill road.

First—Thence southerly along the eastern line of White Plains road for 60.48 feet;

Second—Thence easterly deflecting 82 degrees 48 minutes 30 seconds to the left for 1,511.89 feet;

Third—Thence northerly deflecting 97 degrees 11 minutes 30 seconds to the left for 60.48 feet;

Fourth—Thence westerly for 1,511.89 feet to the point of beginning.

Parcel "A."

Beginning at a point in the eastern line of White Plains road distant 448.20 feet southerly from the intersection of said line with the southern line of East One Hundred and Forty-fourth street.

1. Thence southerly along the western line of Canal place for 50 feet;

2. Thence westerly deflecting 90 degrees to the right for 223.57 feet to the eastern line of Park avenue;

3. Thence northerly along last-mentioned line for 50 feet;

4. Thence easterly for 223.49 feet to the point of beginning.

Parcel "B."

Beginning at a point in the eastern line of White Plains road distant 448.20 feet southerly from the intersection of said line with the southern line of East One Hundred and Forty-fourth street.

1. Thence southerly along the eastern line of Canal place for 50 feet;

2. Thence easterly deflecting 90 degrees to the left for 125 feet to the western line of Rider avenue;

3. Thence northerly along last-mentioned line for 50 feet;

4. Thence westerly for 125 feet to the point of beginning.

Parcel "C."

Beginning at a point in the eastern line of White Plains road distant 448.20 feet southerly from the intersection of said line with the southern line of East One Hundred and Forty-fourth street.

1. Thence southerly along the eastern line of Canal place for 50 feet;

2. Thence easterly deflecting 90 degrees to the left for 125 feet to the western line of Rider avenue;

3. Thence northerly along last-mentioned line for 50 feet;

4. Thence westerly for 125 feet to the point of beginning.

Parcel "D."

Beginning at a point in the eastern line of White Plains road distant 448.20 feet southerly from the intersection of said line with the southern line of East One Hundred and Forty-fourth street.

1. Thence southerly along the eastern line of Canal place for 50 feet;

12 seconds, distance 269.54 feet to the easterly line of Fort Washington avenue; thence north-easterly and along the said easterly line radius 317 feet, distance 60.36 feet; thence easterly and parallel to last course but one, distance 329.99 feet; thence southerly and deflecting to the right 84 degrees 46 minutes and 12 seconds, distance 279.43 feet; thence southerly and in a curved line to the right, radius 405 feet, distance 102.49 feet; thence southerly and tangent to last curve, distance 1,011.07 feet; thence southerly and in a curved line to the right, radius 880 feet, distance 251.25 feet; thence southerly and tangent to last curve, distance 918.25 feet to the northerly line of West One Hundred and Eighty-fourth street; thence easterly and deflecting to the left 84 degrees 59 minutes and 54 seconds, distance 224.17 feet to the westerly line of Bennett avenue; thence southerly along said westerly line, distance 60 feet to the point of place of beginning.

Said streets to be found in section 8 Block 2180, of the Land Map of the Borough of Manhattan, City of New York, and is shown on a certain map, entitled Map, Plans and Profile of the Avenues, Streets, Road, Public Parks and Places in that part Twelfth Ward, Borough of Manhattan, bounded by West One Hundred and Eighty-first Street, Broadway, Dyckman Street and Boulevard Lafayette, showing the existing streets and the new streets with their grade now laid out, fixed and established under authority of the Greater New York Charter. Filed in the offices of the President of the Borough of Manhattan, the Corporation Counsel and the Register of the County of New York, on or about the 6th day of January, 1904, and as amended by a certain map, entitled Map, Plans and Profile of a New Street to be the continuation of Overlook terrace, from the present street westerly to Fort Washington avenue, opposite Northern avenue, and the widening of Overlook terrace from the end of the 60-foot width northerly for a distance of 311.98 feet to meet the new street. And the closing and discontinuing of that part of the old terrace from New street northerly to Fort Washington avenue, in the Twelfth Ward, Borough of Manhattan, City of New York. Filed in the offices of the President of the Borough of Manhattan, the Corporation Counsel and the Register of the County of New York, on or about December 12, 1906.

The Board of Estimate and Apportionment on the 27th day of March, 1908, duly fixed and determined the area of assessment for benefit in this proceeding, as follows:

Beginning at a point on the line bisecting the angle formed by the prolongations of the centre lines of Bennett avenue and the unnamed street meeting West One Hundred and Eighty-first street westerly therefrom, distant 100 feet southerly from the southerly line of West One Hundred and Eighty-fourth street, the said distance measured at right angles to the line of West One Hundred and Eighty-fourth street, and running thence westwardly in a course parallel with West One Hundred and Eighty-fourth street to the intersection with the prolongation of a line distant 100 feet westerly from and parallel with the westerly line of Overlook terrace, the said distance being measured at right angles to the line of Overlook terrace; thence northwardly along a line always distant 100 feet westerly from and parallel with the westerly line of Overlook terrace as laid out north of West One Hundred and Eighty-fourth street to the intersection with a line distant 450 feet southerly from and parallel with the southerly line of Overlook terrace as laid out east of and adjacent to Fort Washington avenue, the said distance being measured at right angles to the line of Fort Washington avenue; thence northwardly along the said line parallel with said Fort Washington avenue to the intersection with a line distant 750 feet northerly from the northerly line of Overlook terrace as laid out immediately east of Fort Washington avenue, the said distance being measured at right angles to the line of Overlook terrace; thence eastwardly along the said line parallel with Overlook terrace to the intersection with the prolongation of a line distant 100 feet eastwardly from and parallel with Overlook terrace as laid out southerly from the angle point east of Fort Washington avenue, the said distance being measured at right angles to the line of Overlook terrace; thence southwardly along a line always distant 100 feet easterly from and parallel with the easterly line of Overlook terrace as laid out south of the angle point east of Fort Washington avenue, and along the prolongation of the said course to the intersection with a line bisecting the angle formed by the prolongations of the centre lines of Overlook terrace and Bennett avenue as laid out immediately northerly from West One Hundred and Eighty-fourth street; thence southwardly along the said bisecting line to the intersection with a line midway between West One Hundred and Eighty-fourth street and the first street northerly therefrom as laid out between Broadway and Overlook terrace; thence eastwardly along the said line midway between West One Hundred and Eighty-fourth street and the first street northerly therefrom to the centre line of Broadway; thence southwardly along the centre line of Broadway to the intersection with the prolongation of a line midway between West One Hundred and Eighty-fourth street and Broadway; thence eastwardly along the said line midway between West One Hundred and Eighty-fourth street and West One Hundred and Eighty-fifth street and West One Hundred and Eighty-fifth street and West One Hundred and Eighty-fourth street; thence westwardly along the said line between West One Hundred and Eighty-third street and West One Hundred and Eighty-fourth street; thence westwardly along the said line between West One Hundred and Eighty-third street and West One Hundred and Eighty-fourth street and the prolongation thereof, to the intersection with the centre line of Broadway; thence southwardly along the centre line of Broadway to the intersection with a line parallel with West One Hundred and Eighty-fourth street as laid out between Broadway and Overlook terrace, and passing through a point on the westerly line of Bennett avenue distant 330 feet southerly from the intersection of the westerly line of Bennett avenue with the southerly line of West One Hundred and Eighty-fourth street; thence westwardly along the said line parallel with West One Hundred and Eighty-fourth street to the intersection with the hereinbefore described line bisecting the angle formed by the prolongations of the centre lines of Bennett avenue and the unnamed street meeting West One Hundred and Eighty-first street westerly therefrom; thence northwardly along the said bisecting line to the point or place of beginning.

Dated New York, December 8, 1908.

FRANCIS K. PENDLETON,
Corporation Counsel.

Hall of Records, Borough of Manhattan, City of New York.

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of CRUGER AVENUE, from Williamsbridge road to South Oak drive; CRUGER AVENUE, from South Oak drive to Gun Hill road; HOLLAND AVENUE, from Williamsbridge road to South Oak drive, and MAPLE STREET, from Gun Hill road to East Two Hundred and Fifteenth street (although not yet named by proper authority), in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

PURSUANT TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, NOTICE IS HEREBY GIVEN THAT AN APPLICATION WILL BE MADE TO THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT, AT A SPECIAL TERM OF SAID COURT, TO BE HELD AT PART III, THEREOF, IN THE COUNTY COURT HOUSE, IN THE BOROUGH OF MANHATTAN, IN THE CITY OF NEW YORK, ON TUESDAY, THE 22D DAY OF DECEMBER, 1908, AT THE OPENING OF THE COURT ON THAT DAY, OR AS SOON THEREAFTER AS COUNSEL CAN BE HEARD THEREON, FOR THE APPOINTMENT OF COMMISSIONERS OF ESTIMATE IN THE ABOVE-ENTITLED MATTER, ONE OF WHOM SHALL BE DESIGNATED AS A COMMISSIONER OF ASSESSMENT.

THE NATURE AND EXTENT OF THE IMPROVEMENT HEREINTENDED IS THE ACQUISITION OF TITLE IN FEE BY THE CITY OF NEW YORK, FOR THE USE OF THE PUBLIC, TO ALL LANDS AND PREMISES, WITH THE BUILDINGS THEREON AND THE APPURTENANCES THERETO BELONGING, REQUIRED FOR THE OPENING AND EXTENDING OF CRUGER AVENUE, FROM WILLIAMSBRIDGE ROAD TO SOUTH OAK DRIVE; CRUGER AVENUE, FROM SOUTH OAK DRIVE TO GUN HILL ROAD; HOLLAND AVENUE, FROM WILLIAMSBRIDGE ROAD TO SOUTH OAK DRIVE, AND MAPLE STREET, FROM GUN HILL ROAD TO EAST TWO HUNDRED AND FIFTEENTH STREET (ALTHOUGH NOT YET NAMED BY PROPER AUTHORITY), IN THE TWENTY-FOURTH WARD, BOROUGH OF THE BRONX, CITY OF NEW YORK, BEING THE FOLLOWING DESCRIBED LOTS, PIECES OR PARCELS OF LAND, VIZ.:

CRUGER AVENUE. Parcel "A."

