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## IN BOARD OF ALDERMEN.

[From Proceedings of November 10, 1884.]

### REPORTS.

(G. O. 494.)

To the Common Council of the City of New York:

The Committee on Railroads, to whom was referred the application in writing of The Broadway Surface Railroad Company, contained or mentioned in its petition, dated and verified October 3, 1884, and addressed to the Common Council of the City of New York, praying for the consent and permission of the Common Council that said company may construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of the streets, avenues and highways in the City of New York, and upon the route mentioned in said petition, do respectfully

### REPORT:

Pursuant to public notice of such application, designating the time and place when such application would be first considered, which notice was published daily for at least fourteen days in two daily newspapers published in this city, to wit: in the "New York World" and the "Evening Post," which papers were designated for that purpose by his Honor the Mayor of this City, and likewise in the "Daily Register" of the City of New York, the Common Council, on the 29th day of October last, at the Chamber of the Board of Aldermen, at 11 o'clock A. M., such being the time and place designated in such notice, met to first consider said application, and thereupon the said application and the accompanying communication, dated October 3, 1884, addressed to the Common Council of the City of New York, and signed by James A. Richmond, President of said company, having been referred to the Committee on Railroads, in order that all persons interested might have a hearing, your Committee, on the said 29th day of October last, immediately after the adjournment of the Board, gave a hearing to the parties interested, both for and against said application, on the said 29th day of October last, and also on the 30th and 31st days of October, 1884, and on the first and sixth days of November, 1884, at the Chamber of this Board. Upon such hearing, on the several days and dates aforesaid, every person interested, either for or against the application, who expressed any desire to be heard, was heard at length by your Committee, and your Committee has listened to and received all arguments or evidence offered in support of and against the said application. The proceedings at such hearing were taken down in writing by a stenographer, whose report of the proceedings, together with all documents or exhibits offered by any or either of the parties, accompany and form part of this report, which is herewith submitted for your consideration.

After a patient hearing of all the parties in interest, your Committee are of the opinion that public necessity requires the construction of a railroad on Broadway. It seems to be without dispute that real estate on Broadway, between the Battery and Fourteenth street, has not kept pace in progress or improvement with that on other leading streets of the city, in which street railroads have been heretofore constructed and are now in use, and it is evident to your Committee that the construction and operation of a street railroad on Broadway would enhance in value the property bounded thereon, especially between Chambers street and Fourteenth street, by making the same more accessible and thus more valuable for business purposes of all kinds, and such increase in value will of course promote the interest of the city, by adding likewise to the assessment value of the same property for purposes of taxation, as well as promoting the public convenience. And your Committee is clearly of the opinion that the consent of the Common Council, for the construction of the proposed railroad, should be given to The Broadway Surface Railroad Company, in preference to any other company, for the following reasons:

Your Committee is satisfied that the large experience of the promoters of that company in the management of street surface railroads will insure the construction of a railroad which will be operated acceptably and efficiently.

An agreement has already been made and is now existing between the petitioner and The Broadway and Seventh Avenue Railroad Company, which was read before your Committee on the hearing, which provides that after the construction of the railroad proposed to be built by the petitioner, the cars of the petitioner will be permitted to run over the existing tracks of The Broadway and Seventh Avenue Railroad Company, from Fifteenth street to Central Park, and The Broadway Surface Railroad Company will permit the cars of The Broadway and Seventh Avenue Railroad Company to run over its track to the entire extent thereof, or if, for any reason, such use in common of the proposed railroad tracks may not be practicable, then, and in that event, the said companies have agreed to permit any passengers upon their respective routes, bearing a transfer ticket issued by the other party, to pass and ride without charge over the tracks above specified, and each of the parties to said agreement has undertaken to issue to every passenger desiring the same, a transfer ticket entitling such passenger to a continuous ride over the whole or any portion of such route for one fare of five cents. Your Committee is of opinion that no other company is able to offer the same or equal inducements to the public. And your Committee regards the proposed connection of the two roads at Fifteenth street as an important consideration in favor of the application of the petitioner, even if it shall be determined that the tracks of the two companies cannot be used in common by the cars of their respective lines, because the use of transfer tickets in the manner proposed will operate greatly to the advantage of the public.

The petitioner proposes to operate a horse railroad, and your Committee would be unwilling to recommend the construction of a railroad on Broadway to be operated by any other motive power than horses at the present time. Other modes or motors are either wholly untried in New York, or seem to your Committee to be unsuited to a crowded thoroughfare like Broadway. Aside from this consideration, the claims of the cable system, which we have considered, do not commend themselves to our judgment, and we are of opinion that it would be unwise and unsafe to allow the construction of a cable road in Broadway. We doubt whether a cable road, if constructed, could be operated in Broadway, without a substantial confiscation of a great portion of the street to the exclusive use of such road. The construction of a cable road on said street would, in our opinion, require a vast amount of time, during which public travel on the street must necessarily be, to a large extent, suspended. The interference with the sewers, water-pipes, gas-pipes, telegraph wires, etc., underneath the streets would be disastrous to the business and health of the city, and your Committee are not sure that the construction of a cable railroad in Broadway would not require the removal or readjustment and new location of the sewers, water-mains, and gas-pipes underneath the surface, the expense of which would be enormous. Your Committee are unanimously of the opinion that the interest of the city demand the construction of a horse railroad on Broadway, and that no experiments respecting the construction of the road, or the motive power to be used thereon, should be tried on a street of such importance and so crowded.

It has been suggested to your Committee by some of the persons who have attended at the hearings had before it, that a trunk line road should be constructed on Broadway which should be bound to receive the cars of all other street car lines desiring to run thereon; but your Committee is clearly of the opinion that such a scheme would tend unnecessarily to encumber the street, and that the public convenience would not be promoted, but would be injuriously affected by the blockades

which, in such case, would occur, but which would not result from the operation of a railroad bearing only a sufficient number of cars to accommodate travel on Broadway.

A suit having recently been commenced by the Corporation Counsel, in which a complaint has been served upon the members of this Board alleging that it is unlawful for The Broadway and Seventh Avenue Railroad Company to run its cars on Broadway below Fifteenth street, suggests another reason why Broadway should not be used as a trunk line for the accommodation of the cars of other companies, as proposed.

Your Committee has heard the objections urged by cabmen and by truckmen, and on behalf of certain express companies, and have duly considered the same, but your Committee are of the opinion that such objections result from selfish considerations influencing the parties aforesaid, and that no substantial interference with the business of such parties or with the public convenience will result from the construction of the proposed railroad on Broadway. The street is of ample width to allow other vehicles to pass and repass, and the removal of stages from Broadway, which will be the probable result of the construction of the proposed road, the cars being confined to a fixed route by the rails on which they are made to run, the public travel in Broadway is likely to be promoted by the construction of the proposed railroad.

Your Committee has heard no objection to the proposed railroad, except such as have been manifestly prompted by rival interests, or other selfish motives, and we think that it is beyond controversy that the public good will be promoted by the construction and operation of the proposed railroad.

And, in respect to the motive power, if at any time in the future a new and improved motor shall be found which may be approved by the local authorities and property owners, the Law of 1884, under which the petitioner was organized, permits its adoption, and the company is willing to enter into an obligation to adopt and use any such new and improved motor.

Your Committee do not think the franchise of a railroad on Broadway should be sold at auction, and in matter of the present application it is evident no auction sale is practicable, because the Common Council cannot confer the franchise of constructing and operating a railroad on Broadway, having only power to give or withhold its consent for a railroad on any one or more of the public streets, and such consent will be of no essential value to the grantee until the consent of one-half in value of the owners of property bounded on the proposed route be first obtained, or in lieu of such consent, the favorable report of Commissioners appointed by the General Term of the Supreme Court, and the confirmation of such report by the General Term. It might very well happen that the purchaser at an auction sale of such consent, as the local authorities have right to grant, would not be able to obtain the consent of property owners or the favorable report of Commissioners as aforesaid, although the necessity of the road be conceded, and hence the city would be deprived of the facilities for passenger traffic which the public demands.

Public criticism having resulted from the previous action of the Common Council in granting its consent for the construction of the proposed railroad on Broadway, without requiring from the grantee of such consent any other compensation to the city than the percentages on gross receipts required to be paid, pursuant to the provisions of chapter 252 of the Laws of 1884, under which the petitioning company was incorporated, your Committee begs leave to state that it was urged upon the hearing by some of the parties appearing in opposition to the petitioner's application, that the franchise for the construction, operation and use of a railroad on Broadway ought not to be conferred upon the petitioner, except upon condition of the payment by it into the City Treasury of a gross sum in money, or upon the condition of the payment into the City Treasury of an annual sum by way of rent; and one of the principal objectors has asserted that the gross sum to be paid should not be less than the sum of \$750,000, or an annual rent of \$45,000, being the equivalent of interest at six per cent. on the aforesaid sum of \$750,000. Other persons appearing estimated the value of the franchise at \$1,000,000, in gross. It is sufficient to say, that these estimates manifestly relate to the supposed value of the actual franchise, or right to build the proposed railroad, whereas, as above stated, the consent of the Common Council, for which the petitioner has applied, could confer no such absolute right.

It is believed that the offers heretofore made in the public prints for the supposed franchise have been made, not for the mere consent which the Common Council has the right to grant, but for the absolute franchise which the Common Council has no right to confer.

Some facts and figures have been furnished to your Committee by some of the opponents of the petitioner's application, from which some estimate of the probable earnings of a railroad on Broadway, between the Battery and Union Square, can probably be made; for instance, Mr. Wilkins, one of the proprietors of the Madison Avenue Stage Line, has shown that the three several stage companies running omnibuses on Broadway, use an aggregate number of 210 stages, and the aggregate gross receipts of the three lines do not exceed the sum of \$1,000 per day, derived from passengers riding on Broadway, south of Fourteenth street. Mr. Cnitteden, who appeared on behalf of certain citizens opposing the application of the petitioner, furnished your Committee with certain statements compiled from reports made by various street railroad companies of this city to the State Engineer and Surveyor, showing that the gross receipts of the Third Avenue Railroad Company in the year 1881, derived from all sources, including 26,096,842 passengers carried upon its railroad route of more than ten miles in length through the most densely populated section of the city, was the sum of \$1,375,788.72. And, in 1883, the total receipts of the same railroad, upon its aforesaid route of ten and a half miles, was \$1,755,994.35, the number of passengers carried being 29,781,477. According to the same compilation, The Broadway and Seventh Avenue Railroad Company, upon the several lines of railroad operated by it, aggregating eight miles in length, carried, in the year 1881, 16,531,922 passengers, and its total gross receipts amounted to the sum of \$846,960.42, and the same company, in the year 1883, carried 17,213,126 passengers, and its total receipts for that year were the sum of \$889,614.14, out of which it was able to declare a dividend to its stockholders of 8 per cent. in the year 1881, and 8½ per cent. in the year 1883. For further statement of earnings of the various railroads your Committee respectfully beg leave to refer to pages 165 to 169 of the printed report of the proceedings at the various hearings before your Committee, which is submitted herewith as a part of this report. Assuming that the gross receipts of a railroad on Broadway, between the Battery and Union Square, a distance of about two miles, would equal the entire gross receipts of The Broadway and Seventh Avenue Railroad Company, derived from the eight miles of double tracks operated by it, partly on Broadway above Fifteenth street, where a large portion of the retail trade of the city is done and otherwise in densely settled portions of the city, the gross receipts of the proposed railroad on Broadway would probably be less than \$1,000,000, indeed, remembering how little travel there is on Broadway below Fourteenth street at night or in the early morning and that on Sundays the street is nearly deserted, it is probable that the gross receipts of said proposed railroad would be much less than the sum of \$1,000,000 per annum. Assuming, however, that the petitioner would acquire \$1,000,000 per annum in gross receipts, the petitioner would be required to pay annually into the City Treasury by the express provisions of the said act of 1884, during the first five years of its operations, \$30,000, and after the first five years \$50,000, in addition to its obligation to keep the streets in repair as provided in said act.

Your Committee has not undertaken to determine what, under the circumstances, ought to be paid by the petitioner (if anything) in addition to the percentages on gross receipts mentioned in the aforesaid act, chapter 252 of the Laws of 1884, leaving such additional compensation to be fixed and determined by the Board as, in your judgment, shall be just and wise, but your Committee are convinced and so report, that in their opinion the prayer of the petitioner should be granted and the consent of the Common Council should be given for the construction by The Broadway Surface Railroad Company of its proposed railroad on Broadway, upon such terms and conditions as will insure:

1st. The efficient operation of such railroad for public accommodation, and your Committee is of opinion that the public interest is the primary consideration which should have preference over the interest of any particular class of citizens; and

2d. That the consent of the Common Council for the construction of the proposed railroad should only be given upon such terms and conditions as will insure the payment to the city of the percentages on gross receipts required by said act to be paid, and not only the receipts which may be derived by the petitioner from passengers riding in its own cars but also the receipts from all passengers riding in the cars of any other company which, with its consent, may at any time be legally authorized to run upon the same tracks on Broadway, south of Fifteenth street, and that the rights of the city shall be otherwise absolutely secured and protected by some proper obligation.

And your Committee is informed and believes that the petitioner, The Broadway Surface Railroad Company, is prepared and willing to submit to, abide by, and fulfill any reasonable terms, regulations or conditions which the Common Council shall see fit to exact or impose as a consideration for its consent to the construction, maintenance, operation and use of the proposed railroad.

All of which is respectfully submitted.

Dated New York, November 10, 1884.

MICHAEL F. McLOUGHLIN,  
C. B. WAITE,  
ROBERT E. DE LACY,  
WILLIAM H. MILLER,  
CHARLES DEMPSEY.

In the Matter of the application of the Broadway Surface Railroad Company to the Common Council of the City of New York for its consent to construct, maintain and operate a street surface railroad on Broadway, in the City of New York.

NEW YORK, October 29, 1884.

At the Chamber of the Common Council.

Before the Railroad Committee of the Board of Aldermen, there being present of such Committee Aldermen McLoughlin, Waite and Dempsey.

The Clerk—The Committee will first hear all those who are in favor of the proposed railroad.

Mr. John M. Scribner—I present now, if the Committee please, the petition which has been read at the hearing of the full Board, made by the Broadway Surface Railroad Company, and addressed to the Common Council of the City of New York, asking the consent and permission of the Common Council for the construction by the Broadway Surface Railroad Company of its proposed railroad on the route mentioned in the petition.

A similar application has been previously addressed to the Board of Aldermen, and a hearing has been had before the Railroad Committee, composed of the same gentlemen who now compose it, and on the 30th day of August last, a resolution was passed and adopted by the Common Council giving to the Broadway Surface Railroad Company the consent and permission applied for.

The resolution of the 30th of August provided simply that the consent of the Board of Aldermen was thereby given upon the condition that the company shall comply with all the provisions of chapter 252 of the Laws of 1884 applicable thereto. That provision of the resolution is, I believe, in the exact words of the act of 1884, providing that the consent of the Common Council should always be upon the condition that the company making application for such consent should comply with and abide by the provisions of the act of 1884 applicable to such road.

Now, by the terms of that act it is provided that any railroad constructed under the provisions of the act shall pay into the City Treasury, during the first three years following its incorporation, or, rather, following the commencement of the use of its tracks, three per cent. of its gross receipts, and thereafter shall pay annually into the City Treasury five per cent. of its gross receipts.

Considerable criticism having arisen respecting the action of the Board on the former application, and litigation having arisen in which the question of the validity of such action of the Board has come into question, the Broadway Surface Railroad Company has now presented this, its second petition, to the Board, accompanied by the letter signed by Mr. Richmond, the president of the company, and which has been read before, but to which I ask particular attention. This letter means precisely what it says. And the Broadway Surface Railroad Company, on whose behalf it was written, is prepared to abide by and fulfill every promise or obligation which is mentioned or referred to in this letter. "Simultaneously with the delivery to you of this communication, the petition of the Broadway Surface Railroad Company will be presented to your Honorable Body, praying that the consent of the Common Council of the City of New York may be granted to the said company for the construction of its proposed railroad on Broadway, from the southerly end thereof to the intersection of Fifteenth street and Union Square, there to connect with the existing railroad of the Broadway and Seventh Avenue Railroad Company, so that passengers may be carried from the Battery to Central Park without change of cars and for a single fare of five cents. An agreement to the above effect has been already made and is now existing between the said two companies.

"If the petition of the Broadway Surface Railroad Company for the consent of the Common Council to the construction of its proposed road shall be granted, the said company has arranged for permission to connect its tracks with the existing railroad tracks in Whitehall street, State street and Battery place, so that passengers may be carried directly from South Ferry to Central Park for five cents.

"It is intended to operate the proposed road by horse power only, but the company will not be slow to adopt any improved motor which may be hereafter invented, other than cable, suitable for the purposes of a surface street railway, which may be approved and authorized by the local authorities and property-owners, as provided in section 12 of the act, chapter 252 of the Laws of 1884."

In the course of the discussion which has been had here and elsewhere respecting the resolution of the Common Council—the consent of the Common Council—previously granted to this company, it has been stated that the resolution did not fix, and that there was no means to determine, what was the motive power proposed to be used and adopted by this company. Here in this letter it is stated distinctly, and that may be regarded by the Committee as a part of this application, that this road is intended to be operated by horse-power only. Until some improved power shall be discovered or invented which may meet the approval of the officers of the company, and may likewise meet the approval of the Common Council of the City of New York, or the local authorities having control of the street, the only motive power intended to be used in the operation of this road is horse-power.

The letter goes on to say: "It is to be distinctly understood that our present application is for your consent to the construction and use of a horse railroad, which we believe to be the only motive power yet discovered suitable for the purposes of a railroad in a thoroughfare like Broadway, having a proper regard for the safety of human life.

"This second petition of the Broadway Surface Railroad Company is presented to your Honorable Body, and application is now again made for your consent to the construction and operation of the proposed road, in order that the whole subject may be considered anew, and that any citizens or property-owners having objections to offer may have a full opportunity of being heard."

This application is made, as I stated, to meet the objection or complaints that have been made on behalf of parties assuming to be interested in this question, but really, as we believe, on behalf of hostile or rival companies claiming the right or desiring to acquire the right to construct for themselves a railroad in Broadway—complaints have been made on their behalf that no sufficient hearing was given at the previous meeting of this Committee.

The letter goes on to say: "And in order that the public shall understand that this company does not desire the franchise in question except upon such equitable terms and conditions as shall be just to the public and fair to itself, I am authorized to say, on behalf of the Broadway Surface Railroad Company, that it will bind itself to construct its proposed railroad after the most approved plan for the construction of city railroads, and will abide by the provisions of the act, chapter 252 of the Laws of 1884, including the payment of the percentage of its gross receipts, which by the eighth section of said act is required to be paid into the City Treasury, and the onerous provisions relating to the paving of streets which are contained in the ninth section, and will likewise abide by and obey the regulations and ordinances which the local authorities should authorize to make and adopt pursuant to the provisions of the said ninth section."

Now, I desire to call the attention of the Committee to the provisions of this ninth section of the act of 1884, showing that, notwithstanding the consent of the Common Council, or the resolution giving the consent of the Common Council, which was adopted on the 30th day of August, 1884, only contained a provision binding the company to comply with and abide by the provisions of the act of 1884 applicable thereto, that there was still retained, still reserved by the express terms and provisions of this ninth section to the Common Council, being the local authorities having the control of the streets on this route, the right and power to regulate the operation of the road, and that every protection which the citizens and the city authorities can require is reserved—expressly reserved—by this act under the provisions of this ninth section, which reads as follows: "Every such corporation incorporated under, or constructing, extending or operating a railroad constructed or extended under the provisions of this act, within the incorporated cities and villages of this State, shall also, whenever and as required and under the supervision of the proper local authorities, have and keep in permanent repair the portion of every street and avenue between its tracks, the rails of its tracks and a space two feet in width outside and adjoining the outside rails of its track or tracks so long as it shall continue to use such tracks so constructed under the provisions of this act. In case of the neglect of such corporations to make such repairs, the local authorities may make the same at the expense of such corporation, after the expiration of thirty days' notice to do so. The local authorities having charge of streets, avenues, roads or highways in cities and incorporated villages may make such reasonable ordinances or regulations as to the rate of speed, mode of use of tracks, and the removal of ice and snow, as the interest and convenience of the public may require. A corporation whose servants or agents willfully or negligently violate such an ordinance or regulation, as aforesaid, shall be liable to such city or village for a penalty not exceeding five hundred dollars."

Now, as I have said, the letter which I have read, addressed to the Board by the president, Mr. Richmond, on behalf of this company, means exactly what it says. This railroad company has been organized with the honest intent and purpose to construct and furnish to the citizens of the City of New York, if allowed, a first-class railroad, and it offers such inducements to the public as can be offered by no other railroad which has or can be organized for the construction of a railroad on Broadway.

In this letter, or in the petition, of the Broadway Surface Railroad Company addressed to the board, it is stated that an agreement has been already made between this company and the Broadway and Seventh Avenue Railroad Company for the use of the tracks of the Broadway and Seventh Avenue Railroad Company by the cars of this company, thus providing a continuous route at least from the Battery to the Central Park, and with the obligation on the part of the Broadway Surface Railroad Company that all passengers will be carried from the Battery to the Central Park without any change of cars and for a single fare of five cents. That is the special inducement which this company offers to the public.

Now, the agreement which is mentioned in the petition of the Broadway Surface Railroad Company is as follows:

"This agreement, made this first day of August, in the year one thousand eight hundred and eighty-four, between the Broadway and Seventh Avenue Railroad Company, of the City of New York, party of the first part, and the Broadway Surface Railroad Company, of the City of New York, party of the second part, witnesseth:

"That in consideration of the mutual covenants, benefits and advantages contemplated, the said parties have covenanted and agreed, and by these presents do covenant and agree with each other as follows, to wit:

"First—The said party of the second part shall use all proper and reasonable effort and exert itself to the utmost to procure the authority to lawfully construct, and when such authority shall have been procured, shall construct, operate and maintain upon the surface of Broadway, between Fifteenth street and the Battery, in the City of New York, a street surface railroad, with double tracks, and such switches, sidings, turn-outs, turn-tables and suitable stands as may be necessary for the convenient working thereof.

"Second—From and after the construction of said railway, the said party of the first part will permit and allow the cars of the party of the second part to run over its tracks from Fifteenth street to the Central Park, and the party of the second part will permit the cars of the party of the first part to run over its tracks to the entire extent thereof, the common right of use being the consideration for such common enjoyment. And if, for any reason, such common use may not be practicable, then, and in that event, each party will permit any passenger upon its route, bearing a transfer ticket issued by the other party hereto, or under its authority, to pass or ride, without charge, over the tracks above specified; and each of the parties hereto will issue to every passenger desiring the same, without charge, such a transfer ticket, entitling such passenger to a continuous ride, without charge, over the whole or any part of said route.

"In witness whereof, the parties hereto have hereunto set their seals, and have caused these presents to be executed by their several Presidents the day and year first above written."

There, the Committee can see, is a complete and perfect arrangement between the Broadway and Seventh Avenue Railroad Company, and the Broadway Surface Railroad Company, insuring to the benefit of the public so as to entitle a passenger riding in the cars of the one company to a ride over the entire route of the other company without further charge.

Well, now, this agreement having become known, the Mayor of the city, who by the provisions of law is substantially made one of the judges in this matter, and who ought certainly not to have forestalled the judgment of his associates in that matter by the expression of an opinion anterior to the hearing addressed to the Board a letter, which has been made public, calling attention to the fact that under a lease made by the Bleeker Street and Fulton Ferry Railroad Company to the Twenty-third Street Railway Company of its railroad, and claiming that under the provisions of that lease, or as an effect of that lease, the city has been deprived of some percentages or advantages to which it was entitled from the Bleeker Street Railroad, by means of this lease, which his Honor has stigmatized as "jugglery."

Well, now, I submit that the Mayor's observations respecting the relations between the Bleeker Street Railroad and the Twenty-third Street Railway Company, or respecting the provisions of the lease made by the Bleeker Street Railroad Company to the Twenty-third Street Railway Company, have no sort of relevancy to the case which is before the Committee. This Committee, or the Common Council, in giving the consent of the local authorities for the construction of this road, as the right to prescribe the terms and conditions upon which that consent shall be given; and if there is any possible doubt that under the provisions of this law not only that any cars run by the Broadway Surface Railroad Company over its tracks, but that any cars of any other company which it might permit pursuant to any provision of law to run over its tracks, should pay to the city the percentage of its gross receipts which, by the terms of this Act of 1884, a railroad operating a road constructed under the provisions of this act is required to pay into the city, there is perfect and ample protection to the city to be secured by the insertion in language as plain as the English language can be written (and we shall not object to any provision, however plainly it may be written) in any resolution adopted by the Common Council requiring that each and every car run over the tracks of this road shall pay into the City Treasury the percentage of its gross receipts which, by this act, is required of any railroad running cars pursuant to the provisions of the act. Now, his Honor calls attention in this communication addressed to the Board, or at least he claims that there is no provision in the Act of 1884 whereby the percentage of gross receipts on cars run, for instance, by the Broadway and Seventh Avenue Railway Company over these tracks can be computed. I ask the attention of the Committee to the express provisions of this act relating to the extension of any existing railroad, wherein it is provided that any railroad operating an extension as authorized by this act, and pursuant to its provisions, shall pay into the City Treasury a like percentage of its gross receipts, to be computed in the proportion which the number of miles of new track bears to the entire route operated by the railroad.

Now, under these provisions of the act, there can be no difficulty in the framing of a provision which will insure, beyond any peradventure, the payment to the city of every dollar of percentages which by the terms of this act could be or ought to be required of any railroad operating any portion of its route under the provisions of the act and pursuant to any consent granted by the Common Council.

Now, this perhaps is all that I need say in behalf of this application. If there is any defect in the law; if there is any protection which the city desires; if there is any protection to which citizens are entitled which is not provided for in the law itself, the Common Council is entitled to insert those provisions in the resolution giving its consent to the construction of the road; and this road is prepared to abide by and fulfill any fair and just terms or conditions which can be inserted into such a resolution, or which the Committee or the Board of Aldermen may see fit to insert in the exercise of the discretion which by the terms of this law is conferred upon them. And this company is prepared, also, as is stated in the petition, and in the letter which accompanies the petition—this company is prepared to pay into the City Treasury not only this percentage, but anything fair and just in the way of additional compensation that the Committee may see fit to impose, having regard always to the fact that this railroad company offers to the public the inducement of a long ride—that is, a ride extending from the Battery to the Central Park, and that no other company which has yet been incorporated, and that no other company which can be incorporated under the provisions of this act, is able to offer to the public equal inducements.

The Chairman—Any other gentleman present who desires to be heard?

Mr. Julien T. Davies—I appear for Mr. Robert C. Cornell, an owner of property on Broadway.

The Chairman—In favor of the applicant?

Mr. Davies—No, sir; I appear to oppose the application.

The Chairman—We will hear all those in favor of the road first, and then afterwards we will hear the parties who are opposed.

Mr. Davies—I was going to make a preliminary objection to the application of this road, but I will make that afterwards, if it is more agreeable to the Committee.

The Chairman—Is there any other gentleman who desires to be heard in favor of the application?

Col. George Bliss—I appear on behalf of the Broadway Surface Railroad Company, and desire to say a few words before speaking directly to the application—I mean I appear on behalf of the same road which is represented by Mr. Scribner—the Broadway Surface. Before speaking directly to the application, permit me to say that on a former occasion when I appeared before this Committee I took occasion then to express the opinion that a Broadway railroad was needed at the present time; and that seems to have been accepted as a sort of advertisement, for the result was that I was applied to by several schemes, seeking a right to come on Broadway, to appear on their behalf; and regarding, as I always have regarded, Mr. Chairman, the position of a lawyer when he is favoring legislation, or anything approaching legislation, or anything like public grants of this nature, as entirely different from that of a lawyer when he is defending a client in court, or prosecuting a suit when he is bound to act, and regarding that it is the duty of a lawyer to examine into any scheme of this kind which he desires or it is sought that he shall urge, I deemed it my duty before accepting any engagement on either side in this case to make an examination into the merits of the questions, and I am bound to say (adding what little weight my personal opinion may give to the matter, if any), that the application which I now represent commended itself to my judgment as in all respects the better for the city, better for the people of the city, and better for, it seems to me, the occupants and owners on Broadway, than any other scheme which I know that has been presented. And therefore it is that I am here to urge the adoption of a resolution which shall carry out the scheme of the Broadway Surface Railroad—the grant desired by it—provided that resolution is guarded, in the way that Mr. Scribner has indicated, to protect the rights of the city and the citizens.

Now, then, it seems to me that there are two or three questions perhaps involved in this matter, and yet they can be very briefly considered. I apprehend that the Committee will first consider the question: Should there be a railroad, on Broadway, of any kind? Now, as to that there really is very little to be said upon the one side or the other. The parties must form their own opinion, form their own judgment, from their own observations and impressions which occur to everybody.

It seems to me, Mr. Chairman, that whatever may have been true in the past as to the undesirability of a railroad upon Broadway (and I was for many years one of those who believed it was very undesirable), that in the existing condition of things a railway of some kind upon Broadway has become a necessity. The opening of the elevated railroads, Mr. Chairman, has had an injurious effect, as it seems to me, upon the business relations of Broadway. It carries everybody by the great portion of Broadway, from Fourteenth street to about Chambers street, and we have seen the effect of that upon property in this section. You find that there has been an enormous increase in the value of property at the south end of the city, below about Cortlandt street, in the First Ward. There has been that enormous increase of property, beyond any increase that had gone on in this portion of the city. There has been, in the same way, an enormous increase up-town, not entirely, but largely, consequent upon the opening of the elevated railroads; and, certainly, no one can give any reason for the large increase of values of property in the First Ward of the city other than that of the elevated railroads. And why is that? Because people get on to the elevated railroads up-town, and they ride through down-town. They don't any longer come down, as a large portion of us used to come down, Broadway, stopping over to do what purchasing we had, but we find retail business, and things of that sort, going on in the lower portion of the city, and restoring things which none of us have seen before for a generation. I think the effect of the elevated railroads has been injurious to Broadway, and I think the effect has been such as to give a vigorous and decisive argument in favor of some kind of a railroad upon Broadway.



Of course no railroad can be placed upon Broadway without exciting some opposition, possibly without injuring some interests. I saw in the paper yesterday that there had been a meeting of cartmen and others, who thought that their interests would be injured by a railroad upon Broadway. Now, it is possible that their interests may be injured in that way—I doubt whether they would by a horse railroad, though they would undoubtedly be injured, Mr. Chairman, by a cable railroad; and if I may be permitted to say, without any evidence upon the subject, I am very suspicious that the whole movement of the cartmen, as well as a large portion, if not all, of the opposition which will develop itself here, has its origin in the Cable Railroad, and is paid for by it. A cable road, if I am correctly informed by those who are familiar with it, is very objectionable to cartmen and others. It moves by an unseen power, and when the car is going along, if there is a cart in the way, horses cannot be stopped and made to wait until the cartman has unloaded his goods and then got out of the way, but the attachment to the cable is kept on by the car, and they force their way through; and it is a matter, I am informed, of great complaint by the cartmen and others in those cities where cable roads are laid, and where they are laid in streets which are not wide enough to give room for the cartmen to back up to the sidewalk and still leave room for the cars to pass—it is a matter of great complaint there that the cartmen are annoyed, and that business is in a measure affected thereby. I can imagine that. A horse car does not carry things before it.

We all remember, Mr. Chairman (though perhaps you do not remember it; I certainly do), that there was a chorus went up that Broadway was going to be blocked when one of the city railroads got a right to come into Broadway at Lispenard street and curve around into Canal street, and we were told that the entire traffic of Broadway was going to be blocked by that, and yet after that we found that it has practically amounted to nothing.

Now, I am not here to urge that a horse railroad on Broadway may not lead to some blockading of trucks, and blocking of business. I assume that it will. The question is, what is for the general interests of the public; not what is for the interests of the cartmen, not what is for the interests of the property-owners on Broadway. The powers given you under this law are not specially those with reference to the rights of property-owners. Those questions are reserved for the General Term of the Supreme Court, unless the property-owners consent. Your duty is to protect the interests of the entire city, to determine what the people of the entire city need, what they desire with reference to a railroad on any given street, and what the public necessity requires in this case.

Now, I submit that the public necessity does call for a railroad on Broadway, of some kind. And let me say here, however, that I dissent very greatly from some doctrines which I have seen propounded in the papers—propounded, I think, or coming largely from the cable road people, and yet, I think, not confined to them, that Broadway should be made a grand trunk line, and that everything should be led into it. Now, if you want to block up Broadway, that is the best way in the world to do it. It seems to me that Broadway should not be made a grand trunk line in this sense, that if people want to go from the upper end of the city through to the South Ferry, not wanting to stop on Broadway on their way down, it is better that Broadway should not be made a trunk line to convey them, but that they should go, as they go now, upon the side streets; but when anybody wants to come from the upper part of the city down Broadway, desiring to stop on the way, it seems to me that it is desirable that they should be afforded the facilities that would be afforded by a railroad there. And I assume, let me say in passing, that the natural result of the building of any railroad on Broadway, will be to take the stages off sooner or later. That is the result we will see take place, even if there is no provision on the subject by any agreement or anything. Therefore, I desire to say nothing more upon the subject that there should be a railroad on Broadway.

The next question, then, that comes to be considered, is, What is the form of railroad to be? Now, I submit that it should be the ordinary horse railroad, as to which we know everything. We know its comforts and discomforts, its conveniences and its inconveniences. It can be speedily built—built without taking up of the pavement, built without blockading to any considerable length of time, and we know just what we have. When you come to a cable road, you have got an experiment; you have got an experiment which may work well, and which, I believe, has worked well in some cities differently situated, and upon other thoroughfares, but you build a road where you have got to go beyond the surface—dig up Broadway—and for a considerable time have it blocked, even supposing that it can be done without serious injury to the existing pipes and other things that are placed under the ground.

As to the question of the form of the road, I do not know that I desire to say anything further, except to call your attention to this provision which Mr. Scribner has referred to, and yet, perhaps, which ought to be brought out a little more, and that is the provision which the Legislature in its wisdom saw fit to put into the General Railroad Law under which you act, that you cannot run over the tracks of another railroad existing upon the streets of the city for a distance of more than a thousand feet with the consent of that company. Now, we all know that at the south end of the city, from Bowling Green down to South Ferry, is more than a thousand feet, and we all know that those narrow streets are occupied by the tracks of an existing road. I do not imagine that anybody would think of putting into those narrow streets an additional track. There is no right to run over them under the law. You cannot give the right to run over them under the law, and therefore you should not grant the right to anybody else than this corporation seeking this consent, which has agreed with the party controlling that road. They must stop at Bowling Green, and that, I apprehend, is not for the convenience of the public—that the people should be dumped out at Bowling Green who desire to go to the South Ferry. And the same is the case at Fourteenth street. You cannot go to Fifteenth street except over the track of an existing road, or, possibly, by laying additional tracks in the street, assuming that there is the power to make that grant; but I apprehend that nobody would think of laying additional tracks upon Broadway, and yet no other railroad than this can pass over those tracks under the existing state of affairs. And we, of course, must accept the existing law as that is applicable; and I think nobody who will reflect a moment upon the great difficulty there has been in procuring the passage of any railroad act at all, where it has been sought ever since the amendment of the Constitution of 1874, will have much idea, notwithstanding some talk that I have heard thrown out by people, that the General Railroad Law is going to be amended by the next Legislature within a very brief period after they get together. Why, Mr. Chairman, that clause was put into that bill, I apprehend, through the influence and for the protection of I don't know how many millions of railroad capital, actual and watered, invested in horse railroads in this city; and I apprehend that the same difficulty that accompanied the passage of any bill for ten long years would stand in the way of any amendment of the law in that respect. You must accept the law as it is. You can only deal with it as it is, and you cannot, as rational men, look forward to any idea of change in the law. Then what have you? You have a right only to grant to any other railroad than this a route commencing at Bowling Green and ending at Fourteenth street, and then the passengers have to be taken out, and the passengers have then to pay a second fare to be transferred at one end or the other to another company, or go on foot. That certainly cannot be for the public benefit. I submit that there can be nothing clearer than that it is for the benefit of the public to have this route connect with a road which goes to the South Ferry, and which will carry them from the South Ferry to the Central Park for a single fare and in a single car.

As to this question of the inability to draw a provision which shall bind these applicants to carry out agreements which it is considered should be binding upon them, and which they accept, all I have to say is that the ingenuity to state it which has been exhibited by the Mayor of the city, by the Corporation Counsel, and by all those gentlemen, to say nothing of the ingenuity that will be displayed, I think, by the gentlemen who will follow me on the other side, I think will be sufficient to suggest to you a means of placing in language conditions which shall bind the company beyond all question, and this company is prepared to accept such conditions as those here, frankly, and prepared to carry them out honestly.

Now, Mr. Chairman, I have said perhaps all that I ought to say as bearing upon the question, but I desire to say that there is a clause in that petition of the company which was one of the arguments which to my mind was very conclusive as to the wisdom of making this grant to this company, and that is their expression of a willingness that they will pay into the Treasury of the city a sum in addition to the gross receipts, if the committee thinks that such is called for by the interests of the city. I am free to say, personally, that I think the interests of the city do require some payment. I haven't any idea that there can be practically carried out any provision by which you can arrange for the payment of a gross sum either on the consent of the Board of Aldermen, or a gross sum contingent upon getting all the other authorities which may be necessary for a grant of a railroad, nor have I any sympathy with the idea of a sale by auction, of privileges of this kind. But if this Committee should say that a fair sum, bearing in mind all the contingencies and all the conditions which are imposed—that a fair sum, not an extravagant sum, such as we see stated in the newspapers—not a sum which will satisfy the newspapers, for we are not on a wild goose chase to satisfy the newspapers—I see the gentlemen of the press here agree with me entirely—bearing in mind all the facilities they occupy, and bearing in mind that if you laid down a scheme in such a way that it could not be profitable to the capital placed in it, that then the arrangement would be a scurrying one, which would practically injure the citizens and passengers—bearing in mind those things, if the Committee shall see fit to impose reasonable conditions of that sort, why I think that my clients will not doubt be willing to accept them and carry them out.

The Chairman—Are there any other gentlemen who desire to be heard in favor of the proposed road?

Mr. Thomas Dougherty—Your humble servant has been delegated to come here in behalf of the public truckmen of the City and County of New York—

The Chairman—One moment! Are there any other gentlemen who desire to be heard in favor of the application?

Mr. James A. Deering—Yes, sir.

The Chairman—Mr. Dougherty, we will hear you by and by.

Mr. Deering—I have been requested by several owners of property on Broadway to appear here and state to you that they were in favor of the application of the Broadway Surface Railroad for the privilege of constructing this road on this street. They are owners, some of them, and some actually occupy the property, which they own, for business purposes; and their reason for supporting this application is that they think that the public convenience will be greatly benefited, or more

benefited by granting the right to this company than by granting it to any other company which has proposed to build a road upon that street, and that the public interests and the public treasury will be as fully protected, and as much aid brought to the city by granting it to that company as to any other company.

Now, Mr. Chairman, there seems to be one thing, or several things, conceded. It seems to be conceded that a road on Broadway is now a public necessity. That concession is made in regard to Broadway below Fourteenth street at the present time by property-owners as well as the general public, as it has been in regard to the Boulevard or Broadway north of Fifty-ninth street, with regard to the placing of a road on which, years ago, there was as much opposition, if not more opposition, than there ever was to placing a road on Broadway below Fourteenth street. So as to that there seems to be no difference of opinion. As to granting the right to this road, the main advantage and the main reasons for the granting of it, which appear to these owners whom I represent, are such as should induce you to favor them more than any other applicant, because they propose to bring the public passengers from Fifty-ninth street down all the way down-town by one continuous journey, they being able to make connections with some existing roads, and at one rate of fare. We all know, and it is a conceded fact, whether you are traveling on a city railroad—whether you are traveling in a city and propose to use city horse-cars, or are going over the country and using steam-cars—that the public generally have a great objection to changing cars and paying additional fares. They object more to the changing of cars than they do even to paying additional fares. And for that reason, these proprietors of stores on Broadway below Fourteenth street, think that it would induce people to come there, that it would be an inducement to that public which has now forsaken Broadway below Fourteenth street, to grant the right to a company which will bring them down without extra charge and without obliging them to change cars.

They also think, Mr. Chairman, that the payment of the percentage of the gross proceeds annually, or, as it has been suggested, a stated sum in addition to that, if I understand the suggestion, would bring in the number of years that a road would be operated upon Broadway—that more money, in gross, would be brought to the City Treasury in that way than by selling the franchise out or the right out now for a specific sum. The sum that has been suggested as the value of this franchise—a million dollars or two million dollars—is, in itself, a very large sum; but it is nothing, it is very small, infinitesimally small, whether compared with the valuation of property upon the island, or the number of people who live upon the island, and for whose convenience a road upon Broadway would be constructed.

As I have stated before, those whom I represent here desired me to state the fact that they were in favor of this proposed road, for the reasons which I have substantially stated; but I would like to add, Mr. Chairman, one suggestion of my own in regard to the selling, if it comes to that, of the franchise at public auction. These parties whom I represent are taxpayers of this city, and as much interested in the city and in obtaining the full value of this privilege as anybody else; but it has been suggested that if this franchise is sold at public auction—this right—that it will not result in the end in bringing into the City Treasury the sum for which it might be sold. It would be a concession of a right in use now by operating lines of conveyances on Broadway—it would be the concession of a valuable right of which they would be deprived by the operating of a street surface railroad. And upon that, Mr. Chairman, it might be claimed, and it is thought, with success, by those companies, that whatever sum would go into the City Treasury from the sale of that franchise would in the end be devoted or diverted to the payment of the losses which might be sustained by those companies now claiming franchises or rights to carry passengers on Broadway. And, in support of that, the only case within my knowledge is the case of the sale of the right of operating railroads on One Hundred and Twenty-fifth street, where, after it was sold at public auction, and the sum paid into the City Treasury, as I am informed, the Manhattanville Stage route, an old stage line operating a line of stages on Manhattan street, brought a suit against the city and recovered the greater part of that sum which was paid for that franchise into the City Treasury. It is thought that for those reasons the sum, if this privilege was sold outright, which would go into the City Treasury, would, in the end, not remain in the City Treasury, but would be diverted to other purposes.

The Chairman—Any other gentlemen desire to speak in favor of the applicant? If not, we will hear those who are opposed to the Broadway Surface Road. We will hear Mr. Dougherty first.

Mr. Dougherty—Mr. Chairman and Honorable Board of the Railroad Committee—Your humble servant has been delegated to come here to speak in behalf of the rights of the public truckmen in the City and County of New York. While I, your humble servant, recognize the rights and privileges of all its citizens, we, as taxpayers and men who toil in the mercantile community of this city, have our rights. We come here to call your attention to the encroachments of railroads in our city. Years gone by we have put up with all inconveniences. Merchants asked us to transport their goods from the east to the west, and vice versa. After many years in this business, we find that day by day we are getting poorer. We have represented this city in honesty, sobriety and industry. The City of New York today is one of the greatest commercial cities of the Western continent; and for that reason they have chosen me, as one of the oldest cartmen in New York, to come here and lay their claim before this Honorable body.