BEGINNING AT A POINT IN THE SOUTHERN LINE OF BURKE AVENUE (MORRIS STREET), DISTANT 200 FEET EASTERLY FROM THE INTERSECTION OF SAID LINE WITH THE EASTERN LINE OF WHITE PLAINS ROAD;
1. THENCE EASTERLY ALONG THE SOUTHERN LINE OF BURKE AVENUE (MORRIS STREET) FOR 60 FEET;
2. THENCE SOUTHERLY DEFLECTING 90 DEGREES TO THE RIGHT FOR 666.52 FEET;
3. THENCE NORTHWESTERLY DEFLECTING 115 DEGREES 51 MINUTES 20 SECONDS TO THE RIGHT FOR 66.67 FEET;
4. THENCE NORTHERLY FOR 637.44 FEET TO THE POINT OF BEGINNING.

Parcel "B."

BEGINNING AT A POINT IN THE NORTHERN LINE OF BURKE AVENUE (MORRIS STREET), DISTANT 200 FEET EASTERLY FROM THE INTERSECTION OF SAID LINE WITH THE EASTERN LINE OF WHITE PLAINS ROAD;
1. THENCE EASTERLY ALONG THE NORTHERN LINE OF BURKE AVENUE (MORRIS STREET) FOR 60 FEET;
2. THENCE NORTHERLY DEFLECTING 90 DEGREES TO THE LEFT FOR 485.98 FEET;
3. THENCE NORTHERLY CURVING TO THE RIGHT ON THE ARC OF A CIRCLE OF 149.10 FEET RADIUS FOR 95.68 FEET, TO A POINT OF COMPOUND CURVE; THE RADIUS OF SAID CIRCLE DRAWN NORTHEASTERLY FROM THE NORTHERN EXTREMITY OF THE PRECEDING COURSE DEFLECTS 49 DEGREES 31 MINUTES 33 SECONDS TO THE RIGHT FROM THE PROLONGATION OF SAID COURSE;
4. THENCE NORTHERLY CURVING TO THE RIGHT ON THE ARC OF A CIRCLE OF 114.12 FEET RADIUS FOR 63.21 FEET;

5. THENCE NORTHERLY 298.59 FEET ON A LINE DEFLECTING 63 DEGREES 57 MINUTES 26 SECONDS TO THE RIGHT FROM THE PROLONGATION OF THE RADIUS OF THE PRECEDING COURSE DRAWN THROUGH ITS NORTHERN EXTREMITY;
6. THENCE NORTHERLY DEFLECTING 49 MINUTES 28 SECONDS TO THE RIGHT FOR 60.18 FEET;

7. THENCE NORTHERLY DEFLECTING 4 DEGREES 22 MINUTES 49 SECONDS TO THE RIGHT FOR 972.14 FEET, TO THE SOUTHERN LINE OF GUN HILL ROAD;
8. THENCE WESTERLY ALONG LAST MENTIONED LINE FOR 61.89 FEET;

9. THENCE SOUTHERLY DEFLECTING 104 DEGREES 10 MINUTES 50 SECONDS TO THE LEFT FOR 987.30 FEET;
10. THENCE SOUTHERLY DEFLECTING 4 DEGREES 8 MINUTES 41 SECONDS TO THE LEFT 60.16 FEET;

11. THENCE SOUTHERLY DEFLECTING 1 DEGREE 3 MINUTES 35 SECONDS TO THE LEFT FOR 270.32 FEET;
12. THENCE SOUTHWESTERLY DEFLECTING 9 DEGREES 28 MINUTES 43 SECONDS TO THE RIGHT FOR 135.76 FEET;

13. THENCE SOUTHERLY CURVING TO THE LEFT ON THE ARC OF A CIRCLE OF 400 FEET RADIUS FOR 197.97 FEET; THE RADIUS OF SAID CIRCLE DRAWN SOUTHWESTERLY FROM THE SOUTHERN EXTREMITY OF THE PRECEDING COURSE DEFLECTS 50 DEGREES 10 MINUTES 37 SECONDS TO THE RIGHT FROM THE PROLONGATION OF SAID COURSE;
14. THENCE SOUTHERLY FOR 346.88 FEET TO THE POINT OF BEGINNING.

HOLLAND AVENUE. Parcel "A."

BEGINNING AT A POINT IN THE SOUTHERN LINE OF BURKE AVENUE (MORRIS STREET), DISTANT 460 FEET EASTERLY FROM THE INTERSECTION OF SAID LINE WITH THE EASTERN LINE OF WHITE PLAINS ROAD;
1. THENCE EASTERLY ALONG THE SOUTHERN LINE OF BURKE AVENUE (MORRIS STREET) FOR 60 FEET;
2. THENCE SOUTHERLY DEFLECTING 90 DEGREES TO THE RIGHT FOR 792.52 FEET;
3. THENCE NORTHWESTERLY DEFLECTING 115 DEGREES 51 MINUTES 20 SECONDS TO THE RIGHT FOR 66.67 FEET;
4. THENCE NORTHERLY FOR 763.44 FEET TO THE POINT OF BEGINNING.