Gentlemen, it has been the pride of every statesman, public citizen and stranger, from the Battery to the Fifth avenue, for to have a military parade, or a city procession. You put down a railroad from the Battery to Fourteenth street, and you put down there an endless confusion of trucks, stages, wagons, etc., whereas now as it is we can go there and work our way on our journey. We are oftentimes driven with our loads into the curb-stones by these corporations. They don't recognize the rights of public cartmen at all. They don't recognize the rights of merchants. Men will tell you a necessity for a Broadway railroad in Broadway is demanded. I say from sixty years of my experience that there is no call, gentlemen, for a railroad in this part of Broadway. You can't back in your truck, let it be double or single, and transport your goods with any kind of speed, or load up, because the cars are there, and the stages must pass, and they have the right of way as well as anybody else. You take it, for instance, on Chatham street, and some other thoroughfares, and you see endless confusion—you see the endless confusion we are in—and I, for my part, and I know it is the sentiment of the majority of the ten thousand public truckmen of this city, we would rather pay five, or, if needs be, ten dollars for a license than to see a railroad in Broadway.

My words to you, gentlemen, will be brief. We are utterly opposed, in every sense of the word, to a railroad in Broadway from the Battery to the Union Square. In particular, that is, as far as merchandise is transported. Then, again, there are men who employ from twenty to thirty to fifty men in the trucking business—give employment to them—and the consequence will be, if there is a railroad put down in Broadway, they will have to sell out and go to the West, or to some other part, and seek a new livelihood. After years of industry we find that our rights are encroached upon by corporate bodies for the simple reason that some of them advocate a railroad in Broadway. Any reasonable man can tell that there is all the railroads running from the upper part of the city around the west side, and also on the east side, that are needed, and we have elevated railroads, and to go and put a railroad in Broadway, it will, in my estimation, be the ruin of the mercantile community of the lower part of the City of New York. Our trade and commerce is driven away from our city, and we see it carried away to unknown parts. The day was, here a few years ago, when us cartmen could put our hands in our pocket for the cause of charity and public necessity, and we could spend five or ten dollars and not miss it. To-day, through the means of those encroachments upon our rights as citizens and taxpayers, we have scarcely a dollar to meet our honest demands. We cannot pay our rents; we cannot clothe and feed our children; we cannot educate them in the proper sphere of life; and the consequence is the city is gridironed over-to-day by rail roads. As I said before, your Honorable Body, we have put up with this inconvenience from year to year, and now the last vestige of our public rights is to be taken away by a corporate body. I hope and trust that every man within the sound of my voice will recognize the rights of the public cartmen, as we are bona fide citizens as well as any other class of people.

These things, gentlemen, I submit to your wise deliberation, delegated as I was to leave my work to-day, and those gentlemen that are represented by me are ten thousand public truckmen, and then there are ten thousand public truckmen that have a license downstairs, and there are over ten thousand more stage-drivers and hack-drivers, and men who use wagons more or less in the year, and they will all be destroyed if you put a railroad in Broadway. They will make the tracks, we will say, sixteen feet wide. What travel has a double track and stage and all on one side of that railroad track? There will be nothing but endless confusion. When we want to cross out of a railroad track at present our wheels have to slide along, our horses are strained to pieces, and the consequence is that often we break down, and there is confusion and trouble that ensues, and the police come and arrest us many times without cause. These claims cannot be denied, gentlemen; and on no consideration, I beseech you, as an honorable body, should you grant any right to a railroad on Broadway.

I have said all that is necessary, gentlemen, in behalf of my brother truckmen, and I thank you for your kind attention.

Mr. James Clancy—Will you permit me a moment, I am also a truckman, and we desire to get through, and then we will retire.

The Chairman—Yes, sir; you may go on now.

Mr. Clancy—Mr. Chairman, I have not been quite as many years in business as my honored brother and friend, but I am a cartman nevertheless; and Mr. Bliss made a charge against us here a few moments ago that I think came with bad grace from a man of his calibre and position. I am here to say, in the first place, that we are not here in the interest of the Cable road or any other road. I want that distinctly understood. I think that I don't sell out any cheaper than Mr. Bliss, if you should ask him about selling out; although he may be a paid attorney here for this valuable right of this corporation, which now seeks to impose upon the citizens of New York a railroad below Fourteenth street in Broadway. Now, what do we find? We find two tracks in West street, we find one in Washington street, we find one in Greenwich street, we find two tracks in College place, and, as my friend says, we are gridironed on every side; and it seems to me that about the last straw to break the camel's back has come in with the Broadway Railroad.

Now, Mr. Bliss has told you here that there has been a depression of the value of property in the lower part of Broadway, simply because the retail shoppers cannot drop out of a railroad car on Broadway. Now, Mr. Bliss knows as well as this Honorable Committee knows, that the retail



business in the lower part of Broadway is of very small importance. He knows that as well as the Honorable Committee knows it; and when he tells us that he was opposed to a railroad in Broadway in the years that have gone by, I believe that then he was clothed in his right mind, and it seems to me that he is very much off the track to-day. And I am going to say something else—

Mr. Bliss—No, no; I am on the track.  
Mr. Clancy—Now, in regard to our rights, and as my brother stated here, we have a living to make as best we may; but from Fourteenth street to Park place we all see is occupied by the dry goods, hardware, boot and shoe, butter and cheese trade, and all the other large interests of the City of New York. We have not got but one outlet, and that is Broadway. Why, you go on West street, with a double track, and it will take you from an hour to two hours and a half to go from Chambers street to the Battery. That is the condition of things on West street. The condition of things on Washington street is that you must follow the railroad cars as best you may from Canal street to the terminus, which is at Fulton street, and from Fulton street, if you want to get to Broadway in that direction, you might just as well stop. That is the end of that. In Greenwich street you have got to follow the track, or you cannot get down town at all. In College place it is almost simply impassable with all the accommodations of the Elevated Railway; and here we are in that condition. It is not very much better on the east side; though there is not so much commerce and trade and traffic on the east side as there is on the west.

We feel very sensitive about this railroad in Broadway. I tell the Committee here that we feel very sensitive. We represent twenty-five thousand honest, fair, square, intelligent constituents here to-day; we do, indeed, directly and indirectly, and we feel very sensitive in regard to this matter; and we come here in dead earnest to oppose any railroad in Broadway, and when our friend here, Mr. Scribner, tells us about the rules—that is, the compliance with this, and that, and the other—and that the city is going to reap so and so much, and that this wonderful corporation agrees to take passengers without breaking bulk, so to speak, from the Battery to the Central Park—that is about the size of it—why, they want to do it all for five cents, to have put into the hands of a corporation the most valuable franchise that was ever given by any corporate body to any class of men in the known world. To do what? Why, they say to accommodate the traffic on Broadway. Mr. Bliss tells us the stages have got to go out; and I haven't any doubt about that, because these railroad corporations have driven out about everything. And when we come to this dry goods district—I don't know that there is any representative here—yes, there is Mr. Taylor and Mr. —, you find that in that district, from Canal street to Chambers street, there is more commerce, and more work, and more interest, than in any other area of territory in any other city on this globe. Those are the facts in the case. And we have got to have an artery. We have got to have some means of getting out of that dry goods district into some artery where we can ship those goods that those people sell. Is that worth anything? Is that worth anything? Now, we don't own all the trucks; we don't own all the carts; merchants own a good many of them in this district, and H. B. Claffin and the rest of these merchants will tell you what inconvenience they are necessarily put to in very many ways. What is the condition of things in winter? They agree to do certain things. Mr. Scribner has told us here, Mr. Chairman, that this corporation, if you give them this valuable franchise, will agree to do certain things. I leave it to any intelligent man here to-day to say if they ever carried out a contract in their lives—if any railroad corporations that have been given these rights ever carried out one single one of their contracts since the first track was laid down in the City of New York. Never have they carried out one single agreement. Now, that may be the fault of those that enforce law. But, they don't do it. They stand up in the face of law; they stand up in the face of right; they walk right over you rough shod, without any regard to any other rights than their own. And then they get an enactment passed here a few years ago that if a man on a railroad track should stay on for five minutes or seven, whichever the case might be, I forget—if a man should stay on just a number of minutes, that the first police officer that they could come in contact with, why he was to arrest the man and take his truck and his load of goods and take him to the station-house and lock the man up. I know personally myself of men to be arrested, for being on railroad tracks, by the agents of these corporations. That was the most outrageous act of injustice that ever was perpetrated by any man or set of men; and that is the condition of things we find, and I don't wonder that we feel sensitive after all the years of experience that we have had here in regard to those railroad corporations; and when they tell us what they are going to do for the people, why, I am dumfounded. I don't think these men know as much as we do. I do not think these lawyers here have gone through what we have gone through in the winter and summer, and the years that have gone by, as we have done, and suffered as we have suffered, simply because of the non-fulfillment of the very things that these very companies have agreed to do. If they had complied with their contracts we would not have suffered the condition we have suffered. You cannot get them hardly to do anything. They did take a little snow out of the street last winter, but it was very little, and was only a matter of accommodation to themselves and not for anybody else; and yet we are spending hundreds of thousands of dollars in keeping Broadway clean, and we used to think that if we could only get to Broadway that then we would be in a position to get somewhere. And now they propose to put us in the same boat on Broadway as they did in the other streets in New York. It seems to me, Mr. Chairman, that if it is possible—I don't know that it is—to keep a railroad out of Broadway, that this Honorable Committee ought to take it into consideration. It does seem so to me. I cannot for my life—I never was so dumfounded in my life as when I took up the morning paper and read the announcement that the grant of that franchise was given to that corporation. I never was so dumfounded in my life. Why, I was perfectly astonished to think that so important a body would grant such a valuable franchise to a corporation, and take up the last artery we have got in the City of New York, simply, as Mr. Bliss says (and he says he is now converted) he thinks now they ought to have it for the accommodation of the retail trade.

And now, Mr. Chairman, I want to read, in conclusion, why we are opposed to the application, and then I will close.

In the first place, there is no public necessity for it. A railroad track is always an injurious and dangerous obstruction to trucks and horses, whether swinging in or out or across or pulling into the tracks; because Broadway is the only important commercial thoroughfare in the lower part of the city, and there is no other street so well adapted for drawing heavy loads, or that could be used in its stead, because for that reason Broadway is necessary now, more than any other street, for commercial transportation; because cars traveling at a greater speed than heavier vehicles demand the right of way, crowding them on to the sloping sides into the gutter; because when a track is obstructed a car cannot pass around and must wait until the obstruction is removed and therefore cause an obstruction itself; because time is money, and the time consumed in unavoidable delays and in abating these dangers is money out of the pocket of the truckmen, and must necessarily reduce their small profits or increase on the price for their services; because trucking, and business interests included, have some rights which should be respected; because New York, being essentially a mercantile and manufacturing city, anything which adds to the difficulty and expense of handling and transporting goods in these streets is an injury to her best interests; because the commercial and manufacturing interests of the city are of immeasurable and overshadowing importance to all our citizens as compared with the transportation of passengers of the city in one particular way through one particular street; and, lastly, it is not good business policy, or good common sense, to sacrifice the best interests of a million and half of people to the greed of a grasping corporation whose only aim is to enrich itself regardless of the public interests.

Those are our objections condensed, and we thank you very much for your kind attention.

Mr. James T. Young—I represent the Board of Trade and Transportation of the City of New York. We appear before your Honorable Committee, representing a commercial association known as the Board of Trade and Transportation of the City of New York, an association representing nearly one thousand of the principal mercantile firms of the City of New York, and we appear before you, as a Committee, and individually, and taking and feeling an absorbing interest in all that affects the interests of our great metropolis.

Our city is almost, if not entirely, indebted to commerce for her wealth and population, and we feel a deep interest in everything that tends to her advancement and a deep regret at anything that may tend to check her progress. The proposition to lay a surface railroad through our Broadway, which is to-day the equal of any street in the world, and not only is the street a beauty, but it is the most important commercial thoroughfare on the globe. It is so from the vast commerce that seeks egress and ingress over its pavements, and it is so from the peculiar topographical formation of Manhattan Island. As we all know, the entire business of the island is centered at its extreme southern point, and the connection between the southern and northern parts of the island are of necessity through this one artery. We must guard this thoroughfare as we would the honor of ourselves and our families, and I consider it almost sacrilegious to devote this beautiful street to the use and greed of a selfish corporation. What is money—no matter what number of millions may be given for it—compared with obstructing the vast commerce that is constantly and unceasingly thrown into it? Millions are no compensation for anything that will in any way detract from its use as a highway of commerce. What would be a dozen millions of dollars of compensation if a corporation would put a structure upon Broadway that would fill it up and interfere with the commercial traffic? You might just as well fill up the Narrows. New York could not be raised enough money to allow it; and this Broadway Railroad scheme is a fair comparison with the filling up of the Narrows. New York owes its entire supremacy to commerce, and we insist, in the name of all our citizens, that this outrage shall not be perpetrated.

To-day we are not only the greatest commercial, but the greatest manufacturing, city in this hemisphere, and we must guard with the greatest jealousy any attempt that may be made to detract from this proud position. A further obstruction of Broadway below Fourteenth street will render it comparatively useless, and we humbly beg your Honorable Committee to oppose by your influence and votes all and any attempts to lay a railroad on Broadway.

Mr. Davies—Mr. Parsons and Mr. Cadwalader have asked me to give way to them so that they may ask leave to read and file, without comment, some objections; and then I will ask leave to address your Honorable Body.

The Chairman—Yes, sir; that can be done.

Mr. Parsons—On behalf of certain property-owners on Broadway, represented by Mr. Charles P. Miller and myself, we object:

1. That the consent of the Common Council to the use of Broadway shall not be granted to any railroad company except upon condition that it will pay the highest price for the privilege.

2. We object that before the application of the Broadway Surface Railroad Company shall be entertained, it shall be compelled to specify in detail the conditions upon which it applies for and will accept the consent of the Common Council.

3. We object that among such conditions shall be a provision for the transfer or exchange of passengers to and from all other city railroads upon terms equally favorable.

4. We insist that the privilege shall be exposed for sale at public auction, upon conditions which shall not discriminate in favor of any particular railroad, the sale to be subject to the subsequent acquisition by the purchaser of the consent of the requisite amount of property or the procurement of the report of a Supreme Court Commission, to be duly confirmed, a limited time being allowed to obtain such consent or report; and

5. We object that before any application from the Broadway Surface Railroad Company shall be considered, it shall be made to abandon any supposed benefit from the previous action of the Common Council.

If I understand Mr. Scribner aright, he is here to claim that the Common Council has already acted in respect of this matter. If that position is maintained, I would like to inquire what is the significance of this so-called hearing.

The Chairman—Do you desire that those objections should be filed?

Mr. Parsons—Yes, sir; we desire that they should be filed.

Mr. Scribner—We ask, Mr. Chairman, that the gentlemen who present those objections shall be required to state for our information and for the information of the Committee the names of the property-owners on Broadway for whom they assume to appear.

Mr. Parsons—We have specified the name of one property-owner, which is enough. We have given the names of the owners of one piece of property, which entitles us to a hearing.

Mr. Scribner—I have not heard that name yet.

Mr. Parsons—The owners of 111 Broadway.

The Chairman—Who are the owners of 111 Broadway?

Mr. Parsons—Oh, there are a considerable number of them. Their names are known to both of us, because they have been specified in the proceedings in the Supreme Court.

Mr. Scribner—We are not so fortunate as Mr. Parsons in that respect as to who owns 111 Broadway.

Mr. Bliss—May I ask if 111 Broadway is not chiefly owned by citizens and residents of Massachusetts and not of this city?

Mr. Parsons—Some of them reside there, and—

Mr. Scribner—We are entitled to have the names of Mr. Parsons' clients entered on the record so that we may know who are the opponents of the scheme.

The Chairman—Mr. Parsons will file the names.

Mr. Chittenden—What is fair for one side is fair for the other. Let us, who oppose this road, have the names of the property-owners who want this grant made to the Broadway Surface Railroad, represented by Mr. Deering. If this rule is adopted I think it ought to apply to both sides, and we ought to have Mr. Deering's clients' names on the record.

Mr. Deering—I have no objection. I shall file them with the Committee.

Mr. Scribner—We have not heard the names of Mr. Parsons' clients yet.

Mr. Parsons—I will follow the suggestion of the Chairman and will file a list of the names of the parties for whom I appear.

The Chairman—Mr. Parsons—one moment! Until those names are furnished we cannot accept this paper as a protest.

Mr. Parsons—I understand that the Committee make that statement.

The Chairman—How soon will you be able to file those names, Mr. Parsons?

Mr. Parsons—Before the Committee make their report.

The Chairman—But we would like to have them by to-morrow. We meet here to-morrow at eleven o'clock.

Mr. Parsons—I understand, then, that the names which are to be filed are to be furnished to the Committee by to-morrow, eleven o'clock?

The Chairman—Yes, sir.

Mr. Cadwalader—Mr. Davies has allowed me to simply file this paper—permitted me to interrupt him a moment. I represent the Broadway Railroad Company—

The Chairman—Whom do you represent, Mr. Cadwalader?

Mr. Cadwalader—I represent the Broadway Railroad Company—that is a rival corporation seeking the right to build a railroad upon Broadway—incorporated under the act of 1884. I propose to read, therefore, and place on file, and to make a part of the minutes of this meeting, and to request the Committee to report, whenever the report is made, this paper with their report. This paper contains certain objections which I propose simply to read, and to make no speech about.

"The Broadway Railroad Company, a corporation incorporated under the act of 1884, and seeking a franchise to build and operate a surface railroad on Broadway, respectfully represents as follows:—"

The Chairman—Mr. Cadwalader, let me interrupt you. If this is an application on behalf of the Broadway Railroad Company to give them a standing before this Committee of the Board of Aldermen, you must go about it in the regular way. It must go to the Board in the way the others have gone. If this is simply an objection to the application of the Broadway Surface Railroad Company, why, the Committee are willing to hear it; but if it is a petition similar to the one presented by the other company in the regular way, why, the Committee cannot take it.

Mr. Cadwalader—Perhaps the Committee will hear it and then dispose of it.

Alderman Waite—But it is simple enough to say if this is the other thing.

The Chairman—You are here to oppose the present application, and you are here for that purpose, are you not?

Mr. Cadwalader—I am dealing with the application made by the other side.

The Chairman—In opposition to that?

Mr. Cadwalader (continuing)—And the suggestion of the Alderman is really not the case.

There is no necessity of being troubled on that score.

Alderman Waite—I simply wanted to know it.

Mr. Cadwalader—The Broadway Railroad Company oppose that road as follows:

"That the Broadway Surface Railroad Company shall, before considering this present application, specifically and unequivocally abandon all benefit of the consent of the local authorities heretofore obtained, and that the abandonment shall be made in legal form so as to be binding."

"2. That before those opposing the consent here asked for, are called on or heard in opposition, such company shall plainly and clearly place before the Board all the details of their scheme, the terms and conditions on which the consent of the local authorities is asked, and to give full and detailed information as to their plans of construction, and whether the road is to be exclusively used by such corporation."

"3. The Broadway Railroad Company demands that such franchises be not given away to any corporation, and that no exclusive right be permitted. It demands the Board of Aldermen shall give their consent to such corporation who shall be the highest bidder at the public auction sale for the franchise, payment to be conditioned upon procuring the consent of the requisite owners of property, or the judgment of a commission, in a reasonable time to be fixed; and under such guarantees and such reasonable regulations annexed to the grant as shall be reasonable and for the benefit of the public. The amounts to be paid to be either a gross sum or a percentage. The Broadway Railroad Company is prepared and hereby offers to bid at such an auction sale, or at any sale or competition, the sum of five hundred thousand dollars at the outset, and offers to submit to the Board of Aldermen a binding offer to that effect formally made by the authority of the corporation. The said company further insists that any consent by the Board of Aldermen shall in any event be subject to the following conditions:

"(1.) That the cars of all connecting companies shall run over the road on proper terms.

"(2.) That the company shall interchange tickets with all the corporations for a single fare." Now as to these I desire to say one single word. If I understand it, we are called upon to show reasons why the Broadway Surface Road should not have this privilege. The first point I make is that we don't know what the Broadway Surface Road wants; and therefore, I say, we cannot be asked to say why they should not have it. In the second place, if any reliance is placed on the former grant by the Board of Aldermen of their consent, the consent of the local authorities—there is no power in this Committee or Board to sit; and I ask Mr. Scribner the question whether or not his corporation has abandoned the benefit of that prior grant.

Mr. Scribner—I am not here to answer questions; I am here to present the application of the Broadway Surface Railroad Company in the manner I have.

Mr. Cadwalader—I ask the Chairman of the Committee whether or not the prior consent of the Board of Aldermen, which is said to have been given, is continued or is, in the judgment of the Committee, of no effect?

The Chairman—We are here, sir, merely to hear arguments, and not to answer questions; we are here merely to hear arguments on this new application alone.

Mr. Cadwalader—Do I understand that without disposing of that subject they propose to continue this hearing?

The Chairman—We cannot answer that question; the Committee is not here to answer questions.

Alderman Waite—Disposing of what subject?

Mr. Cadwalader—The Chairman said that nobody shall answer.

The Chairman—The Chairman said the Committee was not here to answer questions: the members of the Committee can answer questions if they choose to.

Mr. Cadwalader—Then do I understand that the Committee of the Board of Aldermen, who have control of the subject, are not prepared to give any information to counsel upon any of these subjects that I have mentioned in the protest? May I ask for an answer?

The Chairman—The Committee decline to say anything at present.

Mr. Cadwalader—At present?



The Chairman—Yes, sir.  
Mr. Cadwalader—And will the Committee inform me at what time I may repeat the question and obtain an answer?

The Chairman—You can repeat the question, I suppose, whenever you like.  
Mr. Cadwalader—Therefore, as I have a variety of questions which I propose to ask counsel and the Committee of the Board of Aldermen before I wish to proceed with simply laying down one or two propositions, and as I cannot obtain any information, it is useless to waste any further time.  
Alderman Waite—Mr. Cadwalader, the records of the meeting of the Board of Aldermen will give the counsel the information he desires. This Committee was instructed by the Board of Aldermen to act upon the petition of the Broadway Surface Railroad Company; that is what it convened for—under the instruction of the Board of Aldermen.

Mr. Cadwalader—Well, I am not complaining; I have taken the direction of the Committee, that I must not ask questions of anybody, and, therefore, my mouth being closed, I hope the Board of Aldermen will not.

Alderman Waite—The Chairman refused to answer any question that you asked for the expression of an opinion from the Committee.  
Mr. Cadwalader—And refuse to give us any information as to any points in our protest, and therefore I shall leave simply to file this protest.

Mr. Clarence A. Seward—I am a lawyer, and here, as I understand, by some sort of public invitation, which gives authority to those taking an interest in the subject under discussion here an opportunity to be heard; and I look upon that invitation very much as a lawyer looks at a request from a court, when the court says, "We will hear you, sir," finding in the request to be heard at least an intimation that the matter has not yet passed into final judgment, otherwise there would be no particular necessity in being heard. Therefore, assuming that there is something still open here for your deliberation and consideration and eventual decision, I have to say that I appear in two capacities: First, as the representative of the owners of 59 and 61 Broadway—the owners in fee—and also the owners, as lessees, of other property on Broadway which belongs to the Adams Express Company; and, secondly, as representing the express business which is conducted through this main thoroughfare of this city by the various express organizations in the city; and I would like, after I have made that statement of those whom I represent, permission to submit on their behalf some further views at an adjourned meeting.

The Chairman—Will you be here to-morrow, sir?

Mr. Seward—Yes, sir.

The Chairman—We meet again to-morrow morning at 11 o'clock.

Mr. Julian T. Davies—The first consideration that I desire to address to you is contained in the paper I hold in my hand, as follows:

"Robert C. Cornell, an owner of property on Broadway, in the City of New York, below Fourteenth street, hereby protests against the petition of the Broadway Surface Railroad Company, presented to the Board of Aldermen of the City of New York, on the 7th day of October, 1884, 'being entertained or considered by the said Board of Aldermen without the execution and delivery to the Mayor, Aldermen and Commonalty of the City of New York by the said Broadway Surface Railroad Company, under its corporate seal, and by the directions of its Board of Directors, of a release or waiver of all the rights and interests that have accrued or may at any time be claimed by the said railroad company under what purports to be the resolution of the said Board, claimed by the said company to have been adopted at an alleged meeting of the said Board, held on the 30th day of August, 1884, notwithstanding the objections thereto of the Hon. Franklin Edson, Mayor of the City of New York, and which said resolution purports to grant the consent of the local authorities of the City of New York to the said railroad company, to construct, operate and maintain a street surface railroad upon Broadway, between the Battery and Fifteenth street.'"

I have other objections, but I will, with the permission of the Chairman, address myself first to this matter.

I desire to lay before the Board what the position is in which this Broadway Surface Railroad Company is left, and the position which it takes, and the position in which the Board is left in considering this present application, without a formal and complete abandonment, first, by the Broadway Surface Railroad Company, of any rights which it might, at any time, claim under the former consent.

Now, notwithstanding Mr. Scribner has refused to answer the question whether or not the railroad company, his client, intends to adhere to any possible benefit from that former so-called consent, I judge that no one is left in doubt by his refusal to answer upon that question, and that we all distinctly understand from what he said in his opening, and from his refusal, as well as from other facts to which I shall call your attention, that the Broadway Surface Railroad Company, comes here to-day having, as it claims, already obtained the consent of the Board of Aldermen to construct this railroad, but finding that the public generally thinks that the Board of Aldermen has made a mistake in giving away this valuable franchise for nothing, and finding out that the public think the Broadway Surface Railroad Company has made a mistake in taking that gift from the Board of Aldermen, the petition is now presented—a species petition—under which it is proposed that the Board of Aldermen shall have an opportunity to lay down certain terms and conditions for a consent, which this road will or will not accept, at its pleasure.

Now first as to the position that the railroad company intends to get all the benefits, if it pleases, in the future from this so-called consent. That consent, Mr. Chairman, you will recollect is unserved. I have it here taken from the CITY RECORD of September 2. It was resolved at the meeting, which is claimed to have been held on the 30th of August, "That the consent of this Board be and the same is hereby given that the said Broadway Surface Railroad Company may construct, maintain, operate and use a railroad with double tracks" (then follows a description of the route) "in such manner as by agreements between the owners of the respective tracks passengers may be carried from the South Ferry to the Central Park, over a continuous rail road route, and for a single fare of five cents for the transportation of each passenger over the whole or any portion of the route."

"Resolved, That this consent is given upon the condition that this company shall comply with the provisions of chapter 252 of the Laws of 1884."

In other words, this is a consent for the construction of this road subject only to the condition for the compliance with the provisions of the Laws of 1884, chapter 252, as to which conditions this road would be obliged to comply in the absence of the insertion of that clause in the consent of the Board of Aldermen.

Now I call, Mr. Chairman, your attention to this, that in the papers presented to the General Term on the third application made by this company to the General Term for the appointment of commissioners to determine whether the road shall be constructed in the absence of a consent—one-half in value of the owners of property bounded on Broadway; in those papers this Broadway Surface Railroad insists upon the position that a legal meeting of this Board of Aldermen was held on the 30th day of August, and that they have thereby obtained the consent of these local authorities. In litigation that is pending that position has also been insisted upon by this road; and I would also call your attention to the fact that this Board itself in that same litigation—the Knox suit—or the eighteen members of the Board who voted for the resolution of the 30th of August have insisted upon the position that the meeting of the 30th of August was a legal meeting and that the consent was duly given to this Broadway Surface Railroad Company.

Now it is for you to consider, Mr. Chairman, whether under those circumstances sustaining the position that they have already taken, sustaining the position that this Board has taken, that the meeting of the 30th of August was a legal meeting, it is for you to consider whether you will implicitly abandon that position by consenting to consider this application, and whether you will not distinctly now refuse this application upon the ground that a consent has already been given by this Board to the construction of this road by this railroad. I am not here to argue the validity of the meeting of August 30th. I am only here to call your attention to the fact that they cannot, without standing before this Committee as implicitly admitting that that meeting of the 30th of August was not legal, you cannot take into consideration this application. And yet your minutes show that the very point of the regularity of this meeting was raised before the Board after the Corporation Counsel had given his opinion that it was illegal, and this Board declined to consider or to take any action based upon the alleged illegality of that meeting. And after the Mayor had called the attention of the Board to the matter the Board refused to consider the meeting illegal. A resolution which was offered before this Board by Alderman O'Connor on the 6th day of October, in these words, "Resolved, That the action taken by this Board on the 30th day of August last, relating to the Broadway Surface Railroad, be and the same is hereby rescinded and repealed," was decided in the negative, and I suppose on the ground that the Board was not prepared to recede from its position that the meeting of the 30th of August was a legal meeting.

Now, I simply desire to point out the attitude in which this Board is going to stand on this question, and the inconsistency of this position that the Board has now taken if it entertains at all this application. There is no choice in this matter. There is no half way, I should say. You must either take the position that the meeting of the 30th of August was legal, that this Board has given its consent, and stand by your action, or you must stand before the community as admitting that the meeting of the 30th of August was illegal and that the consent which the Broadway Surface Railroad now has is not a consent, and that another proceeding is now in order so that this road may have a consent. And I will ask to file, as part of the record in this matter, the proceedings before the General Term—the papers submitted to the General Term by the Surface Railroad Company, in which it is alleged by the company that on the 30th day of August, at a meeting held by this Board, a consent was given to the Surface Railroad Company to construct its road; and I will also ask to file, as part of the record, the pleadings in the case of Knox against the Board of Aldermen and the Mayor, which will show the facts to which I have adverted in regard to the allegations of the answers in that suit.

Now, is this Board prepared to assume and to be put into the position that this road seeks to put it in? This road comes here saying to the Board, "We have your consent to construct this road; we are under no necessity to come to you for anything further, but as a matter of grace and favor to the Board, that the public may not misunderstand this thing, we come to you with a new appli-

cation and ask you to make terms and conditions, and if we like them we will act under the new consent—perhaps they will and perhaps not; if we don't like them we will fall back upon the prior consent." Is this Board willing to be put in the undignified position of entertaining an application from an applicant who comes to you with a petition in one hand, and substantially a menace in the other?

The Chairman—Mr. Davies, you will confine yourself entirely to the opposition to the building of this Broadway road—to the present application—not with reference to what the Board of Aldermen has done or are doing. When the proper time comes the Board will speak for itself. You will now confine yourself to the argument against the building of the road asked for by the petition.

Mr. Davies—That is precisely what I am doing; I am giving to the Board an argument why this application should be refused.

The Chairman—Your argument don't appear to us in that shape.

Mr. Davies—Well, perhaps if you will allow me to repeat to your Honors what I now have in my mind it may be made more plain.

The Chairman—Well, we will hear it.

Mr. Davies—May I ask if I am to accept a direction from the Committee that I am not to be further heard upon the theory that this Board should refuse the present application on the ground that the Board and the road both claim that the consent of the Board of Aldermen has already been given to this road?

The Chairman—You are to confine yourself entirely to the present application only, and not to the old one. When the time comes the Board will take action upon all these matters, and will speak for itself.

Mr. Davies—Then I will proceed, because I am addressing myself to precisely the ground that the Chairman directs me to confine myself to.

Now, I call your attention to the specious character of the present application. I charge, Mr. Chairman, that this application bears upon its face the marks of having been made with the intention, and a motive that I attribute to it, to wit, to go through the form of making a new application to this Board—to go through the form of having some terms and conditions made, and then to be left free to follow or not the suggestions and terms and conditions that may now be imposed, and to fall back upon the former alleged consent of this Board if they do not suit them. And I call your attention, Mr. Chairman, to this fact, that while the petition to the Board of Aldermen—the present petition of October 3—is signed "The Broadway Surface Railroad Company, by James A. Richmond, President," and bears the seal of this corporation upon it, that petition, notwithstanding Mr. Scribner said in so many words before—I followed him closely—that that petition contained a clause that this road was willing to give a fair and just compensation for this franchise in addition to the percentage, the petition contains no such statement. There isn't one word in this petition, which is executed properly by the corporation under its seal, of any intention or willingness on the part of this road to abide by any terms or conditions that may be imposed, or to pay any compensation, whether it be just or fair, or otherwise. But, sir, accompanying that petition is a letter—not a communication of the corporation, a letter signed by James A. Richmond, President, not signed by the corporation the Broadway Surface Railroad Company, but by "James A. Richmond, President," and not bearing the seal of the corporation. It is elementary law that a corporation is not bound by anything simply executed by an officer as an officer. The word "President" after "James A. Richmond" at the bottom of this letter is merely a word descriptive personae, merely a description of the person who signs the letter. The letter is in no sense a letter from this corporation, and can be in no sense regarded as a letter of any binding force upon the corporation which presents this petition. Why aren't the statements put into this petition which had to be properly executed by this corporation, under its seal, if this corporation intended in good faith to make an application which could give rise to anything in terms and conditions by which it would subsequently be bound?

Now, this communication is certainly a most remarkable one to make to a legislative body such as this Board of Aldermen is. It says here, "This second petition of the Broadway Surface Railroad Company is presented to your Honorable Body, and application is now again made to you for your consent to the construction and operation of the proposed road, in order that the whole subject may be considered anew, and that any citizen or property-owners having objections to offer may have a full opportunity of being heard." Does this road mean to say to this Board of Aldermen that on the former matter property-owners did not have a full opportunity to be heard? Does this Board accept a petition bearing that statement, and yet not at the same time require this road to execute a release of any benefit from the action which this road itself characterizes as being had not after a full opportunity to be heard given to the citizens? Again, this unauthorized communication from James A. Richmond, President, goes on to say: "And in order that the public shall understand that this company does not desire the franchise in question except upon such equitable terms and conditions as shall be just to the public and fair to itself." Does the public now understand that this company desires this franchise without such equitable terms and conditions as shall be just to the public and fair to itself? Does the public now understand that the former consent has been obtained upon terms which are not just and equitable to the public? If the public so understands it, then let these men execute a release of any benefit which they, under any circumstances, might claim under this former alleged consent. Again, what is this provision about compensation? This communication goes on to say, in the kindest manner possible, that this company will submit to all the conditions of chapter 252 of the Laws of 1884. Can they help submitting to those conditions? Is it gracious or an act of courtesy or of submission for a great corporation to come here and say they will submit to a statute on the statute books? Did we need a statement from this company that they will submit to the terms of the act under which they formed their corporation? They seem to think so. But, again, this communication goes on to say, "And in addition to all the conditions in said act contained, our company is willing to submit to the payment into the City Treasury of such compensation for use of the street as shall be just to the public and fair to the company." Does that mean anything? Does that bind this company to anything? Does it not leave them free to say that the terms and conditions and the compensation that you may impose upon them are not just to the public and fair to the company? We all know them. They would say, "We will have none of that, but we will fall back upon our rights under the consent given at the meeting of August 30, 1884."

Now, is this Board willing to be left in that position in connection with this matter before the public? I think I am justified, representing my client, who is a citizen of the city, in saying to the Board that such a position is inconsistent with the dignity of this Board as a body, and inconsistent with the self-respect of the individual members of the Board.

Again, Mr. Chairman, there is a deeper question than that—the dignity of the Board and the dignity of its members—in treating this matter that I call your attention to. The interests of the public require this release. If there is to be a road constructed, it certainly is for the interest of the public and of the city that any consent that you may give should be in such a form and in such a way as to give rise to as little litigation as possible. The probabilities are that all litigation may not be avoided, but certainly it is your duty to the public and to the city that such a course should be taken as would leave as little ground for litigation as possible.

Now, if this road here is called upon now to decide whether it will or will not adhere to the consent of the 30th of August, whether it will or will not claim in the future any rights under that consent, that question is settled. It is settled once for all. It is taken out of the range of any possible litigation. If the release is made, that is the end of it. If the release is made, and the application is refused on that ground, then the consent must take its chance.

Again, Mr. Chairman, there is another consideration, and that is the interest of the city itself in requiring this release to be executed. You probably are familiar with the fact that in this litigation, in this Knox suit, the Mayor, Aldermen and Commonalty of the City of New York, originally made a party to that suit, was dropped out of the suit for the very reason that it was conceived that the law officer of the city thought it would be ill-advised for the city to remain a party to that litigation, because in the event that it was declared and decided that the meeting of the 30th of August, 1884, was an illegal meeting, the city, being a party to the suit, would be bound by the adjudication; and there were questions entirely outside of the question of this railroad that might arise prejudicial to the interests of the city, if that matter was so decided, and the city was a party to that action. So I ask this Board to bring this matter to a head—to a point—and insist upon this release, or force this road into the position where they would decline giving the release, and have their application rejected on that ground, because it is for the interest of the city as a corporation that the question of the legality of the meeting of August, 1884, should be taken out of the range of litigation. If they execute the release, that is the end of it.

So much as to that objection. I will file that objection, with the permission of the Chairman, and I will also read and file the following objection:

"Robert C. Cornell, as owner of property on Broadway, between Fifteenth street and the Battery, in the City of New York, hereby claims and insists that any consent of the Board of Aldermen of the City of New York to the construction, maintenance and operation of a street surface railroad on Broadway, between Fifteenth street and the Battery, should be given under the provisions of chapter 252 of the Laws of 1884, only after full consideration and hearing of all parties interested, who may desire to be heard, and only upon the following terms and conditions in addition to such other terms and conditions as may be prescribed by said Board:

"(1.) Upon a sale at public auction, subject to all provisions of said chapter 252 of the Laws of 1884, of the franchise and consent of the said local authorities to construct, maintain, use and operate or extend a street surface railroad upon Broadway, between the Battery and Fifteenth street, after advertisement, as provided in section 7 of chapter 252 of the Laws of 1884."

Now, with regard to the sale at auction, nobody is more familiar than the Committee with the rule prevailing in the City of New York, and with the requirement of the charter, that franchises should be sold at public auction. It is the case with this franchise as with the other franchises generally of the city. It will be said that this Act of 1884 provides that the Board of Aldermen may, at its option, sell at public auction; but I presume that nobody would contend before this Honorable Body that that language means that this Board of Aldermen should exercise here a capricious option with regard to the sale at public auction of a franchise which is proved to them to be valuable. What that clause in the section of the act means is simply this: That the Board of Aldermen are to exercise their best judgment and discretion in protecting the interests of the City of



New York in regard to this franchise as to every other subject that may come before them; and when it is said that they may at their option sell at public auction, it means the same thing as if it said that they may in their discretion—in fact, it means the same thing as if the words were left out; because if suppose the language was simply that the Board of Aldermen may sell at auction, that would simply mean that if the Board of Aldermen, upon a full consideration of all the matters, concluded that there was no money value in the franchise, and that there was no use or benefit for the city's putting it up at auction, they would not have to do it—they would not have to put it up at auction. But I contend, as matter of law, that when it is made to appear before this Honorable Body that the franchise in question has a distinct money value, that that fact must control the judicial option or the judicial discretion, and the judicial mind of this Board of Aldermen, and that they would make as great a mistake and permit as great an outrage of law in failing to put this franchise up at auction as a judge would who failed to find a distinct and clear principle and conclusion of law from uncontroverted evidence before him.

Now, you have before you facts which were not before you when the meeting of August 30th was held. At that time it cannot perhaps be said that the communications which had been sent to his Honor the Mayor, on the subject of the value of this franchise, and what people were willing to give for it, were before the Board of Aldermen. But now I desire to read first this about it—the two communications which were sent to the Board by his Honor the Mayor, on the 1st of September, 1884; and I will say right here, Mr. Chairman, that I desire to put in evidence—it may not be necessary—all such parts of the New York CITY RECORD as contain the proceedings of the Board of Aldermen and the Mayor, and the reports of committees, in connection with this matter of the Broadway Surface Railroad Company, from the time the first petition of the New York Cable Company was filed on the 28th of June, 1884, and I desire that the record shall be full and complete and contain all that there is of the CITY RECORD having reference to this matter of railways on Broadway; and if that be agreed to, I will not trouble the Chairman by reading them now, but will spread upon the minutes references to the pages and dates, and he will know where they are to be found in the CITY RECORD.

Now, I will read to the Board extracts first from this letter to the Mayor, under date of August 12, 1884, signed by James A. Roosevelt, Brayton Ives, George Henry Warren, George G. Haven, and William C. Whitney, Directors of the Broadway Company. Those five gentlemen are as well known to you as any other five gentlemen in the City of New York—known to be men of integrity, of standing, of character, and of very large and ample means. Their statement to the Mayor is this: "Our company is prepared to submit to any reasonable regulations, or requirements, etc., and to bid at an auction sale several hundred thousand dollars for the right to build and operate a railroad in Broadway." Now, that fact is clearly and unmistakably before this Board and before this Committee that that offer has been made by those five gentlemen. As I say, it was not before you on the 30th day of August. Again, the New York Cable Company passed a resolution which was communicated to his Honor the Mayor, and by him communicated to this body.

Resolved, That this company hereby offers to the City of New York, for a franchise enabling it to construct and operate a double track surface railroad from the vicinity of the Battery to Union Square, etc., the sum of \$1,000,000, with such proper and reasonable restrictions as will best protect the city and property-owners on Broadway and afford the greatest facilities to the traveling public."

As a further consideration upon this branch of the subject, Mr. Chairman, this Broadway Railroad Company comes here to-day and presents, to be sure, this letter signed by James A. Richmond, President, and they contend it is the act of the company, and for my purposes now, I am entitled to use it with the strength of that position taken against them. In that communication the statement is made that this Broadway Surface Railroad Company will make a fair and just compensation for this consent of the Board of Aldermen. So, then, you have, Mr. Chairman, the fact that here are three corporations who are willing to pay large sums for this franchise. Now, with this naked fact before you, can this Board find any reason or any pretext for refusal to put this franchise up at public auction? I think not.

I again object and claim that if any consent be given to any road, it should be given with the right secured to every other street railroad in the City of New York, to connect with the said street surface railroad that may be constructed on Broadway, as aforesaid, either by an interchange of tickets or by arrangements to use each other's tracks, with such agreements as to the division of receipts as will secure to the city payment of the percentages provided for in section 8 of chapter 252 of the Laws of 1884.

Now, Mr. Chairman, with regard to this matter, you have before you certain facts communicated to this Board by his Honor the Mayor, connected with the former action of the Twenty-third Street Railroad and the Bleecker Street Railroad Company, corporations controlled and governed by the same men who now come before you in the guise of the Broadway Surface Railroad Company, showing that under the guise of a lease from the Bleecker Street to the Twenty-third Street Railroad, the City of New York has been prevented from—I won't say defrauded, because that is a strong word; I won't say that—but has been prevented from collecting the percentages provided by law that the Bleecker Street Railroad Company should pay; and I call your attention to the characters of these men as shown in their dealings with the city, that you may be informed of the character of the men with whom you are dealing, of their disregard of their obligations, and of the skill they have displayed, and that they presumably would display, in evading any obligation they may voluntarily enter into in connection with this matter.

Again, I claim that any corporation that may purchase—I claim as follows:

"Third—That the consent should be given only upon the execution and delivery to the City of New York by any corporation that may purchase the aforesaid franchise and consent at public auction, as aforesaid, and of an agreement duly executed under its corporate seal, by its Board of Directors, whereby said corporation will be bound to construct in Broadway, between the Battery and Fifteenth street, within fifteen months from the date of the purchase of said franchise and consent at auction, as aforesaid, and within three months from the date of the acquisition of the right to construct the said railroad—a street surface railroad with double tracks—and with such switches, sidings, turn-outs, turn-tables and suitable stands, as may be necessary for the convenient working of such road, and to begin the operation of said road within the said period of time, accompanied by the bond of the said corporation, with two or more sufficient sureties, who shall be each a householder or freeholder within the City of New York, in the penalty of \$500,000, said sureties together justifying in the penalty of the bond, which bond shall be conditioned for the faithful performance by said corporation of the said agreement, and shall meet with the approval of the Mayor of the City of New York. Such agreement shall further provide that the said company shall not charge any passenger more than five cents for one continuous ride from any point on its road, or on any other road or line or branch operated by it or under its control, to any other point thereon, or on any connecting branch thereof within the limits of the City of New York."