Parcel "B."

BEGINNING AT A POINT IN THE NORTHERN LINE OF BURKE AVENUE (MORRIS STREET), DISTANT 460 FEET EASTERLY FROM THE INTERSECTION OF SAID LINE WITH THE EASTERN LINE OF WHITE PLAINS ROAD;
1. THENCE EASTERLY ALONG THE NORTHERN LINE OF BURKE AVENUE (MORRIS STREET) FOR 60 FEET;
2. THENCE NORTHERLY DEFLECTING 90 DEGREES TO THE LEFT FOR 248.70 FEET;
3. THENCE NORTHWESTERLY CURVING TO THE LEFT ON THE ARC OF A CIRCLE OF 444.72 FEET RADIUS FOR 65.62 FEET, THE RADIUS OF SAID CIRCLE DRAWN NORTHEASTERLY FROM THE NORTHERN EXTREMITY OF THE PRECEDING COURSE DEFLECTS 19 DEGREES 32 MINUTES 36 SECONDS TO THE RIGHT FROM THE PROLONGATION OF SAID COURSE;
4. THENCE SOUTHERLY FOR 275.12 FEET TO THE POINT OF BEGINNING.

MAPLE STREET.

BEGINNING AT A POINT IN THE NORTHERN LINE OF GUN HILL ROAD DISTANT 378.75 FEET EASTERLY FROM THE INTERSECTION OF SAID LINE WITH THE EASTERN LINE OF WHITE PLAINS ROAD;
1. THENCE EASTERLY ALONG THE NORTHERN LINE OF GUN HILL ROAD FOR 60.19 FEET;
2. THENCE NORTHEASTERLY DEFLECTING 94 DEGREES 37 MINUTES TO THE LEFT FOR 1,233.59 FEET;
3. THENCE WESTERLY DEFLECTING 90 DEGREES TO THE LEFT FOR 60 FEET;
4. THENCE SOUTHERLY FOR 1,228.75 FEET TO THE POINT OF BEGINNING.

Cruger avenue, Holland avenue and Maple street are shown on sections 30 and 31 of the final maps of the Borough of The Bronx, which maps were prepared by the President of the Borough of The Bronx, under authority of chapter 466 of the Laws of 1901 and amendatory acts, and filed in the office of the President of the Borough of The Bronx, on June 19, 1905, and February 2, 1906; in the office of the Register

of the County of New York, June 14, 1905, and January 30, 1906, as Map Nos. 1059 and 1103; and in the office of the Counsel to the Corporation of The City of New York, on or about the same dates in pigeonholes 47 and 57, respectively.

Land to be taken for Cruger avenue, Holland avenue and Maple street, is located east of the Bronx River.

The Board of Estimate and Apportionment on the 17th day of January, 1908, duly fixed and determined the area of assessment in this proceeding as follows:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF WILLIAMSBRIDGE ROAD DISTANT 100 FEET WESTERLY FROM THE WESTERLY LINE OF CRUGER AVENUE, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE AND RUNNING THENCE NORTHWARDLY ALONG A LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION THEREOF TO THE INTERSECTION WITH THE PROLONGATION OF A LINE DISTANT 100 FEET WESTWARDLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN POST AND BARTHOLDI STREETS, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WESTERLY FROM AND PARALLEL WITH THE WESTERLY LINE OF CRUGER AVENUE AS LAID OUT BETWEEN BARTHOLDI STREET AND GUN HILL ROAD, THE SAID DISTANCE BEING MEASURED AT RIGHT ANGLES TO THE LINE OF CRUGER AVENUE; THENCE NORTHWARDLY ALONG THE SAID LINE PARALLEL WITH CRUGER AVENUE AND THE PROLONGATION OF THE SAID LINE DISTANT 100 FEET WEST

thence southeastwardly along the last-mentioned line midway between Faile street and Bryant avenue, and the prolongation thereof, to a point distant 100 feet southeasterly from the southeasterly line of Garrison avenue, the said distance being measured at right angles to the line of Garrison avenue; thence southwestwardly and parallel with Garrison avenue to the intersection with the prolongation of a line midway between Hunts Point road and Faile street as laid out between Garrison avenue and Whitlock avenue; thence northwardly along the said line midway between Hunts Point road and Faile street, and the prolongation thereof, to the intersection with the prolongation of a line midway between Hoe avenue and Faile street as laid out northerly from Whitlock avenue; thence northwardly along the said line midway between Hoe avenue and Faile street and the prolongation thereof to the point or place of beginning.

(Excepting, however, from the above-described area so much of it as may be exempt from assessment under the provisions of section 992 of the Charter.)

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8.22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title in fee, wherever the same has not been heretofore acquired, to the lands and premises required for the opening and extending of an UNNAMED STREET (to be known as West One Hundred and Eighty-seventh street), located about 1,500 feet north of West One Hundred and Eighty-first street, extending from Fort Washington avenue to Northern avenue, in the Twelfth Ward, Borough of Manhattan, City of New York.