I may say that in regard to this objection I do not propose to confine myself to the details in every respect of this objection, if it be substantially met. That is to say, there may be room for discussion as to the length of time within which the road is to be constructed, and there are new portions there where there may be room for discussion. As to the amount of the bond even, or as to meeting with the approval of the Mayor, it may be met with some one else's approval who is satisfactory, etc. Details are of no consequence. The point is this—that if you grant any consent, that consent should be conditioned upon the road executing an agreement to the city that they will construct and operate the road within a reasonable time, and that agreement—the obligation of it—should be sustained by a sufficient bond with sufficient sureties.

Now, what guarantee has this Board that this Broadway Surface Railroad Company will go on and construct the road? Suppose you give your consent. That consent is based upon the finding by this body that a railroad in Broadway is not only desirable, but necessary for the interests of the public. Then, I ask, if you have come to that conclusion (because I represent a property-owner who wants a Broadway railroad), then I ask you to surround the consent with such provisions that we will have a railroad, no matter to whom that consent may be given.

Then I ask this again: "Upon such terms and conditions with respect to the material to be used in the construction of the proposed railroad and its equipment, and with respect to the number of cars to be run, their description and number of passengers to be carried by each, as will best accommodate the requirements of the public, with a reservation to the Board of Aldermen of the City of New York of a right at all times to reduce the rates of fare that may be charged upon such railroad and its connections."

Now, I say, then, that I represent a property-owner who wants a railroad on Broadway, and for that reason I am here to argue to the Board that if it give any consent to this road it give it under such circumstances that the rights of property-owners will be protected, the rights of the city will be protected, and the construction and operation of the road will be insured. For my client I see nothing but litigation and the prevention of any road being built in Broadway, if the course is pursued with regard to this application that these petitioners ask. If the consent upon their new petition is granted, without a release of the former consent, I see nothing but litigation, I see nothing but difficulty, I see nothing but the failure to construct any road. It will never be known under which consent this Broadway railroad is constructed. This road will accept this new consent if you make it on such terms and conditions as substantially to give away this valuable franchise to them. They will not accept it on any other terms or conditions. If the terms and conditions do not suit them they will fall back upon their old consent and rely upon that; and I see nothing but disaster for the property-owners, and a postponement of the time when there will be any railroad in Broadway.

With these suggestions, I will file my papers.

The Chairman—Do I understand that you want those papers printed in the CITY RECORD?

Mr. Davies—The extracts from the CITY RECORD?

The Chairman—Yes; because we have no authority to print them—

Mr. Davies—No, no; I don't want them published in the CITY RECORD; the extracts of which I spoke have already been published in the CITY RECORD, and I would presume and argue, if there was any question about it, that I have a right to refer to the CITY RECORD, and that all the proceedings that have formerly been had in connection with railroads in Broadway were before this Committee and to be considered in connection with this present petition; but to avoid any misapprehension on that subject I asked that the Committee would direct that it should be part of the

record of this Committee—that these extracts from the CITY RECORD shall be part of the record of this Committee; I don't want them printed.

The Chairman—We will take all papers you hand up, but it is in our discretion whether they will be made part of our proceedings or not.

Mr. Scribner—I desire that your Honor will require Mr. Davies to specify the particular extracts which he reads or proposes to read, or which he proposes shall be considered by the Committee, so that we may know what is before the Board.

Mr. Davies—I will not only do that, but I will file, in order to avoid any misapprehension, with the Committee the excerpts from the CITY RECORD to which I have made reference and which I shall claim are before the Committee; as I have but one completed copy of the CITY RECORD here, I cannot do it now, but I will do so.

Alderman Waite—This property, No. 761—is Mr. Cornell the owner of that?

Mr. Davies—He is the owner.

Alderman Waite—Isn't that Sailors' Snug Harbor property?

Mr. Davies—Yes, sir; and he owns the lease.

The Chairman—We will take a recess until 11 o'clock to-morrow.

Mr. Miller—I desire now to file with you the names of all the persons for whom Mr. Parsons and myself appear. (Files same.)

Adjourned.

In the matter of the application of the Broadway Surface Railroad Company for the consent of the Common Council of the City of New York, etc.

NEW YORK, October 30, 1884.

At the Chamber of the Common Council, City Hall, New York City. Before the Railroad Committee of the Board of Aldermen, there being present of such committee, Messrs. Waite, Dempsey and Miller.

The following counsel were also present: Messrs. John M. Scribner, Osborn E. Bright, L. E. Chittenden, Lawson N. Fuller, Clarence A. Seward, Julian T. Davies, Algernon S. Sullivan, and Geo. Bliss.

The Chairman—The Committee, now in session, will continue to hear parties in relation to the subject of a railroad in Broadway.

Mr. Chittenden—I am informed that there is a committee of the Livery Stable Association and of the Cabmen's Association here, and that their business requires their constant attention, and they desire to be heard as soon as possible. They do not want to lose any time, and I would suggest that your Honor should hear them first.

Mr. Sullivan—May I say to the Committee, and without interposing an objection to that, that I was debarred from the meeting of the Committee yesterday. I was not well. I have some clients whose interest I want to present, and it is rather on the side in favor of the granting of the petition of the Surface Railroad Company. I understand that those who advocated that submitted their case yesterday, and, although a little out of order, I will ask the courtesy of the Committee to permit me to say a few words. I will wait, of course, if the Committee think they will hear the committee from the Livery Stable Association and the Cabmen's Association first, or I will speak now, just whichever you will indicate.

The Chairman—Well, we will hear you now, I think, Mr. Sullivan.

Mr. Sullivan—Well, I will take a very little time. I appear here for Mr. Frederick R. Stone, the owner of five houses—stores and office buildings—Nos. 26, 28, 30, 32 and 34 Liberty street, the large buildings immediately adjoining and east of the Mutual Life Insurance Company's building, which is on the site of the old Post-office. I also represent (I don't care to name them, because this is a special designation) a large number of business men, who are tenants, and carry on business of various kinds in side streets adjacent to Broadway, and claim that they have an interest in this question that is now being considered, which is entitled to be heard, and which is, as I will submit briefly, of more moment, really, than the consideration of what would best please those who happen to be the owners of the property immediately on Broadway.

Introductory merely to that, I submit that the roadway of Broadway has no value that is appreciable at all, merely if kept for the use and convenience of the owners of property on Broadway. In other words, if you take them and their business, if other streets did not empty into it and carry their business into it or out of it, everything could be done by a cow-path, and without a great highway such as Broadway is, and it is important not to exaggerate the value, and the weight of suggestions that are made by those who represent an interest that sums itself up by saying, "We own so many houses, or so many feet of front upon the roadway of Broadway." I look upon this as the least significant of all the considerations that are presented when we are before the committee representing the public authorities—the city authorities—because in the view of what—

Mr. Chittenden—Pardon me. Before he goes on with his argument, it seems to me that the gentlemen representing those associations ought to be heard before us lawyers take up the time, if it is possible. I merely suggest to you whether you won't be willing to give way and allow the representatives of the committees of these associations to be heard first.

Mr. Sullivan—Mr. Chittenden, I so intimated first, and was entirely willing. I want to be very extreme about courtesy. I understood the Committee to announce that if I would take up a little time that they would allow me to proceed and finish. I don't object to your suggestion at all, Mr. Chittenden.

The Chairman—I think Mr. Sullivan had better go on and conclude.

Mr. Sullivan—Under the view that I have of this case, gentlemen of the Committee, I deem it very important to press upon your consideration that the interests that you are to look at are the interests of the *census que use*, the beneficiaries for whom the title of Broadway is held. That is a consideration that ought to be the controlling one; and in that view I was able and felt bound to advise those that I now represent that they were entitled if they presented considerations that commended themselves to you, to at least as much and, as I claim, more weight than those who merely come here as the owners of property upon Broadway.

Now, I wish to observe that I have heard the objections that have been interposed for your consideration, and, speaking of them not offensively at all, not disrespectfully, yet it seems to me that they are open to this obvious criticism: they limit themselves by the very nature of the objections that are stated, to the individual interest that urges them. Of course I have said enough to indicate that with regard to the man who objects because he owns a house on Broadway. Now let us widen it a little. I understand that our friends who represent the express companies have appeared and have urged considerations (and I have no doubt considerations that are worth being taken into account)—they urge that a business like theirs demands the preservation of Broadway for vehicles of the character that they must use for expedition, and the preservation of the roadway without laying of rails and the running of horse cars. Well, now, take again those who represent the interests of a larger or smaller number of the men who are engaged as truckmen. That is what they look at—the interest of the business of the truckmen. I won't say one word in derogation of them or to deny that their claim should be considered; but if you run through the whole list you will find that they stop right with themselves. It is an illustration of the old quartette, "God bless me and my wife, my son John and his wife, my four and no more." They stop right there; and it would be—well, it would be, I think, such a shortcoming of the duty which is imposed upon the city authorities to limit or to measure the concession that they will make in this matter by the special convenience of any one, five, ten, or fifty branches of business. It would be so as to indicate that really they ought not to have had referred to them the decision of this matter.

Now, the most important freight in this city is the human freight. There is more business in that, there is more transportation in New York in that; the time that is saved means more money, the ability to do more work, do more business that will tell and accumulate. That is of more value to the City of New York than the freightage of goods and of material property.

Now, my clients, and those of their class, have, right here, an explanation to make, and a suggestion which is a great fact, and which carries in it a great argument, and it is a consideration that includes all of these other clients. It includes the express companies, it includes every man that has a shop and every man that has business in this city and wants facilities for going to and fro. Broadway must necessarily be the great artery, and my clients say that they and their tenants want to go to Broadway and to go up and down for convenience sake; that the elevated railways do not answer their purposes; that omnibuses are out of the question, for they can't carry one out of a hundred who would go if they had cars, and the cabs and hacks, of course, do the best they can, but they are, necessarily, too expensive for the great popular demands that are made for transportation. They do not answer the question or meet the condition at all. And we urge that there are three considerations why this surface railroad, with a double track, should be permitted by the city. We first say, that Broadway has one great difficulty, and that is to make jams, and to be thronged with vehicles, so as to interfere with each other and to endanger the comfort and the health and life of those who are using the street. I claim that the construction of this parallel road and its operation, with the vehicles that are to transport the passengers, running parallel, and with a knowledge in the mind of the driver of every other vehicle of precisely what position it will move in—what line it will move in—and where it will be at any particular time, will really be less obstruction, if a hundred cars are run, than if half that number of omnibuses are run, that most necessarily move zigzag and interrupt in an irregular way the travel. I know that the effect of it (and I speak of it upon the advice of those whose judgment practically, I think, is a great deal better than my own), that there is a factor that has not yet been mentioned so far as I can learn, although it must have been in the minds of many, perhaps in the minds of the Committee, that the fact that these cars move always in a fixed line and parallel will tend to introduce orderly movement—that so far as it has any influence at all it will be to cause the movement upon Broadway to be orderly, regular, even-paced, intelligible to everybody else, and that it will diminish largely the confusion on the highway, and in the long run more vehicles will pass up and down in a given number of hours, thus regulated, freed from the irregular interruptions, the unaccountable stoppages, those that cannot be anticipated and prepared for—that a larger number of vehicles will pass up and down in the course of a given time by reason of the effect of this parallel movement of the passenger-conveying vehicles.



Now another consideration and I attach great importance to it. For office purposes it has always been understood that it was a serious objection and an existing and a practicable one to Broadway that it was too noisy. Physicians will tell you what effect that has upon the health. It is not by any means a mere shadow of imagination, it is an enormous fact, and an enormous evil—there is no doubt about that—it is injurious to health, a discomfort, and an interruption to business. The removal of noisy vehicles (and I never have yet heard of anything that is more noisy than our Broadway omnibuses upon our stone pavements) the lessening of that noise is a thing much to be desired, and it is a thing which those who are a committee representing the City of New York in its municipal public policy have the right to take into account; and I think that it goes without argument, without testimony, that the silent, the almost noiseless movement of cars to carry to and fro passengers on Broadway, is a thing that constitutes a great argument in favor of introducing that system and of giving the prayer of the petitioners a favorable hearing—that they have the use of that street for the laying of their horse rails. Of course you have heard all that can be said upon that. One advantage of the prayer of the petitioners is that it includes, as I understand it—I am not familiar with the case of the company as a company—but I understand that beyond all question they agree that their passengers shall be carried from the Battery to the Central Park for five cents, without transfer or with transfer, as they want. They agree to the terms about the three per cent. of the gross receipts that shall be paid to the city; and now I wish to say, in order that I may not be misunderstood about this (and these general considerations are more as suggesting points around which arguments could be grouped if I felt the liberty to take the time), that I believe that your Committee have the power, in addition to such overtures that shall be made on behalf of this railroad company of what terms they will accept—that you have a right to initiate your own investigation to inquire whether the permit (I won't call it a franchise, for it is not) to run their tracks upon this great highway should be granted only upon some other terms. You have a right, I think, to consider that. You have a right to take testimony upon that. Certainly you have a right to ascertain the facts and make up your judgment upon any intelligent and wise grounds that you can get.

I make my earnest and decided submission in favor of the granting of this permit to this railroad, with that statement that I assume, of course, that this Committee will take into account the city's interest, and that which may be fair and right to exact in the way of compensation, or protection, or terms for this great privilege; and I am satisfied, gentlemen, that unless you come to the conclusion, after you hear all the evidence, that as between this company that proposes to be operated as a horse-car railroad company (which in my judgment as yet appears to be the best), unless you come to the conclusion that as between this corporation and the other great corporation which is known as the Cable Company, that the claims which the latter presents are so superior that you cannot conscientiously as practicable men give the privilege to the horse-car railroad company, that on every other ground of public consideration the prayer of the petitioners is entitled to your favorable report.

Mr. Fuller—Will Mr. Sullivan allow me to ask a question of him?

Mr. Sullivan—Undoubtedly.

Mr. Fuller—This Mr. Stone's property is on the south side of Liberty street, between Nassau and William, called the "Stone Building," is it not?

Mr. Sullivan—I think the words "Stone Building" are over one of the entrances; but you have hit exactly upon the location, and I think the words "Stone Building" are carved over the public entrance.

Mr. Fuller—The reason that I asked the question is that he gave his consent to me personally for a railroad on Broadway—as owner of Nos. 5, 7, 9, and 11 Broadway—which property he did own. I don't know whether he owns it now or not.

Mr. Sullivan—I don't think he owns it now; I won't answer as to that, however; but he specially retained me to represent him here as I have.

Mr. Clarence A. Seward—May it please the Committee, I appear for the National Express Company, occupying as lessees 40 feet of front in the building known as building No. 65 Broadway, for the Adams Express Company, as owners in fee of the buildings Nos. 59 and 61 Broadway, with a frontage of 75 feet, and of the building No. 684 Broadway, having a frontage of 35 feet.

Alderman Waite—That is the building on the corner of State and Jones street.

Mr. Seward—Yes, sir. Now, gentlemen, I want to state to you the fact that some years ago, when I was in Europe, I was informed that by a municipal regulation obtaining in the cities of London and Paris certain of the streets in those cities were, between the hours of eight and ten in the morning, and four and six in the afternoon, devoted exclusively to vehicles connected with passenger traffic, and all merchandise vehicles, or instrumentalities of commerce, were, during those hours, rigidly excluded for the benefit of the traveling public.

At that time the question of the relief of Broadway was imminent; and on my return I saw the then Mayor of this city, in conference with Mr. A. T. Stewart, and I suggested to the Mayor the propriety of adopting such a municipal ordinance or regulation in the city as would exclude from Broadway, Fourteenth street and Fifth avenue, between those designated hours, any vehicles except those connected with the passenger traffic; and I give you, as nearly as I can literally, the answer which the Mayor then made to me. He said, "Mr. Seward, every truckman, every carman, every cabman in the City of New York, looks upon Broadway as his vested right; it is the only avenue by which he can go, untrammelled by cars, for the purpose of earning his daily bread and of pursuing his vocation, and, more than that, he likes to go into Broadway for the same reason that every one else likes to go into Broadway, to see that panorama of human life which is continually passing up and down; but if we pass the resolution which you have suggested it would cut all that off from him during those hours."

Now, that suggestion of the Mayor is participated in by those to whom he alluded. I thought the argument of Mr. Dougherty and of Mr. Clancy yesterday, so earnest and so forcible, shows that condition, that idea of their vested rights, and they don't look with any equanimity upon any attempt to deprive them of their only ability to earn their livelihood.

Now, there are some general considerations, which my brother Sullivan has, perhaps, to a certain extent anticipated, which I wish to present on behalf of the property-owners whom I represent, and the first one is this: You are asked to grant what I will term a franchise to this applicant. That you are asked to grant it implies in judgment of law that you have not already granted it; and we oppose it, and upon these considerations.

First—Are you quite sure that you have a right under the statute to grant the prayer of this petition?

I am instructed that the streets in the lower part of this city were so originally situated as to inhibit the placing of a new burden or a new easement thereon without the consent and compensation to the property-holder adjoining; and I would recommend that an inquiry be made to your Corporation Counsel—your legal adviser—to ascertain in the first instance whether you have that right in the lower part of this city over that portion of Broadway which it is proposed to occupy.

Secondly—The thoroughfare, as it now exists, is the only free thoroughfare which is left in this city; and I call your attention to this fact, that where it is proposed to put this railway in front of the premises occupied by those whom I represent, Broadway is only thirty-five feet wide. This railway, with its double track, with its usual separation between the tracks will take out of that thirty-five feet sixteen feet for permanent occupation, because the passing of a car with its horses once in two minutes is permanent occupation. What have you left then? You have on either side but nine feet between the cars and the curb-stones, and the ordinary traffic wagon of the city is nearly seven feet from hub to hub, so that you have left on either side of this proposed structure but nine feet for these vehicles of seven feet width to pass in the discharge of their daily duties.

Now, I ask you to go back to the litigation which we had in this city, occurring in the time of a heavy snow-storm when these railways cleared the snow from their tracks and threw it upon the intervals between the tracks and the curb-stones. In that case that nine feet would be blocked up with snow. And then comes an alarm of fire, and where, may it please the Committee, is the ability of our engine force of the city, to go to that fire in that portion of the city, with those blocked up streets? I suggest that to your consideration.

Broadway, again, is the only thoroughfare which we have for the utilization in that which is connected with the pride, the social pride of the city. It is the only street in which those parades of the military, of the firemen and of the police, which are necessary to the perfection of their discipline and to the cultivation of emulation in their duties, can find a place. So what is to become of that with sixty or one hundred and twenty cars occupying Broadway? We have also civic demonstrations; we have our political demonstrations, which tend on the one hand, perhaps, to good fellowship, and on the other to patriotism; and are we to give up, at the request of these gentlemen upon the other side, able, earnest and distinguished as they are, that one only avenue, which the people of the city utilize for those purposes?

Further than that, we have that continual, mournful procession to Greenwood. Are those to give way to these cars and to these blocked streets? And is the ambulance on its errand of mercy, to be caught in this little narrow strip of nine feet wide and arrested as it is seeking to do its duty? Are we to have no one street left in this city which will be free for all the purposes for which the city needs an open, free and unobstructed street? I think these considerations are worthy of your attention.

Now, may it please the Committee, the life of this city is its commerce. My friend, Mr. Sullivan, says that the life of this city is its humanity. But let me say to you that humanity without occupation huds no possibility of existence, and when you take away from this city the free access to those who employ its commercial instrumentalities, you take away the great mass of occupation of that human life, you destroy the commerce of this city and you destroy the necessity for the existence of the major portion of its inhabitants. They claimed earnestly yesterday, through their truckmen and others, and to-day, as I understand it, through their livery-stablemen and their cabmen, that they constitute a portion of the taxpaying, laboring citizens of this great metropolis, and that they make up at least a portion of those who are entitled to your consideration. And with those suggested instrumentalities are connected the particular interests which I represent—which is the expressage. And do your Honors know how wide, how far-reaching that express interest is? It has been shown in a recent litigation that the amount of values carried by the express companies to and from across this continent exceeds the value at the place of production of all the products of the soil. The

one company with which I have the honor to be connected, has carried in one year a thousand and fifty millions of dollars of declared values in the packages given it by the public. We are not here to defend simply the Adams Express Company's rights as an express company. It is simply the handmaid and the servant of the public, and it is used to an extent which those not acquainted with its duties would little dream of. And to meet the demands that are made upon it, it has 912 deliveries at its principal office of this city; and its receipts at 59 Broadway, one of the places for which I am now speaking, will rise to the magnificent sum of 14,000 packages a day, delivered by shippers in the City of New York, who are asking you to protect their instrumentality in the discharge of their duty. And the great flood and tide of the express commerce is between the East and the West, transported from the Jersey side to the Central Depot through the instrumentality of Broadway; and as the word implies, it means swiftness; it means that we shall have an opportunity to leave with the last ferry-boat and to connect through Broadway, with the last train going to the East, or vice versa, as the case might be. Now, why destroy, why hamper into nine feet of space this business? Why put us, with our great equipment to serve the public, where we can neither use the equipment nor satisfy the public. Are we not, in common with those who constitute a portion of the laboring class of this community, entitled to a respectful hearing and consideration when we urge that this proposed structure will destroy our business in the locality where we are permitted to carry it on, and will destroy our ability to serve the public with the rapidity and swiftness with which we have?

Now, this is but one company. There are many; there are many here in the city who are engaged in a similar occupation—

Mr. Bliss—Hasn't the Adams Express Company signed a consent for a railroad on Broadway?

Mr. Seward—No, sir.

Mr. Bliss—I understood they had.