PURSUANT TO THE STATUTES IN such cases made and provided, notice is hereby given that an application will be made to the Supreme Court of the State of New York, First Department, at a Special Term of said Court, to be held at Part III, thereof, in the County Court House, in the Borough of Manhattan, in The City of New York, on Tuesday, the 22d day of December, 1908, at the opening of the Court on that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate in the above-entitled matter, one of whom shall be designated as a Commissioner of Assessment. The nature and extent of the improvement hereby intended is the acquisition of title by The City of New York, for the use of the public, to all the lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of a certain street to be known as an unnamed street (to be known as West One Hundred and Eighty-seventh street), located about 1,500 feet north of West One Hundred and Eighty-first street, extending from Fort Washington avenue to Northern avenue, in the Twelfth Ward, Borough of Manhattan, City of New York, being the following-described lots, piece or parcel of land, viz.:

Beginning at a point in the westerly line of Fort Washington avenue, distant as measured along the westerly line of said avenue, 1,507.22 feet, northerly from West One Hundred and Eighty-first street; thence westerly at an angle to said avenue 10 degrees 20 minutes and 1.6 seconds distance 279.18 feet; to the easterly line of Northern avenue to a point 1,563 feet northerly from West One Hundred and Eighty-first street, as measured along said easterly line; thence northerly along said line distance 60.31 feet; thence easterly and parallel to the first course distance 261.06 feet, to the westerly line of Fort Washington avenue; thence southerly along said avenue distance 61.19 feet to the point or place of beginning.

Land to be found in Section 8, Block 2170 of the Land Map of the Borough of Manhattan, City of New York, and is shown on a certain map, entitled "Map, plan and profile of the avenue, streets, roads, public parks and places in that part of the Twelfth Ward, Borough of Manhattan, bounded by West One Hundred and Eighty-first street, Broadway, Dyckman street and Boulevard Lafayette, showing the existing streets and the new streets, with their grades now laid out, fixed and established under authority of the Greater New York Charter, which said map was filed in the offices of the President of the Borough of Manhattan, City of New York, the Register of the County of New York, and the offices of the Corporation Counsel of The City of New York on or about the 6th day of January, 1904.

The Board of Estimate and Apportionment on the 22d day of November, 1907, duly fixed and determined the area of assessment for benefit in this proceeding, as follows:

Bounded on the west by a line distant one hundred (100) feet westerly from and parallel with the westerly line of Northern avenue, the said distance being measured at right angles to the line of Northern avenue; on the north by a line distant one hundred (100) feet northerly from and parallel with the northerly line of the unnamed street to be opened, the said distance being measured at right angles to the line of the said street, and by the prolongation of the said line; on the east by a line always distant one hundred (100) feet easterly from and parallel with the easterly line of Fort Washington avenue, the said distance being measured at right angles to the line of Fort Washington avenue, and on the south by a line one hundred (100) feet distant southerly from and parallel with the southerly line of the new street to be opened, the said distance being measured at right angles to the line of the said street, and by the prolongation of the said line.

Dated New York, December 8, 1908.
FRANCIS K. PENDLETON,
Corporation Counsel.
Hall of Records, Borough of Manhattan, City of New York.

d8.22

FIRST DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of PLEASANT AVENUE (now Olin avenue), from Gun Hill road to East Two Hundred and Nineteenth street, in the Twenty-fourth Ward, Borough of The Bronx, City of New York.

NOTICE IS HEREBY GIVEN THAT THE bill of costs, charges and expenses incurred by reason of the proceedings in the above-entitled matter, from January 8, 1908, up to and including November 28, 1908, will be presented for taxation to one of the Justices of the Supreme Court of the State of New York, First Department, at a Special Term thereof, Part I., to be held at the County Court House in the Borough of Manhattan, in The City of New York, on the 17th day of December, 1908.

NUE V, between Ocean avenue and Ocean parkway, and between Stillwell avenue and Eighty-sixth street, omitting therefrom that portion of Avenue V lying between the westerly boundary of the Brooklyn and Brighton Beach Railroad and the westerly side of East Sixteenth street, in the Thirty-first Ward, Borough of Brooklyn, City of New York.

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

First—That we have completed our estimate and assessment, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, and having objections thereto, do present their said objections in writing, duly verified, to us at our office, No. 166 Montague street, in the Borough of Brooklyn, in The City of New York, on or before the 21st day of December, 1908, and that we, the Commissioners, will hear parties so objecting, and for that purpose will be in attendance at our said office on the 23d day of December, 1908, at 3:30 o'clock p.m.

Second—That the abstracts of our said estimate and assessment, together with our damage and benefit maps, and also all the affidavits, estimates, proofs and other documents used by us in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, No. 166 Montague street, in the Borough of Brooklyn, in said City, there to remain until the 2d day of January, 1909.

Third—That the limits of our assessment for benefit include all those lands, tenements and hereditaments and premises situate, lying and being in the Borough of Brooklyn, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Beginning at a point on the easterly side of Ocean parkway where the same is intersected by a line drawn parallel to Avenue V and distant 350 feet southerly therefrom; running thence easterly and parallel with Avenue V to a point distant 350 feet easterly of the easterly side of Ocean avenue; running thence northerly and parallel with Ocean avenue to a point distant 350 feet northerly of the northerly side of Avenue V; running thence westerly and parallel with Avenue V to the easterly side of Ocean parkway; running thence southerly and along the easterly side of Ocean parkway to the point or place of beginning.