Mr. Seward—No, sir; you are quite wrong in that regard.

Mr. Bliss—I understood the Adams Express Company did, or the American Express Company.

Mr. Seward—The American Express Company has an office in that leased building upon Broadway, but it has not its freight office nor its freight books there, nor is it in any way connected with the reception or discharge of express matter. It is connected solely with the finances of the company, and that company, Mr. Fargo, who is the president of it, tells me, at the request of some one signed a petition for the reason advanced by Mr. Sullivan, to which I am coming in a moment.

Now, may it please your Honor, who is it that is asking that this only thoroughfare which is left free in the city shall be desecrated, so to speak, by a horse road? Who is it that is asking this? Is it any large number of those whose taxes, by whose exertions and by whose property Broadway is now supported? Have you any respectable class of independent citizens who come here and say that their personal comfort and their personal convenience will be so largely cared for by this new structure as to entitle you to say that those who oppose it shall not have their objections considered? Who are the applicants represented by my friends upon the other side? The aim and the motive of the company is self-evident. It is purely and simply that of every aggregation of capital, to increase the income, in a new form, on investment. As a gentleman said to me last night, "I am in favor of a surface railroad in Broadway, and I will tell you why: I had a large investment in Western railroad bonds which paid me six and seven per cent.; I sold them out; I placed the money in horse railways in the city as they now exist, and it pays me eight, ten, twelve and fourteen per cent. per annum; and I have got some more Western bonds, and I can put them in the Broadway Railroad, and I can increase my dividends, and therefore I am in favor of a Broadway surface railroad."

Now, may it please your Honor, these gentlemen who represent the company, do so probably because they wish to make money. But I submit to you the inquiry whether, if it was known that this railway was to be run at a loss, if these gentlemen knew that this railway was to be run at a loss, whether we would be longer troubled with this application? The sole purpose and object, therefore, of the company is to make money. That they have a right to do, but I submit to you that they have no right to make it out of the destruction of the property and the occupation of others quite as earnest in their desire to be self-supporting as the gentlemen who are rich enough to undertake to construct this railroad. Who are the mass of citizens who are said to be represented before you? Mr. Sullivan says with a courage which I admire, that he represents gentlemen who own property in the side streets, and that they think that if you will construct this surface railroad that property will be enhanced in value, and they will receive a larger rental. Therefore, when you strike the bottom of his application, it is that his client's property may be improved; and he asks you to take these owners on the side streets as representing the entire populace of the City of New York interested in keeping this an open thoroughfare, and to exclude from your consideration all those who are opposed to the application.

Now, is it anything more, so far as appears from the arguments which have been made than a desire to make money, pure and simple, out of that which other people are now striving also to make their money out of in its present condition? Do the Elevated Railway people, the Elevated Railway officials, ask you for this railway? Do any of the carmen or the truckmen, or any of these people, or any other railways come here beseeching you to put this new railroad in Broadway? Does any person actuated simply by a judgment as to what is for the best interests of the city, and disassociated from a desire to increase and go ahead, does any such person come here and say to you as a property-owner on Broadway, "I think that Broadway as a whole will be benefited by the construction of this railway?" What are you asked to do? You are asked to give the right to do a railway business on this sixteen feet in the centre of Broadway to one single corporation and to give that corporation an opportunity to make out of that strip all the money which is now made by the use of the side roads. They wish you to give them the privilege by which they will get an income which will be as large to them as is the income of all the gentlemen who are now engaged in business upon Broadway—they ask you to give this to them irrespective of the fact that they are going by that gift to destroy the business of those who are now gaining their livelihood upon that street. Why should you do it? Are not the gentlemen whom I represent, are not these other industries in the city a portion of the whole city? And if you are to take in the general welfare, and you are to decide it by the money question, then take in the general welfare of these poor men, whose tortures and whose income is their daily toil and their physical strength. Aggregate, if you please, the sums which they make in the year, and place them against the rental of those who are seeking to increase that rental, and you will find that the sum which those men represent far exceeds in value and in magnitude the sum which the gentlemen represent who ask that the property on the side streets may have the benefit that might arise from an abandonment to a railroad corporation of Broadway.

I pray you to think of these things, and I pray you also to think of what you are asked to do. You are asked to give away this franchise, this great opportunity of placing this railway in Broadway, to give it away to the injury of those who occupy that street, and who still desire to occupy it. Are you prepared to say that these protests which come to you, I quite admit, from the under classes of life, but which do come to you so earnestly and so forcibly, are not to be taken into consideration in deciding who is the public, whose convenience is to be gratified, which must be taken into consideration in deciding this question.

I thank your Honors for your patient attention.

Mr. N. D. Adams—May I be heard for five minutes?

Mr. Chittenden—I understand there are two committees here from two branches of trade that are desirous of getting away.

Mr. Adams—The first question is, whether there is a necessity of a road on Broadway. I am representing the Broadway, Lexington and Fifth Avenue Railroad Company.

The Chairman—Those two committees will be heard before any one else is heard.

Mr. Adams—I understand it was first as to the necessity of a road on Broadway—that argument was to be addressed to the Committee on that subject before any other argument.

The Chairman—Mr. Chittenden has said that there are two committees here who desire to be heard so that they could leave as soon as possible.

Mr. Chittenden—I have been informed by one or two gentlemen that there is a committee here representing the Livery Stable Association and the Cabmen's Association, and that they would like to be heard.

The Chairman—Are any such committees here?

Mr. A. S. Odell—Yes, sir.

Mr. Chittenden—There is one gentleman, and I think the other gentleman representing the cabmen is here also.

Mr. Odell—Our association is opposed to the Broadway Railroad as being a detriment to our business, from the fact that if a double track were laid in Broadway I think it would be equivalent to building a fence and throwing us out. That is the only outlet that we have at present to do our down-town business. Broadway is the only street that we can get through. We can't get through Greenwich or Washington or Church street; and, I think, double tracks on Broadway will be equivalent to blocking coaches at Canal street.

Mr. Chittenden—I understand that the gentlemen representing the Cabmen's Association was unable to remain longer, and has been obliged to leave.

The Chairman—The Committee has stated that they will hear Mr. Russell, as long as those committees are through for the present.

Judge Horace Russell—Mr. Chairman, I have come over here, and, I find, in good time, to answer one of the last suggestions of my friend Seward, as to whether there was any representative of property interests in Broadway in favor of the road which now asks your consent—of the company which now asks your consent to lay a railroad in Broadway. I represent the estate of the late A. T. Stewart, and the property owned by Henry Hilton, and I come here to say in their behalf that they are decidedly in favor of a railroad in Broadway, and that they are decidedly in favor of the franchise being given to the company which now seeks your consent; and I know, from my own personal acquaintance with other people owning property on Broadway, that they are also in favor of the same thing; but they don't take enough interest to come here, or they assume that the fight is between railroad companies, and that they will fight out their own battles, except some who prefer to be represented, and, in my judgment, are only represented by persons who are really retained in the interest of the Cable Road, which seeks to keep any road out of Broadway until it may get that franchise.

I have given as much personal attention to this subject, probably, as any other one man who has



no other interest in it than to protect and preserve and promote the interests of property situated on Broadway; and let me say, that I represent property which is taxed six millions of dollars, and pays taxes. What its actual value is, is another matter; probably it is somewhat in excess of that; but it is taxed between Chambers street and Fourteenth street, six millions of dollars.

As I say, I have been interested in this subject ever since the bill passed which permitted a road to be built on Broadway; and it may not be unknown to you, as it is known to a considerable portion of the community, that for the past thirty years probably the estates which I represent have done as much as anybody else to keep a road out of Broadway; and I am permitted to say by Judge Hilton that while he is not, perhaps, ready to admit that he made a mistake in the first instance, he is thoroughly convinced that the interests of property in Broadway, and that the interests of the people of the City of New York now require that a surface road should be laid in Broadway. And it is true, as I read in the paper, as stated by Colonel Bliss yesterday, that while property on Broadway which has now a surface road—that part of Broadway which has now a surface road—has advanced in value and finds ready tenants at handsome rents, that part of Broadway, particularly, between Chambers street and Fourteenth street, where there is not a road, is running down, and there is great difficulty to rent it; and I know of my own knowledge of several business houses, Sypher for one, who moved out of that portion of Broadway because they were forced by the necessities of their business to go to a place which would be accessible to their customers. They moved from the neighborhood of Eighth street to the corner of Seventeenth street for that reason. If you will look at the buildings on Broadway, within this distance which I have named, you will find a very large number of untenanted buildings, and you will find a large number of others that are let at reduced rents, whereas in the upper portion of Broadway, above Fourteenth street, they are getting an advanced rent.

Now, I, under the impression that the road projected by another company was a horse road, signed a consent for these estates, and when I learned that the cable bill was not killed, when I began to give some attention to the subject, and discovered that really that was only a convenient cover for the Cable Road, I withdrew that consent and have since that time been strenuously in favor, and the estates which I represent have been strenuously in favor of the old Broadway road, as it is called, the road that runs up Broadway, having the franchise down Broadway; and I want to say two or three words, with your permission, on that subject.

These are the reasons, and they commend themselves, by a bare statement, to anybody. We want a Broadway road on Broadway. We want a road that goes up and down Broadway. The public want it, and the people who own property on it, want a road that goes up and down Broadway, not one that goes up and down Fourth avenue or up and down Lexington avenue, or up and down Fifth avenue. We want a road that goes up and down Broadway. No other road can go above Fourteenth street on Broadway, under the law, but the one now in existence; and that consideration alone has induced me to say publicly, or at least so publicly that it was printed, that the consideration alone ought to determine the question that when anybody gets the franchise to run a road upon Broadway, it ought to be a road that can run up Broadway. A company which could carry people to Fourteenth street, and then compel them to change cars and pay another fare, would not answer the public requirements. A road that would go to Fourteenth street and then steer into Lexington avenue could not answer the public demand; they could not serve the public; that would be a detriment to the property. And then that suggestion is met by the further one that you should make Broadway—that you should make the road a trunk line. I have seen a great deal in the papers and have heard a great deal in public discussion about making Broadway a trunk line—that is to say, somebody should have this franchise who would take cars at Fourteenth street coming from Third avenue, who would take cars coming from Fourth avenue, who would take cars coming from Lexington avenue, from Broadway, from everywhere and fill up Broadway with them. Well, now I say, representing property on Broadway, that we are opposed to that. We are willing to give up a portion of our street; we think it will be for our advantage to have a road in Broadway, but we don't want all the horse cars in creation to pass up and down Broadway; we don't want Broadway blocked, as West street is blocked, with cars, and there is no reason why you should have all the cars in this city turning into Broadway, nor is there any sense in the suggestion that people should be carried over all parts of the city—a suggestion which, I think, comes from our amiable friends, the cable people, who, if they could only have the leave, they would take a man up and down Broadway, to the east and to the west, to Kingsbridge and then to Yonkers, and then dismiss him with a chromo and a chest of tea. To my mind that is bosh, gentlemen, if you will permit me to say so. The people on Broadway only want a railroad in Broadway that will carry them from the Battery to Fifty-ninth street on Broadway, and are willing to pay five cents for that, and if they want to go anywhere else they are willing to pay five cents for that; and while the gentleman whose representative I am has been fighting Jake Sharp for thirty years, I don't hazard to say that it is his judgment that Jake Sharp, his ancient enemy, has better ability, better capacity, better means at his command, to quickly lay down a road in Broadway, and to get rid of the incumbrances that now exist on Broadway, than anybody else; and he said that publicly, and permits me to say that publicly here.

Now, as to some of these various associations that I understand are represented here. Of course, I am opposed to anybody else setting up a law office so near to mine that they will take away my business; but I don't expect anybody to be precluded from doing it for that reason, and I don't expect anybody to be precluded from laying a railroad in Broadway, because some one will perhaps ride down in a horse car (and I am one of them) rather than engage a cab or a hack, or some person (not I, for I don't patronize that great institution, except on compulsion) would take a cab or a hack and ride up Broadway. This business must yield to the public necessity. There are two sets of people that have a right to have an opinion on this subject that ought to be regarded, in my judgment, before anybody else in this country: First of all, the great public—their convenience must be considered; next to them must be those people whose relations to this property are such that their convenience and their property rights under the Constitution and under the law must be observed.

Mr. Lawson N. Fuller.—Mr. Chairman.  
The Chairman.—Mr. Fuller has the floor.  
Mr. Fuller.—I came here twenty minutes to eleven o'clock—  
The Chairman.—Whom do you appear for this time?  
Mr. Fuller.—I appear for myself, first, and Thomas Faye, owner of 810 Broadway and 375 Broadway, and several others.  
The Chairman.—Thomas Faye?  
Mr. Fuller.—Yes, sir; do you want me to file my appearance?  
The Chairman.—Yes, I think you had better.  
Mr. Fuller.—I filed my appearance for other property-owners before the Commission, and I haven't that back yet.

The Chairman.—Well, if you have not that you can file a new one.  
Mr. Fuller.—Yes, sir. I am glad, Mr. Chairman and gentlemen, that the gentleman who last spoke came in, so that I could have the pleasure of hearing him. I don't know a gentleman who would be more pleased with a chromo of himself than he would be; and I would like to ask him a question, and that question is, if he, as the attorney for the Stewart and Hilton estate, signed a consent for a Broadway railroad other than the Jacob Sharp railroad?

Mr. Russell.—I stated the fact about that, Mr. Fuller.  
Mr. Fuller.—You did sign a consent?  
Mr. Russell.—I did sign a consent.  
Mr. Fuller.—And swore to it?  
Mr. Russell.—When I became satisfied that that was a mere cover for a cable road, whatever forms and designations they have since assumed, and have previously assumed, I publicly withdrew that consent.

The Chairman.—Mr. Russell stated that before.  
Mr. Russell.—He couldn't be mistaken about it.  
Mr. Fuller.—I have nothing to do with the cable road. I simply asked you the question: Did you, as attorney for the Stewart and Hilton estate, sign a consent for a Broadway railroad other than a Jacob Sharp road?

Mr. Russell.—Yes, sir.  
Mr. Fuller.—And swore to it?  
Mr. Russell.—No, sir.  
Mr. Fuller.—Didn't you acknowledge it before a notary public?  
Mr. Russell.—No, sir; I did not.  
Mr. Fuller.—Didn't Mr. Hilton or Mrs. Stewart?  
Mr. Russell.—No, sir.  
Mr. Fuller.—Are you sure of that?  
Mr. Russell.—Now, if we are to have a cross-examination, I will ask you a great many questions.

Mr. Fuller.—Well, sir, you are at perfect liberty to ask me any question you choose after we get through with this.

If I understand correctly, Mr. Russell, as attorney for his father-in-law, Mr. Hilton, and the Stewart estate, took sixty days to consider if a railroad on Broadway would be any advantage to Broadway, and that road was not to be a horse railroad. It was so distinctly stated. After considering the matter sixty days, I understood that they took thirty days longer to consider the matter, and finally swore to their consent before a notary public. If that is not so, I stand corrected.

Now, it may be an advantage to counsel to have such attorneys, but I don't think it is any advantage. It may be an advantage to counsel to have such clients, but I don't think it is any advantage to clients to have such counsel, if that is a fact. After taking ninety days to consider the importance of a railroad in Broadway, and having given their consent, then recalling that consent for another road! Just think of it! Such a thing to do for an estate that is worth six millions of dollars! We have heard a great deal said, and the fact has been paraded often here, about this estate being worth six million of dollars; but I understand and believe that the consent of the majority of the property-owners has already been given for a road other than a horse railroad without

including this six million of dollars so often paraded before us. There is Sailors' Snug Harbor—

Mr. Russell.—That has never been paraded before.

Mr. Fuller.—Sailors' Snug Harbor, on which some of their buildings are erected, gave their consent with their seal; and a great deal of these properties that you—

The Chairman.—Be good enough, Mr. Fuller, to address whatever you have to say to the Committee.

Mr. Fuller.—Yes, sir. There was another gentleman who appeared here yesterday, a venerable looking man, well known for his personal sacrifice to the public good, and without consideration, to advocate a Broadway railroad to Fourteenth street, and from Fourteenth street to Fifty-ninth street, to connect at Fourteenth street with the Jacob Sharp road, and we are told that after much suffering and meditation and night-sweats, and so forth and so forth, that he came to the conclusion that a horse car road upon Broadway was the only salvation to Broadway. Now, I would like to know in dollars and cents how much it cost him to come to that conclusion.

Now, I maintain that any man, whether he is counsel for any company, or any citizen, or any counsel for any estate, who can get up before this Honorable Board and declare that a company should receive this grant of the Broadway franchise which carries people no further than Fifty-ninth street for five cents, is not a public benefactor, but a public enemy. Claiming that is magnanimous—a guarantee to carry people to Fifty-ninth street for five cents for the consideration of having a Broadway franchise! The cream of all the franchises in the City of New York! And have that franchise to carry people to Fifty-ninth street without a dollar's consideration for the franchise. Why, the Eighth Avenue, the Ninth Avenue, the Second Avenue and the Third Avenue have been carrying people for years to One Hundred and Twenty-ninth street and McComb's Dam for five cents, and they propose to carry people one-half of the way for five cents. What are you going to do with us when you get us to Fifty-ninth street? Do you propose that we old gentlemen shall walk home, in our declining years, a hundred thousand of us? Or do you propose that we shall go over to the Ninth Avenue Elevated Railroad, or to the Second Avenue Elevated Railroad, or to the Third Avenue Elevated Railroad, and to pay ten cents extra to get home? And still, you gentlemen who are pleading here for the public interest claim that that is a big thing! As one of the counsel on the other side said yesterday, he didn't want to be dumped out at Fourteenth street. He might just as well be dumped there as at Fifty-ninth street. He ought to be dumped, anyhow, somewhere, and dumped quickly, too. In this business it is just as cheap for me—

The Chairman.—Mr. Fuller, you better confine yourself to proper argument. These personalities don't have any influence on the Committee.

Mr. Fuller.—My dear sir, I used his own language; it was his own language—his own selection. The Chairman.—You must stop that kind of talk. We won't allow anything of this sort. We want the facts.

Mr. Fuller.—I will give you the facts. It is just as easy and just as cheap to go from Fourteenth street to One Hundred and Fifty-fifth street as it is to be put out at Fifty-ninth street and go from Fifty-ninth street to One Hundred and Fifty-fifth street, and much better, because I can reach the Ninth Avenue cars at Fourteenth street, or I can reach the Second Avenue cars at Fourteenth street, or the Third Avenue cars at Fourteenth street, much easier than I can reach them at Fifty-ninth street. And what do they propose to give for this? They propose to pay three per cent. for the first three years and five per cent. afterwards. Have they ever done that? Would they ever do it?

Now, I believe in granting the franchise on Broadway to a company which would put up the cash to start with, and with the other conditions that they shall carry passengers from the Battery to Kingsbridge, and to give them transfer tickets to go from either side of the town, with or without chromos, as they please, for five cents. And I understand there is some company (which company I don't know, and I don't care) which has offered to do that. And that these gentlemen should come here as counsel for the Jacob Sharp Railroad and claim that they are doing a great favor to the traveling public by carrying people one-third of the distance is too absurd to spend time to talk about. And so the public look upon it. One of the distinguished counsel declared, that if you will give them this franchise they won't be slow to adopt any improvements that may be a benefit to the public. Now, we can only judge men as to what their actions will be in the future by what their conduct has been in the past; and they have been slow to adopt any improvement in the past, and they would be slow to adopt anything if they could get the franchise. We want some company that will give security for the immediate building of a road, and carrying the passengers on the conditions we propose, to have that franchise. Now, if you ask me who that company should be, why I should like to have it be—~~I don't care two cents who it is.~~ Give it to Jacob Sharp, if he will take it with the considerations and conditions. Let the company have it that pays the largest amount in the City Treasury, with the conditions, but not without the conditions, even if they would pay five or ten millions of dollars into the City Treasury. I suppose that your Honorable Body is well aware that 176,000,000 of people traveled by the surface railroads last year. Now, supposing that one passenger used four transfer tickets in a week, which would save him twenty cents a week, which is ten dollars a passenger a year, and supposing that there are 800,000 passengers a year who would want to be transferred that number of times, why, at ten dollars each, that would be eight million dollars a year to the traveling public, which is saved by those conditions attached to this franchise. I am speaking for the public interest. I am not speaking for any company, only for that company that will take the franchise for the greatest sum of money, with the conditions attached. Now, I repeat, if Jacob Sharp's company will take the road on those conditions, give it to them. But do you suppose that the traveling public, the public at large, will tolerate for one moment the giving away of this franchise to a company which intends to drop passengers at Fifty-ninth street, which is the beginning almost of the city to-day?

Mr. Sullivan.—Mr. Fuller, let me ask you one question. I stated, on behalf of those whom I represent, that I regarded the Committee as possessing the power to initiate, if they had anything practical before them either from their own reflections or from suggestions submitted to them, an inquiry as to what should be the condition upon which this grant should be made. Do I understand that is the point to which you are limiting your objections, that you don't think there has been a proper offer made?

Mr. Fuller.—Yes, sir.  
Mr. Sullivan.—And, that if the Committee make fair conditions, in view of the interests of the city, that you would just as leave that this railroad should obtain the consent as any other?

Mr. Fuller.—Yes, sir; that is the point of the whole argument.

The Chairman.—The Committee would like very well to be advised as to what conditions they should place upon this grant; and the Committee would be very glad to receive suggestions from Mr. Fuller as to the exact condition.

Mr. Fuller.—Well, my view of this matter is simply this, in a word, that no franchise should be granted to any company to build a road on Broadway, unless they will carry passengers from the Battery to Kingsbridge and the Harlem river, and giving them transfer tickets to either side of the town.

The Chairman.—Now, we have that before us, and we would very much like to have such conditions filed by you and your clients.

Mr. Fuller.—Well, I have no clients on Broadway, except property-owners on Broadway.

The Chairman.—Well, they are clients, are they not?