Also beginning at a point on the easterly side of Stillwell avenue where the same is intersected by a line drawn parallel to Avenue V and distant 350 feet southerly therefrom; running thence easterly and parallel with Avenue V to the westerly side of West Eighth street; running thence northerly along the westerly side of West Eighth street to a point distant 350 feet northerly of the northerly side of Avenue V; running thence westerly and parallel with Avenue V to the easterly side of Stillwell avenue; running thence southerly and along the easterly side of Stillwell avenue to the point or place of beginning.

Fourth—That provided there be no objections filed to either of said abstracts, our final report herein will be presented for confirmation to the Supreme Court of the State of New York, Second Department, at a Special Term thereof for the hearing of motions, to be held in the County Court House, in the Borough of Brooklyn, in The City of New York, on the 15th day of February, 1909, at the opening of the Court on that day.

Fifth—In case, however, objections are filed to either of said abstracts, our final report herein will stand adjourned to the date to be hereafter specified, and of which notice will be given to all those who have theretofore appeared in this proceeding, as well as by publication in the CITY RECORD, and in the corporation newspapers, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Brooklyn, New York, December 2, 1908.

MICHAEL F. McGOLDRICK, Chairman;
BERTRAM MANNE,
JOHN B. BYRNE, Jr., Commissioners.

JAMES F. QUIGLEY, Clerk.

d2,18

SECOND DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired, to the lands, tenements and hereditaments required for the opening and extending of FORTY-FIRST STREET, from Thirteenth avenue to West street, in the Twenty-ninth and Thirtieth Wards, Borough of Brooklyn, City of New York.

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

First—That we have completed our estimate and assessment, and that all persons interested in this proceeding or in any of the lands, tenements and hereditaments and premises affected thereby, and having objections thereto, do present their said objections, in writing, duly verified, to us at our office, No. 166 Montague street, in the Borough of Brooklyn, in The City of New York, on or before the 22d day of December, 1908, and that we, the said Commissioners, will hear parties so objecting, and for that purpose will be in attendance at our said office on the 23d day of December, 1908, at 2 o'clock p.m.

Second—That the abstracts of our said estimate and assessment, together with our damage and benefit maps, and also all the affidavits, estimates, proofs and other documents used by us in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, No. 166 Montague street, in the Borough of Brooklyn, in said City, there to remain until the 2d day of January, 1909.

Third—That the limits of our assessment for benefit include all those lands, tenements and hereditaments and premises situate, lying and being in the Borough of Brooklyn, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Beginning at a point on the southerly side of Thirteenth avenue, where the same is intersected by the centre line of the block between Forty-first street and Forty-second street; running thence southerly and parallel with Forty-first street to the westerly side of West street; running thence southerly and along the westerly side of West street to the intersection of the centre line of the block between Forty-first street and Forty-second street; running thence northerly and parallel with Forty-first street and always along the centre line of the blocks between Forty-first

street and Forty-second street, to the southerly side of Thirteenth avenue; running thence easterly along the southerly side of Thirteenth avenue to the place of beginning.

Fourth—That, provided there be no objections filed to either of said abstracts, our final report herein will be presented for confirmation to the Supreme Court of the State of New York, Second Department, at a Special Term thereof for the hearing of motions, to be held in the County Court House in the Borough of Brooklyn in The City of New York, on the 15th day of February, 1909, at the opening of the Court on that day.

Fifth—In case, however, objections are filed to either of said abstracts of estimate and assessment, the notice of motion to confirm our final report herein will stand adjourned to the date to be hereafter specified, and of which notice will be given to all those who have theretofore appeared in this proceeding, as well as by publication in the CITY RECORD and in the corporation newspapers, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Brooklyn, New York, December 3, 1908.

JAMES RIDGWAY, Chairman;

MATTHEW J. KEANY, Commissioners.

JAMES F. QUIGLEY, Clerk.

d2,18

SECOND DEPARTMENT.

In the matter of the application of The City of New York, relative to acquiring title, wherever the same has not been heretofore acquired for the same purpose, in fee, to the lands, tenements and hereditaments required for the opening and extending of MIDWOOD STREET, between Nostrand avenue and Kingston avenue, in the Twenty-ninth Ward, Borough of Brooklyn, City of New York.

NOTICE IS HEREBY GIVEN TO ALL persons interested in the above entitled proceeding, and to the owner or owners, occupant or occupants of all houses and lots and improved and unimproved lands affected thereby, and to all others whom it may concern, to wit:

First—That the undersigned Commissioners of Estimate have completed their estimate of damage, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections in writing, duly verified, with them at their office, No. 166 Montague street, in the Borough of Brooklyn, in The City of New York, on or before the 21st day of December, 1908, and that the said Commissioners will hear parties so objecting, and for that purpose will be in attendance at their said office on the 22d day of December, 1908, at 3:30 o'clock p.m.

Second—That the undersigned Commissioner of Assessment has completed his estimate of benefit, and that all persons interested in this proceeding, or in any of the lands, tenements and hereditaments and premises affected thereby, having any objection thereto, do file their said objections, in writing, duly verified, with him at his office, No. 166 Montague street, in the Borough of Brooklyn, in The City of New York, on or before the 21st day of December, 1908, and that the said Commissioner will hear parties so objecting, and for that purpose will be in attendance at his said office on the 23d day of December, 1908, at 3:30 o'clock p.m.

Third—That the Commissioner of Assessment has assessed any or all such lands, tenements and hereditaments and premises as are within the area of assessment fixed and prescribed as the area of assessment for benefit by the Board of Estimate and Apportionment on the 10th day of April, 1907, and that the said area of assessment includes all those lands, tenements and hereditaments and premises situate and being in the Borough of Brooklyn, in The City of New York, which, taken together, are bounded and described as follows, viz.:

Bounded on the north by a line midway between Midwood street and Maple street; on the east by a line 100 feet east of and parallel with the easterly line of Kingston avenue, the said distance being measured at right angles to the line of Kingston avenue; on the south by a line midway between Midwood street and Rutland road, and on the west by a line 100 feet westerly from and parallel with the westerly line of Nostrand avenue, the said distance being measured at right angles to the line of Nostrand avenue.

Fourth—That the abstracts of said estimate of damage and of said assessment for benefit, together with the damage and benefit maps and also all the affidavits, estimates, proofs and other documents used by the Commissioners of Estimate and by the Commissioner of Assessment in making the same, have been deposited in the Bureau of Street Openings in the Law Department of The City of New York, No. 166 Montague street, in the Borough of Brooklyn, in said City, there to remain until the 2d day of January, 1909.

Fifth—That, provided there be no objections filed to either of said abstracts, the reports as to awards and as to assessments for benefit herein will be presented for confirmation to the Supreme Court of the State of New York, Second Department, at a Special Term thereof, to be held in the County Court House, in the Borough of Brooklyn, in The City of New York, on the 29th day of January, 1909, at the opening of the Court on that day.

Sixth—In case, however, objections are filed to the foregoing abstracts of estimate and assessment, or to either of them, the motion to confirm the reports as to awards and as to assessments shall stand adjourned to the date to be hereafter specified in the notice provided in such cases to be given in relation to filing the final reports, pursuant to sections 981 and 984 of the Greater New York Charter, as amended by chapter 658 of the Laws of 1906.

Dated Borough of Brooklyn, New York, December 2, 1908.

E. D. CHILDS, Chairman;

A. SILVERSTONE,

SOLON BARBANELL,

Commissioners of Estimate.

E. D. CHILDS,

Commissioner of Assessment.

JAMES F. QUIGLEY, Clerk.

d2,18

SUPREME COURT—THIRD JUDICIAL DISTRICT.

THIRD JUDICIAL DISTRICT.

ULSTER COUNTY.

Ashokan Reservoir, Section No. 5, Town of Olive, Ulster County.

In the matter of the application and petition of J. Edward Simmons, Charles N. Chadwick and Charles A. Shaw, constituting the Board of Water Supply of The City of New York, to acquire real estate for and on behalf of The

City of New York, under chapter 724 of the Laws of 1905, and the acts amendatory thereof, in the Town of Olive, Ulster County, N. Y., for the purpose of providing an additional supply of pure and wholesome water for the use of The City of New York.

PUBLIC NOTICE IS HEREBY GIVEN

that the order of confirmation of the first separate report of William D. Brinnier, John B. Harrison and Eugene F. Patten, who were appointed Commissioners in the above-entitled matter by an order of this Court, made at a Special Term thereof, held at the Court House in the City of Kingston, Ulster County, N. Y., on May 18, 1907, was filed in the office of the Clerk of the County of Ulster, at Kingston, N. Y., on the 19th day of November, 1908, and affects Parcels numbers one hundred and eighty-six (186), one hundred and eighty-eight (188), one hundred and ninety (190), one hundred and ninety-one (191), one hundred and ninety-two (192), one hundred and ninety-three-C (193-C), one hundred and ninety-six-A (196-A), one hundred and ninety-six-B (196-B), one hundred and ninety-seven (197), two hundred and four (204), two hundred and seven (207), two hundred and eight (208), two hundred and ten (210), two hundred and eleven (211), two hundred and twelve (212) and two hundred and sixteen (216), shown on the map in this proceeding.

Dated New York, December 1, 1908.

FRANCIS KEY PENDLETON,

Corporation Counsel.

Hall of Records, New York City.

d12,j2

THIRD JUDICIAL DISTRICT.

ULSTER COUNTY.

Ashokan Reservoir, Section No. 1, Town of Olive, Ulster County.

In the matter of the application and petition of J. Edward Simmons, Charles N. Chadwick and Charles A. Shaw, constituting the Board of Water Supply of The City of New York, to acquire real estate for and on behalf of The City of New York, under chapter 724 of the Laws of 1905, and the acts amendatory thereof, in the Town of Olive, Ulster County, N. Y., for the purpose of providing an additional supply of pure and wholesome water for the use of The City of New York.