Mr. Fuller.—Well, I am no lawyer. But they have given their consent to a railroad on Broadway, but not such a railroad.

Now, these gentlemen come in and want to build a road to Fifty-ninth street; and if we are to have a Broadway railroad we say that we—

The Chairman.—Now, Mr. Fuller, the suggestions that you make are something that we would be very glad to consider, if you put them in form; but you are beating all around the bush, and we are unable to grasp your ideas unless you put them in shape so that we can consider them when we consider the whole subject. We should be very glad to do so.

Mr. Fuller.—I know I am a very rapid talker, and I wish I wasn't; but I can't help it. Do you wish me to speak slower?

The Chairman.—Yes, sir; I think that would be better.

Mr. Fuller.—I will try to speak slower.

Now, I maintain that a railroad on Broadway is necessary. I maintain that a railroad on Broadway is indispensable at the present time. Property-owners have come to that conclusion. But I don't believe that a horse railroad on Broadway will help Broadway. On the contrary, I think it would ruin Broadway; and I believe the majority of the property-owners look upon it in that light. I believe that if a horse railroad had been built on Broadway twenty-five years ago it would have been a great benefit, just as oil lamps were a great benefit to Broadway twenty-five years ago; but who would put them there to-day in the place of electric lights? Who wants to see Jake Sharp's ringboned, spavined, stringhalt, broken-down horses?

The Chairman.—There, now you are going way off again.

Mr. Fuller.—Well, that is what I have experienced, and my bowels have yearned for those poor horses. We see their condition and their suffering here every day, and my sympathy goes out toward them, and I don't think it ought to be permitted, and I don't think their presence on Broadway would be an ornament. I think we ought to have palace cars moved by electricity, cable, electric motor or compressed air—anything but horse-cars. And I don't believe they should be allowed to lay a T rail in Broadway. I don't agree with the carmen or cabmen that it would obstruct Broadway to put a Philadelphia flat rail in Broadway.

The Chairman.—Now, we begin to understand you.

Mr. Fuller.—To put a Philadelphia flat rail in Broadway, for they could run all of their trucks and cabs in it, all of their wheels, and before I die I am going to request that I be taken over a flat rail, instead of cobble stones, to my grave. I don't want to be shaken up on my last ride. I have found from my own personal experience that the Philadelphia flat rails are a great benefit, and I like to drive in them, and I drive a great deal, like my friend Mr. Scribner, and Mr. Russell, and I always take the track. But I don't like the T rail, for it is hard work to get out or to get into them. But take the flat rail, and they are a great advantage, and instead of a railroad with them being a detriment, it is a great advantage. Wagons and carriages continually drive in them, and horses can pull a heavier load in them with more ease than on the cobble-stones, and the drivers save their wagons or carriages and their horses. The same objection was employed against the



elevated railroads by the drivers of horses, but now I find the truckmen, and I find that carriages drive under the elevated railroads, in the horse-car tracks, down South Fifth avenue, to keep out of the sun in summer and to keep out of the sleet and snow in the winter; so that the elevated railroad, instead of proving a great damage, has proven to be a great blessing. I always drive down South Fifth avenue myself when I come down-town in a wagon.

The Chairman—Isn't this flat rail objectionable because it fills with ice?

Mr. Fuller—Well, the companies object to it because it is harder to clean out; but that is of small consideration.

The Chairman—Well, what was the reason of changing to a T rail? Was not that the principal reason?

Mr. Fuller—The company found it easier to keep the T rail clean; but the flat rail is much more convenient and less dangerous, and does a great deal less damage to carriages than the T rail. The T rail should not have been allowed for the last fifteen or twenty years in New York. The flat rail, beveled, will never injure carriages or trucks of any kind, and it is a positive convenience for driving.

Now, the counsel for this Broadway and Seventh Avenue Surface Railroad claim that their road should be laid down Broadway, because they can do it expeditiously, and it is a very safe road; that the experience of thirty-five years of their company has been invaluable to the City of New York, on account of the few accidents and the great precaution they take to avoid killing people. Mr. Beaman asked before the Rapid Transit Commission a very pertinent question, although he intended it as a funny one. He asked a question of a gentleman on the stand, if he didn't know that the Broadway and Seventh Avenue Railroad Company was the champion people-killer in the country? He said he didn't know that. But that is the fact, for while they carried only last year seventeen million two hundred and thirteen thousand, they killed five and injured four. The Third Avenue carried twenty-nine million seven hundred and eighty-one thousand, and only killed two and injured one. So it is a fact that Mr. Beaman was asking a very important question there. They are the champion railroad-killer in the City of New York, and have killed more people, referring to the number of passengers carried, than any other road. So much for the great protection of the Broadway and Seventh Avenue Railroad Company.

Now, the property-owners on Broadway, or the majority of them, want a Broadway railroad. I believe that a Broadway railroad should be built; and in conclusion I say let any company, I don't care which, build the road which will carry passengers from the Battery to Kingsbridge, with transfer tickets for five cents; and to give the franchise to no other company. The proposition, in view of the growth of the city, in view of the number that reside above Fifty-ninth street, to drop passengers at Fifty-ninth street for five cents, is a perfect outrage; and to grant the consent would be an outrage upon the traveling community—a perfect outrage—and they will not stand it for a moment—not for a moment.

Now, gentlemen, it is rarely in the province, and it is seldom the privilege, of three gentlemen to have in their power the discharge of so important a trust as you have. 268,000,000 of passengers rode on our railroads last year. Fifteen years hence 750,000,000 of passengers will ride on our city railroads; and it is in your power, and it is your prerogative, and it is your privilege, to give that 750,000,000 of people the benefit of having convenient cars to ride in, comfortable cars to ride in, with all the modern improvements; and I say to you, gentlemen, in all friendliness, if you don't do it, it will be the regret of your life; if you do do it, it will be the glory of your experience.

The Chairman—Mr. Fuller, will you put those observations and suggestions in shape, and give the Committee the benefit of your views?

Mr. Fuller—Yes, sir.

Mr. L. E. Chittenden—I have waited here during the whole session of the day. Now, I am not going to make any long speech here. I take great interest in —

The Chairman—Whom do you appear for, Mr. Chittenden?

Mr. Chittenden—I will tell you in a moment.

I take great interest in the report which this Committee shall make; and whom I appear for and what I have to say, I will read.

In a paper entitled "In the Matter of the Petition of the Broadway Surface Railway Company," and before the Committee on Railroads of the Board of Aldermen, I say:

"John D. Quincy and L. E. Chittenden, appearing for Edward Knox, owner of an undivided interest in the real property known as No. 412 Broadway, and L. E. Chittenden appearing for C. E. Detroit, owner of the premises known as Nos. 557 and 559 Broadway, all said premises abutting on Broadway below Fourteenth street"—and I appear in both of these capacities, for the purpose of representing one property-owner in the lower part of the city, and another further up Broadway where the rights of the owners are different—"and object,

"First.—To the giving of any consent whatever to a railroad on Broadway as not required by the interests of the public, the city or its citizens, and as obstructing a thoroughfare which ought to be preserved to the use of citizens and the public, and not obstructed in whole or in part by any railroad or other corporation.

"Second.—To the giving of any consent to or in behalf of, or on the application of the present applicant or its substantial promoter and owner, and insist upon their right to submit evidence to this Committee to show that the giving of such consent to Jacob Sharp, Thomas B. Kerr, Lewis May, and their associates, or to any corporation with which they are permanently connected, would be against the interests of the public and the city and a violation of the special trust which is vested by law in the Common Council.

"Third.—They respectfully urge upon the attention of this Committee that if any consent of the Common Council to a railroad on Broadway be given, it should be given only upon the substantial conditions named in the draft of a proposed ordinance annexed hereto, and that the interests of the public and the city, and the duties of the said trust, alike require in that case the adoption of such proposed ordinance, and they are ready to make any changes therein which will seem to be necessary, after the introduction of evidence and full discussion.

"Fourth.—Whenever the case of the petitioners is closed, and at such times as the Committee shall direct, they wish to submit evidence and examine witnesses in support of these objections and conditions."

Signed by Mr. Quincy and myself.

The proposed ordinance reads as follows:

"Resolved, That the consent of this Common Council be hereby given"—I may say here, that this is only to be considered in the event that they decide against us upon the first point, whether there shall be any railroad in Broadway. That is our first point, and a point which we urge with the most energy and strenuousness; but if you do, then we submit this as a proper ordinance for you to report to the Common Council.

"Resolved, That the consent of this Common Council be hereby given to the grant of a franchise to construct, operate, use and extend a street surface railroad on Broadway from Fourteenth street to Battery place, to that corporation organized in this city which shall be the highest bidder therefor at a sale at auction to be made in the same manner as the sale of other city franchises, under the direction, in the manner, and upon the conditions hereinafter provided. But no such sale shall be made for a less sum than \$750,000, or the payment annually into the City Treasury of the sum of at least \$45,000." The reasons for these figures I will assign afterwards. "Such sale shall be made and accepted by the purchaser upon the express condition that the Common Council may make, change, and enforce all such ordinances as the public good may require, controlling the use and operation of said railroad, the description, number and speed of the cars thereon, the class of horses to be used, the running arrangements with connecting railroads, the books of account to be kept, and the reports to be made by the company, and the rates of fares on said railroad, which rates shall never exceed five cents for one continuous trip or passage."

This is, that the Common Council shall have the entire control of the matter of fares, except that the rates of fare on said railroad shall never exceed five cents for one continuous trip or passage.

"This consent shall not become operative for any purposes until the purchasing corporation shall have entered into covenants with the Mayor, Aldermen and Commonality of the City of New York, to be prepared by the Counsel to the Corporation, whereby the said purchasing corporation shall undertake and agree that it will, at any time, when thereto requested by any street surface railroad company now existing, or hereafter organized, the railroad of which shall touch Broadway at or below Fourteenth street, make and enter into a contract with such street surface railroad company which shall effectually secure to any passenger, and for a single fare of not more than five cents, a passage from any point on Broadway below Fourteenth street to any point within the city limits reached by such connecting surface railroad, and from any point on such last-named railroad to any point on Broadway below Fourteenth street, and shall permanently secure to the city and to all citizens and the public the acceptance, execution, observance and performance of all the conditions and requirements in this ordinance named and described, which covenants shall also comprise such other and further provisions as in the judgment of said Counsel to the Corporation shall be desirable or necessary to secure prompt and faithful performance by such purchasing corporation, its successors or assigns, of all the conditions of this ordinance, and the forfeiture and surrender of such franchise in case of its failure to keep and perform any of said conditions, and to prevent any lease or transfer of said railroad and franchise without the consent and approval of the Commissioners of the Sinking Fund of said city."

Now, after a few observations, I wish to file this with the Clerk. I want to use it now for a moment, and then I will hand it to you.

I oppose any railroad on Broadway whatever. I do so in the interest of the parties whom I represent, because they think, and a great many other people of this city think, that Broadway ought to be kept open and preserved, just as it has been ever since the Declaration of Independence, to the public uses of the citizens of this city and the country. Why, it seems to me that some appeal might be made to the patriotic feelings of this Committee, and of this Board of Aldermen. Broadway is the finest street on the American continent. It is the only open avenue from Union Square to the lower part of the city. It is the first principal avenue that was ever built upon, laid out or established in this country. Every statesman and every patriot, from the dawn of Independence to the present day, that this country ever produced, has trodden upon it. Regiment after regi-

ment of our soldiers in times of war have marched down it; thousands and many thousands of them to their graves, and the survivors of those regiments have come back over it in the opposite direction. It is the place where funeral processions go to Greenwood. It is the place where every patriotic procession in honor of every patron saint of every nation under heaven holds its processions. It is the only place, the only street in the city of similar length, and up and down the city, on which a political procession can be had; and you are called upon and expected deliberately, representing the people of this city, to surrender that—to surrender it forever—and I shall ask you pretty soon, to whom. Why, gentlemen, you must do it in cold blood, if you like. It is your business, and it is not mine. But for one, I would as soon talk about chartering or granting a franchise for a railroad across my father's grave as to put it up and down Broadway.

And whom are you to grant this to? And for what? Is there any public interest that comes here telling you that it is suffering for the want of a railroad in Broadway? It is property-owners on Broadway who, in the first instance, have the decision of this question. They can determine it, and when they come here as a body and tell you whether they want a railroad in Broadway or not, and what kind of a railroad they want, it will be full time for you to act. But do any of them come here? Why, yes. A few of the property-owners on Broadway, and the Stewart estate, come here this morning. Well, the original owner of that estate for years, and while he was alive, spent his money and time in opposing and defeating just such an application as this. And whether the rightful owners of that estate would be in favor of it if they could be heard here, I do not know. But certainly it is not becoming in the representative of the present owner of that estate to come in here and impugn the motives and criticize the action of those who appear here to oppose any railroad. Modesty on their part, especially after they announce that they have once given their consent to one kind of a railroad, and have afterwards changed their position and come in for another (for what reason we do not know here), should dictate that they ought not comment upon the opinions of those who opposed this railroad upon their own ground.

Now, that is all I wish to say upon this question of public interest. I say, gentlemen, if you are to decide this upon the evidence before you, that there is positively no showing here, no evidence here, and you do not know, nor I do not know, nor does any man in the sound of my voice know, any substantial public reason why you should surrender Broadway, or one-half of it, to the practical permanent use and occupation. But if you do, it seems to me that the terms upon which you should do it are so self-evident, that they commend themselves so thoroughly to the intelligence of every man, that there can be no doubt about what terms you ought to impose. Remember one thing, gentlemen, you are trustees of this franchise for the people of this city, and you are just as much bound to exercise care, prudence, discretion and careful judgment in the disposition of this franchise as you would be if you were the executors of a will—if you were declared by some dead man trustee of his estate, for the benefit of his wife and children. It is not a thing which you have either the right or privilege to throw away or dispose of in any manner, except on the most careful and prudent consideration.

Well, you are dealing with property here that is worth something. What it is worth, I do not know. That it is worth a great deal of money, I do know; and that it should not be given away to a grasping corporation. I know it cannot be done without a violation of the trust which the law imposes upon you. Why, gentlemen, what do you suppose the street railroads on either side of Broadway are worth? This is a subject to which I have not given any examination, except since I came into this room this morning; but I have before me here the last report of the Railroad Commission of 1883, and that shows the reports of these different street railroads. Take one or two of them—I won't worry you. The Sixth Avenue horse railroad, with a capital of \$750,000, divided in the year 1883, \$75,000, or ten per cent. upon its capital, and carrying to its surplus fund in the same year \$80,000, making net earnings over all expenses on the capital of that company for the year 1883, over twenty-one per cent. Take the Eighth Avenue railroad; its entire receipts were \$752,000; its entire expenses, \$559,000; its dividends were eighteen per cent., leaving still a balance of nineteen or twenty thousand dollars to be carried to its surplus fund. Take the Third Avenue, with a capital of \$1,170,000, and receipts of \$1,755,000, of which seventeen per cent., or \$340,000 was divided, leaving cash on hand, net earnings in that year, \$226,000, making the net earnings over all expenses of every sort, name and description, over thirty per cent. upon its swollen and aggregated capital. I might go further. There is one of the railroads—I believe it is the Third Avenue—that undertakes to disguise six per cent. of its dividends under the guise of its being added on the proceeds of lands sold. But now I am talking about the horse railroads that five or six years ago held up their hands and said they were going to be ruined by the building of the elevated railroads; and yet we see to-day, at a time when your money, if you have it, will only, in the best investment you can make, net you a return of four per cent. or three and a half per cent., yet if you are so lucky as to be an owner on one of those horse railroads your capital there will bring you from twenty-one to thirty-two per cent.

Gentlemen, I tell you, if you investigate this matter properly, you will see that the franchise with which you are at this moment dealing is worth an amount of money which never has been suggested for it, and it is the most valuable franchise ever granted on this continent—worth more than any other franchise of the City of New York—it is worth more than the franchise of the Union and Central Pacific Railroad companies put together, with all their land grants and subsidies, and the Credit Mobilier, as it was, put on the top of it. And if you give that away I say you ought to permit the people of this city to have some benefit from the grant.

Now, why do I name \$750,000 as the lowest upset price for this grant? It is because two years ago these very applicants were at Albany, where they had been, we are told (I do not know myself whether that is so or not), but we are told by their friends that they had been there for thirty years after this bill, and in 1882 they passed substantially this bill, with a provision in it that no franchise for a railroad on Broadway should be sold at an upset—it was to be sold, but it should be sold at an upset price of not less than \$750,000. They accepted that, they were willing to pay that for it then, and it is not worth any less but a great many more dollars now. Governor Cornell vetoed that bill, and I have his veto message before me, upon the ground that that was not a sufficient sum to be paid for a franchise on Broadway, and that the grant of so important a franchise ought to be hedged around with more conditions than were provided by that law. Therefore I say that it seems to me that this Committee should examine evidence on that point. I wish myself to put in—and I will furnish the memoranda—I wish to put in and make part of your record memoranda from the reports which I have already taken, or have already mentioned, from the Railroad Commissioner's Report for 1883.

Then, another thing: I think that after your experience and the experience of this city, the Common Council ought to retain, beyond any question—and there ought not to be any risk or question about that—the power of control over this corporation in its own hands. We have some illustrations of the effect of negligence in that respect here to-day.

It is said that no other railroad company can compete with the Broadway and Seventh Avenue Railroad Company, because no other railroad company can make a connection which will carry passengers to Fifty-ninth street for a single fare of five cents. Gentlemen, I do not believe there is a railroad company in this city that is so far beyond the power of the Common Council that it cannot require it to make connection with any other railroad company upon any fair terms which, in its judgment, the public require. I do not believe in any such law as that myself; but if it be so, if this is the only city in which these franchises have been granted in such a manner that transfer tickets cannot be used; if I am coming down from Thirty-eighth street on the Sixth Avenue Railroad and happen by mistake to get into a car that goes to Broadway at Canal street, that I have got to get out of it and pay another fare to get down to Vesey street, and that the Common Council have not the power to regulate that, I think the granting of that kind of franchise ought to be stopped right here.

Now, gentlemen, this is the reign of a great deal of humbuggery. There is no difficulty, and it had been decided by the Court of Appeals that the Common Council have the right to affix to the grant of one of these franchises any reasonable conditions that it thinks proper. You may require this railroad, as a condition of the grant, to make running arrangements for the transfer of passengers, or any reasonable running arrangements with every connecting railroad in this city. Now, that is what I maintain that you ought to do, and I would like to see what argument there is against it. Why, in one breath our friends on the other side say, "Oh, you must not allow the whole commerce of this city—the whole passenger traffic—to be thrown into Broadway, because if you do you will block it up." Well, if you are going to have a railroad on Broadway, don't you want a railroad for the purpose of carrying the passengers that want to go over it? That argument either proves too much or it proves nothing. But I say you may put a condition in here which shall require this railroad, as a condition of its grant, to make a connection for the transfer of passengers by transfer tickets for a single fare with any present or future connecting railroad. I think here is a public right which I think ought to be enforced, so that a person getting on to the Broadway road may be carried from Broadway to any point on any connecting railroad for a single fare of five cents, and in like manner from any point on the connecting road to any point on Broadway. I do not say that the cars of other railroads should run over it. I do not know. That is a subject which is for experts to determine. But this I say, and this I stand up for—the rights of a passenger who goes on to a Broadway railroad to be carried to the end of the city—to any place within the city limits on the connecting railroads, for a single fare of five cents. Why talk about the great value of being carried to Fifty-ninth street for five cents? Every day of my life I am carried from opposite the Astor House to Sixty-fifth street, and back again, for five cents. I can ride to Harlem for five cents, or nearly to Harlem, on that road, and I suppose it is the same with the other roads, and this tub to the whale, that the connection with the Broadway and Seventh Avenue Railroad is the main thing for which the people of this city are living and toiling and dying, is nonsense. It is not worthy of consideration for one moment. I endeavored before, in the prior hearing in this matter, to induce your Honors to annex some of these conditions to the grant. Our friends on the other side have learned wisdom since then, and have found that this is too big a grant to be made except upon proper conditions, and I think that their judgment in that respect is to be commended. It never will be granted, I think, until proper and suitable conditions for the protection of the citizens' and city's interest, and the public interests are secured. But, I say it is impracticable for a legislative body, such as you are, or for persons appearing as we do here, to frame a contract on the terms in detail which would be suitable for such a grant, and therefore I meet that difficulty in the way pointed



out by the law. Well, this franchise, or right—whatever you have got to grant—I know it is a franchise—the statute under which we are acting declares it is a franchise; and although the counsel that framed this act undertook to cover something up under the jugglery of words, they have made it giving that consent here the grant of a franchise. That is the English of it, and that is what it means. I say that the grant of the franchise, the consent (whatever you are pleased to call it), which enables these parties, so far as the Common Council is concerned, to build this railroad, should be given to that legally organized corporation which will build such a railroad as the Common Council wants, and will pay into the City Treasury, in some form, the highest sum of money for it; and the way I would insure the performance of those conditions is the way pointed out by law, by having them, as an indispensable condition of securing any benefit from this grant, enter into covenants with the Mayor, Aldermen and Commonality of the City of New York, to be prepared by your law officer, the Counsel to the Corporation, which will secure, as far as contracts and covenants can secure, the interests of the city and the public. That is the proper way; that is the convenient way; that is the only sure way.

Now, one thing further. I have said that such a contract would secure these interests as far as any contract could; but there are some gentlemen who are not bound, and who in their past lives have shown that they would not be bound, by contracts, who are always ready to make contracts, and perhaps are willing to come in here and offer to make them, only for the purpose of breaking them.

Mr. Bliss—I see there that you are passing to another subject. You referred to Governor Cornell's veto.

Mr. Chittenden—Yes, sir.

Mr. Bliss—I think you did not correctly state its terms.

Mr. Chittenden—Well, then, you can state them.

Mr. Bliss—Well, have you any objection to the passage being placed on the record?