PUBLIC NOTICE IS HEREBY GIVEN

that the order of confirmation of the first separate report of George M. Palmer, Frederick J. Clarke and Macdonough Craven, who were appointed Commissioners in the above-entitled matter by two orders of this Court, made at a Special Term, bearing date respectively April 20, 1907, and September 21, 1907, was filed in the office of the Clerk of the County of Ulster, at Kingston, N. Y., on the 2d day of July, 1908, and affects Parcels Nos. two (2), five (5), six (6), four (4), thirteen (13), fourteen (14), fifteen A (15-A), sixteen (16), seventeen (17), nineteen (19), twenty B (20-B), twenty-one (21), twenty-three (23), twenty-four (24), twenty-six (26), thirty-five (35), forty (40), nine (9) and twelve (12), shown on the map in this proceeding.

Dated New York, December 1, 1908.

FRANCIS KEY PENDLETON,

Corporation Counsel.

Hall of Records, New York City.

d15,26

THIRD JUDICIAL DISTRICT.

ULSTER COUNTY.

Northern Aqueduct Department, Section No. 5, Towns of Gardiner, Plattekill and Shawangunk, Ulster County.

In the matter of the application and petition of J. Edward Simmons, Charles N. Chadwick and Charles A. Shaw, constituting the Board of Water Supply of The City of New York, to acquire real estate for and on behalf of The City of New York, under chapter 724 of the Laws of 1905, and the acts amendatory thereof, in the towns of Gardiner, Plattekill and Shawangunk, Ulster County, New York, for the purpose of providing an additional supply of pure and wholesome water for the use of The City of New York.

PUBLIC NOTICE IS HEREBY GIVEN

that the first separate report of Robert L. Cutting, Byron L. Davis and John M. Schoonmaker, who were appointed Commissioners of Appraisal in the above entitled matter by an order of this Court, made at a Special Term thereof, held at the Court House, in the City of Kingston, Ulster County, New York, on the 21st day of December, 1907, was filed in the office of the Clerk of the County of Ulster, on the 29th day of October, 1908, and affects parcels numbers two hundred and four (204), two hundred and five (205), two hundred and six (206), two hundred and eight (208), two hundred and twelve (212), two hundred and twenty-three (223), two hundred and twenty-five (225), two hundred and twenty-six (226), two hundred and twenty-eight (228), two hundred and twenty-nine (229), two hundred and thirty (230), two hundred and thirty-two (232), two hundred and thirty-eight (238), two hundred and thirty-nine (239), two hundred and forty-three (243), two hundred and forty-four (244), two hundred and forty-five (245), two hundred and forty-eight (248), two hundred and forty-nine (249), two hundred and fifty (250), two hundred and fifty-two (252), two hundred and fifty-one (251), two hundred and fifty-three (253), two hundred and fifty-four (254), two hundred and fifty-five (255), two hundred and fifty-six (256), two hundred and fifty-seven (257), two hundred and fifty-nine (259), two hundred and fifty-eight (258), two hundred and sixty-one (261), two hundred and sixty-three (263), two hundred and sixty-five (265) and two hundred and sixty-six (266), shown on the map in this proceeding.

Notice is further given that an application will be made at a Special Term of the Supreme Court of the State of New York, to be held in and for the Third Judicial District, at the Court House, in the City of Kingston, County of Ulster, New York, on the 19th day of December, 1908, at 10 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order confirming said report and for such other and further relief as may be just.

Reserving to The City of New York the right to oppose the confirmation of any and all parcels contained in said report.

Dated New York, November 23, 1908.

FRANCIS KEY PENDLETON.

Corporation Counsel.

Hall of Records, New York City.

n28,d10

CHANGE OF GRADE DAMAGE COMMISSION.

TWENTY-THIRD AND TWENTY-FOURTH WARDS.

PURSUANT TO THE PROVISIONS OF chapter 537 of the Laws of 1903 and the Acts amendatory thereof and supplemental thereto, notice is hereby given that meetings of the Commissioners appointed under said Acts will be held at the office of the Commission, Room 138, No. 280 Broadway (Stewart Building), Borough of Manhattan, New York City, on Mondays, Wednesdays and Fridays of each week, at 2 o'clock p.m., until further notice.

Dated New York City, October 12, 1907.

WILLIAM E. STILLINGS.

GEORGE C. NORTON.

LEWIS A. ABRAMS,

Commissioners.

LAMONT MCLOUGHLIN,

Clerk.

OFFICIAL BOROUGH PAPERS.

BOROUGH OF THE BRONX.

"The Bronx Star," "North Side News," "Bronx Independent."

BOROUGH OF RICHMOND.

"Staten Island World," "Richmond County Herald."

BOROUGH OF QUEENS.

The "Daily Dispatch" (First, Second, Third, Fourth and Fifth Wards), "Long Island Star" (First and Second Wards), "Flushing Evening Journal" (Third Ward), "Long Island Farmer" (Fourth Ward), "Rockaway News" (Fifth Ward).

BOROUGH OF BROOKLYN.

"Brooklyn Eagle," "Brooklyn Times," "Brooklyn Citizen," "Brooklyn Standard-Union," "Brooklyn Free Press."