Mr. Chittenden—I have no objection to the whole veto being placed upon the record.

Mr. Bliss—Well, then, you had better.

Mr. Chittenden—I am speaking now, Mr. Bliss, and this is a way you have of interrupting.

Mr. Bliss—Then I say to the Committee that Mr. Chittenden has misrepresented Governor Cornell's veto; that the veto provided expressly against the business of selling the franchise, but stated that it should be by a percentage of gross receipts, just what the bill calls for.

Mr. Chittenden—Now, as I have been charged with misrepresentation by my friend and brother, let us have a little of this read.

Mr. Bliss—Well, that is what I want.

Mr. Chittenden—If it is not a commentary upon the party that you are representing, the next document that I propose to offer will be.

"Whatever merit of a general character," says Governor Cornell, "this bill possesses, it seems to be outweighed by the objections made by the Mayor and Comptroller, as well as by the citizens of the City of New York, who claim that the public interests of that city are not sufficiently protected from abuse. The third section of the bill provides that the local authorities of the City of New York shall not consent to the construction of any surface railway without securing the payment into the City Treasury of such consideration as such authorities shall determine; nor shall they consent to the location of a surface railway in Broadway from the Battery to Fourteenth street, without first securing payment to the City Treasury of a bonus of at least \$750,000, and such additional consideration as said authorities may see fit to prescribe. During the last thirty years immense private franchises have been accumulated from street railway franchises in the City of New York, which, owing to unconsidered legislation, have been granted without adequate compensation to the city."

I stated Governor Cornell vetoed this upon the ground that \$750,000 was not enough. Mr. Bliss interrupts me and says I misrepresent. That is all I said about this measure.

Mr. Bliss—Read the whole.

Mr. Chittenden—I shall read the whole, but I do not want you to say that I misrepresent. It then goes on:

"Had there been incorporated into the laws authorizing these grants suitable provisions securing to the city a portion at least of their ultimate value, New York would now realize a revenue from such source that would largely diminish the burden of taxation imposed to defray the expenses of its government."

"The future growth of the metropolis will make many franchises hereafter granted very valuable, and hence, profiting by unmistakable errors in past legislation, subsequent laws should securely provide for the payment into the City Treasury of a reasonable percentage on the gross receipts, or, instead thereof, should provide for reduced charges or fare, in order that the people shall obtain direct benefit from the appreciated value of the respective franchises."

"Two distinct objections may be stated to the provision of this bill authorizing the local authorities that grant the use of the streets, to fix the rate of compensation for the same. The money value of these railroad franchises cannot well be estimated in advance. It remains an unknown quantity until determined by a practical method of fixing a percentage of earnings or gross receipts. This principle should be established by law, and not left to the option of the Common Council."

In my conditions I say either \$750,000 or an annual sum which is equivalent to six per cent. interest on that sum.

The Chairman—As the Committee understood it, it was that that veto message suggested a fixed sum, and named \$750,000 as the lowest amount, and that it was that suggestion of Governor Cornell that was opposed to the present law. We understood you that the veto was directly opposed to the present system of percentages.

Mr. Chittenden—I said nothing about the present system of percentages. I said this was vetoed. I was seeking to assign a reason why I would take \$750,000 as an upset price for this franchise.

The Chairman—Exactly.

Mr. Chittenden—I have said that the promoters of this bill passed through the Legislature, and which Governor Cornell vetoed, a bill which provided that the franchise on Broadway should not be sold or disposed of for less than \$750,000.

The Chairman—As a member of the Committee, I understood you directly the opposite. I understood you that Governor Cornell vetoed it for the reason that he did not believe that the arrangement which had been passed, as you claim, by the promoters of this road, looking only toward a percentage, was sufficient. That is the way I understood you, Mr. Chittenden.

Mr. Chittenden—I said no such thing; but let the Committee take it that way; I don't care; it is a distinction without a difference.

Mr. Fuller—Let the stenographer read the notes of what Mr. Chittenden said.

Mr. Chittenden—I suggest this for the purpose of showing that in the judgment of the promoters of this corporation, it was worth \$750,000.

Mr. Bliss—Have you any evidence that the promoters of this corporation had anything to do with that bill that Governor Cornell vetoed?

Mr. Chittenden—Yes, sir, I have; I have plenty of it. My point is that the value of this franchise should be given to the city. I do not care how that is given, whether by an upset price, by a sale, by lower fares—three-cent fares—by annual payment into the City Treasury, or in any way you please, provided the money is secured to the city; but I say this, that the fairest way and the only fair way to do as the law provides should be done—put up this franchise at auction, annex to it the conditions upon which alone it is granted, and then sell it, if you please, for a fixed sum, if you please for a percentage, if you please for lower fares; but sell it to that company which will observe those conditions, and will pay to the city in some form or other, or to the public, the highest and best remuneration. And I say that this Committee might as well jump straight into Paradise upon Elijah's chariot as to sit here and determine the value of this franchise upon any evidence that is here before you. The thing cannot be done. It is one of those things which is impracticable the moment that you come to consider it in a fair point of view. The interest upon one, two, or three millions of dollars shrinks into comparative insignificance beside it, and you must, if you are faithful guardians of your trust, take some other method of securing the city's interest.

The Chairman—Those conditions which you made some time ago—we would be glad to take those into consideration.

Mr. Chittenden—Yes, sir. Now, I have one thing further. I have not the pleasure of the acquaintance of a single gentleman who is a promoter of this application. I know nothing of them, except the records that they have made. At the former hearing before this Committee (and I shall take occasion, with the Committee's consent, to mark and put in evidence portions of that former hearing to which I allude—they will be very short) it was stated by the counsel for this corporation that you ought to grant this franchise to the present applicants, and the name of Mr. Jacob Sharp was stated as one of them, because of their long experience in railroad business in this city, and because such a grant would insure to the city and to the public a good railroad, properly run, and a proper compliance with all necessary conditions. It was stated by Mr. Stetson, who also appeared, that he, as counsel for persons connected with this grant, attended at Albany and drew these clauses in the bill, and it was pretty well admitted here at that time that Mr. Sharp was the principal promoter, so to speak, of the present application. I find in these papers which these applicants have filed before the General Term, a list of the stockholders in the Broadway Surface Railroad Company. There are ten subscribers to one hundred shares, and then a few subscribers of ten shares; but among the ten are Mr. Sharp, Mr. James W. Foshay, Mr. Thomas B. Kerr, and Mr. Lewis May.

The Chairman—You need not read them all.

Mr. Chittenden—Mr. James W. Foshay, 100 shares; Mr. Thomas B. Kerr, 100 shares; Mr. Lewis May, 100 shares—I will read them in their order, and put in the 100 shares together—Mr. Harrison D. Kerr, 100 shares; Mr. William Bird, 100 shares; Mr. James A. Richmond, 100 shares; Mr. Clarence W. Francis, 100 shares; Mr. John H. Scribner, 100 shares; Mr. Jacob Sharp, 100 shares; Mr. John H. Pentz, 100 shares. Next comes, in the order of shares, Mr. Osborne E. Bright, 50 shares. Then the ten-share gentlemen were Charles F. Palmer, 10 shares; John H. Selmes, 10 shares; Henry Alvord Robinson, 10 shares; Thomas H. McLean, 10 shares; Samuel

R. Pullen, of White Plains, New York, 10 shares; George W. Lynch, 10 shares, and Thomson Rogers, 10 shares.

I have thus named all the subscribers to the stock of the Broadway Surface Railroad Company as they appear in this paper filed by them.

Now, if these are the proper and suitable gentlemen, Mr. Sharp, Mr. May and Mr. Kerr, to receive this grant, and if the experience of the city with them has been such as to show that they are proper recipients of it, and more proper than other people, why, of course, you will give it to them. But I find from this same report of 1883, that the same gentlemen, Mr. Jacob Sharp, Mr. Foshay and Mr. May, are officers of the Broadway and Seventh Avenue Railroad Company; the same (for 1883); that the same gentlemen, Jacob Sharp, Lewis May and Thomas B. Kerr, are officers of the Bleeker Street and Fulton Ferry Railroad Company; that Jacob Sharp and Lewis May are officers of the Twenty-third Street, and that Mr. Sharp and Lewis May are officers of the Christopher and Tenth Street Railroad Company.

Now, there are three cross-town railroads and one connecting company that Mr. Sharp and his associates here seem to have the substantial control of, and I think those roads can be made to connect with a Broadway railroad.

I have before me the report of the Receiver of the Bleeker Street and Fulton Ferry Railroad Company—Mr. Alvin S. Southworth—filed in an action in the Supreme Court in this county, in which George K. Sistré was plaintiff, and the Bleeker Street and Fulton Ferry Railroad Company was defendant, and in a suit in favor of John M. Harlow, against the same, in which the receiver says:

"This receiver, in his investigations, practical operations of the road and legal supervision, has interpreted the order of the Court constituting him receiver to mean that he should 'rescue all the franchises of this corporation from useless insolvency and unscrupulous hands into which they had fallen, not only for the benefit of the parties in interest, but also for the public good.' Such order expressly orders and commands!"

After speaking of the actions of the President of the road, which are immaterial here, although they are not very complimentary, this receiver further declares that it appears from the records and books of this company that the said company—

The Chairman—What was that, Mr. Chittenden, that you said—not complimentary to whom?

Mr. Chittenden—To the President of the road.

The Chairman—Who was the President of the road?

Mr. Chittenden—John T. Conover. Perhaps I shall excite some suspicions if I read this portion of the report without going further.

It goes on: "The receiver reports that John T. Conover, since 1866 the President of the corporation, has permitted the road to become a disgrace and by-word in the community, using it to 'aggrandize his relations, who by corrupt means appropriated largely of its earnings, and contributed largely to its decay and insolvency; that said Conover, as shown by the books, has 'never paid a dollar for his stock or bonds, although individually representing one of the largest interests in the corporation; that he has never paid a dollar to the road in any way, save in so far as he endorsed promissory notes of the company payable at the Broadway Bank, and which notes were in progression of their maturity redeemed by other notes at the Broadway Bank, the Bleeker Street and Fulton Ferry Railroad Company paying the interest; and that said Conover did at other times make various loans known as call loans which were satisfied on demand.'"

"This receiver further declares that it appears from the records and books of this company that the said Conover, Sharp, and others associated with him in the management of this road since the date of its organization, have never invested any money in payment for their stock and bonds, nor have they in any way contributed any money to the support and operation of the road, but have on the contrary drawn largely on its revenues as shown by Exhibit , and that to this Receiver is clear that the only victims of this long duration of fraud and mismanagement have been those who purchased interest at second-hand, or have become voluntary creditors."

"That the receiver further declares that among the corporators were Hugh Smith, a fugitive from justice, Peter B. Sweeney, residing in outlaws, and others who seem to have been connected with pernicious legislation, of which the recent municipal corruption was a legitimate offshoot."

"That the receiver has discovered that not only the Twenty-third Street Railroad, and the Christopher and Tenth Street Railroad, in both of which Jacob Sharp holds and wields a powerful influence, are engaged in attempts to vitiate the franchise of this company; but that in addition the Central Cross-town Railroad also wishes to destroy the franchises of this company for its own selfish purposes."

"And the receiver further declares that during the summer of 1875 this road caused tracks to be laid to Christopher Street Ferry in consonance with the powers of the Laws of 1873, chapter 199; that said tracks were immediately torn up by order of the Central Cross-town road, but that the Court subsequently required said tracks to be again laid."

The Chairman—Let me interrupt you for a moment. Isn't the Central Cross-town road an opponent of the Sharp interest?

Mr. Chittenden—I don't know anything about that. (Continuing) "An examination of the value of those portions of the franchise which have not been operated shows that the Bleeker Street and Fulton Ferry Railroad now owns a much more valuable grant than that under which it began to take advantage of its rights. The receiver estimates that for the sum of \$50,000—well, that relates to the operation of the road."

Mr. Bliss—Mr. Chairman, I want to suggest to the Committee that this Committee here ought not to be made the vehicle of throwing dirt. That is a report of a receiver, which the Supreme Court of the United States—which the Supreme Court of New York removed, and then turned the railroad over, on a full investigation, to the very persons whom he attacked, who happened to be, one or two of them, incorporators in this company.

The Chairman—The Committee well know that, Mr. Bliss.

Mr. Bliss—I know, but I simply say that it ought not to be spread out on the record here. My purpose is answered, Mr. Chairman, if I have got that statement on the record.

The Chairman—Yes, sir.

Mr. Chittenden—Then I hope the gentleman is satisfied.

Mr. Bliss—I am, for I believe in putting the antidote where the poison is as soon as possible. Mr. Chittenden—I have no purpose except to lay before this Committee from the official records of this suit the facts which these records show in relation to the management of railroads by the promoters of this corporation.

The Chairman—Mr. Chittenden, let the Committee ask you if since the management by Mr. Sharp and his associates of this same Bleeker Street Railroad, it has not changed very much in its character as a road, and its management. Isn't it better than it was at the time referred to in those papers?

Mr. Chittenden—Yes, sir.

The Chairman—What the Committee seeks to ascertain is who are the best people to take this Broadway railroad. Now, let the Committee ask you, in all fairness, Mr. Chittenden, whether these same people are not well known as good railroad managers.

Mr. Chittenden—I don't know; I have no knowledge on that subject.

The Chairman—Do you know that they are not?

Mr. Chittenden (continuing)—But what I propose to show is that since the Bleeker Street and Fulton Ferry Railroad Company has passed into the hands of this new management they have failed to pay into the City Treasury of this city one single dollar, which is provided by law should be paid, either of the gross receipts of that road, or the tax upon its cars.

Mr. Bliss—That we don't object to.

Mr. Chittenden—That from 1878 down to the present time they have not paid what is required by law, and that the city is about commencing actions against them at this time for the purpose of recovering that very money.

Now, I say that there are other people, besides Mr. Sharp, who could take this franchise; and it seems to me (I am not going to argue)—but it seems to me that evidence which shows that Jacob Sharp, Lewis May, Thomas B. Kerr, and Harrison Kerr, in the management of other city railroads have failed to perform their duty to this city, have failed to perform the obligations of law to this city, is a substantial reason why you now should not turn into their hands the most valuable franchise which the city has to grant. The gentleman says that this receiver has been removed, and the Chairman of the Committee says that that is well known to the Committee. The gentleman and the Chairman of the Committee know facts that I don't know. I know nothing about it. But suppose he had been removed. I say that that report—and there is appended to it a report by a man now in his grave, who has left a character behind him which might well be emulated by any gentleman on the other side—Hamilton W. Robinson, once a Judge of one of the courts of this city—which describes the manner in which Jacob Sharp and these gentlemen dealt with the stock and bonds of this company. I shall not worry you with—

Mr. Scribner—Won't you read anything from Mr. Robinson that relates to the Bleeker Street Railroad?

Mr. Chittenden—Yes, but I will only—

The Chairman—Be good enough to read it all.

Mr. Bliss—All that Judge Robinson says.

Mr. Scribner—Have you got anything there from Mr. Robinson in relation to this Bleeker Street Railroad? If you have anything there from Judge Robinson I should like to have you read it.

Mr. Chittenden—I will take the report of the receiver—

Mr. Scribner—No, no. What we ask you to read is anything that you have got under the signature or over the signature of Judge Robinson referring to the Bleeker Street road, or its management, or any of its directors.

Mr. Chittenden—My learned friend will please observe that I take my directions from the Chairman of the Committee.

The Chairman—Well, just read anything there from Judge Robinson.

Mr. Chittenden—Yes, sir; I will find it.

The Chairman—The statement, as the Committee understood it, was that appended to that



report of the receiver was a statement of Judge Robinson, now dead, reflecting upon the management of the Bleecker Street Railroad and upon its managers. That is what the Chairman understood you to say, and that is what the Committee wish to hear.

Mr. Chittenden—One moment, and—

The Chairman—If it isn't there it doesn't matter.

Mr. Chittenden—I want to say that I read the part which is signed "H. W. Robinson." There follows in this report an extract from accounts of the corporation, dated November 9, 1864, and a list of the shareholders, persons whose names and places of residence are subscribed, severally agree to take the number of shares, etc., and in that list of names is that of a gentleman I have named, Mr. Sharp, 800 shares. Then follows an extract from the Bond Ledger, showing the number of bonds issued to each one of them. Now, what I understand to be the paper signed by Mr. Robinson, is this:

"The undersigned, a committee appointed by the B. S. and F. Railroad Company to 'examine the conveyances of title to be presented by the several parties to the assignment to this company, dated December 13, 1864, of the railroad, and the grant and the franchise conferred by 'chapter 514 of the Laws of 1860, do hereby render their report and certificate as follows, to wit: 'That it appears from the face of the papers presented by the several parties to that assignment: 'first, that the original share of Stephen R. Roe at the date of the assignment was held two-fourths,' etc., and disposes of that. It doesn't mention these parties. 'That the original share of John Stewart 'was at the date of said assignment, held three-fourths thereof by Jacob Sharp, and one-fourth 'thereof by William Menzies, which will entitle the said Jacob Sharp to three-fourths, and the 'said William Menzies to one-fourth of the stock and bonds to be issued as a consideration for said 'share.'"

Then follow various others; and then it says:

"That the original share of John C. Thompson, was, at the date of said assignment, owned one-half by John T. Conover, one-eighth by John Kerr, one-eighth by Jacob Sharp, and one-eighth 'by Isaac W. Pickford, and one-eighth by W. H. Webb, and that of the stock and bonds to be issued 'as a consideration for the assignment of said share,' these various parties will be each entitled to their proper share thereof.

"That the original share of Joseph W. Craig, was, at the date of said assignment, owned one-half thereof by C. C. Clark, as trustee, one-quarter thereof by Jacob Sharp, one-quarter thereof 'by John Pettigrew; and that the said Charles C. Clark, as trustee,' and the others will be each entitled to their proper share.

Mr. Scribner—I don't understand that that is what the Chairman asked you to read. It was some article signed by Mr. Robinson that you were to read.

Mr. Chittenden (continuing)—"The stock and bonds to be distributed among the parties, heretofore mentioned, should not, however, be delivered except upon proof by the said parties 'respectively, that they have fully paid their respective share or shares or parts of shares of all calls 'heretofore made by the Executive Committee of said grantors and their assigns in respect to the 'share or shares or parts of shares in said grant to which they appear respectively to be entitled. 'Dated New York, February, 1865.

(Signed)

H. W. ROBINSON."

Now, may I please your Honor what that paper seems to me to prove, and it is for your Honors to determine whether it does or not—

The Chairman—We would like to have that become a part of the record.

Mr. Chittenden (continuing)—Is the fact that Mr. Jacob Sharp, Mr. Kerr, and another gentleman named, were the original promoters of the Bleecker Street and Fulton Ferry Railroad; that they took this stock, the receiver's report stating that not one dollar was ever paid by anybody for the stock and bonds of that road; it was followed by a chapter of mismanagement; that was followed by the lease of that road to the Twenty-third Street road, I think it was; that road was under an obligation imposed upon it by the statutes of this State to make certain payments in consideration of its franchise into the Treasury of this city; by the terms of that lease the original incorporation and management in which Mr. Sharp was interested passed into hands in which he had the substantial control, and there it has been exercised ever since, and not one dollar of compensation has ever in any manner been paid into the Treasury, growing out of that lease or income of the Bleecker Street Railroad. That is the story told by these documents. Now, if that don't reflect upon Mr. Jacob Sharp, or these gentlemen, then I have not said anything to reflect upon them at all, but whether it does or not, and how far it bears upon the question whether they should be intrusted with this franchise, is a matter for you and not for me to determine.

The Chairman—Mr. Chittenden, the Committee fails to see where that charge made against these people by Mr. Robinson is presented here.

Mr. Chittenden—I am unfortunate in my expressions, or the Committee is unfortunate in appreciating me. There is a statement of Mr. Robinson of the original signatures to the stock, and the disposition made of the stock. So much I have read.

The Chairman—Exactly.

Mr. Chittenden—There is the report of the receiver, which shows that not one dollar was ever paid by anybody for this stock and bonds of that road. That is what that paper shows.

Mr. Bright—That cannot be true, Mr. Chittenden.

Mr. Chittenden—That is all that it will show after all the criticism that can be made upon it.

The Chairman—Now let us not be misled by anything you have said in this matter, because we want to get at the facts.

Mr. Bright—Where is the statement that nothing was paid for that stock and for those bonds by anybody?

The Chairman—Now, what this paper has attached to it here is the signature of the receiver, and then all these other things, among other things the extract of the articles of incorporation, and then the committee appointed by the stockholders of the company go and make their report, and finally the paper ends up.

Mr. Chittenden—That was signed by Hamilton W. Robinson.

The Chairman—Exactly; but that does not charge anything against these gentlemen.

Mr. Scribner—I would like to make a suggestion in regard to those papers, because the whole presentation of this thing is a misrepresentation of the fact of the organization of the Bleecker Street Railroad—I don't say it is purposely a misrepresentation, but the effect is, nevertheless, the same—

The Chairman—Well, Mr. Scribner, Mr. Chittenden has seen fit on other occasions to make statements which were very derogatory to the members of this Board, and it is probably in the same vein that he is making these. At a public meeting not long ago, he abused this Board in an outrageous manner, without any sort of reason, and this is probably simply the same kind of experiment.

Mr. Scribner—I only desire to say that I was Judge Robinson's partner at the time that corporation was formed, and I know exactly the paper he has read; and instead of substantiating the argument he makes, it substantiates exactly the reverse—I mean the paper which he has in his hands and from which he has just now read.

Mr. Chittenden—I desire to say, in the first place, that I have not abused, in any meeting or anywhere, this Board or the members of this Board; I have not made any comments upon this Board or upon this Committee at a meeting or anywhere else. So much for that.

The Chairman—Then the Committee was very much misrepresented.

Mr. Chittenden—I am not responsible for that. I never misrepresented them.

The Chairman—The language attributed to you was such as hardly deserves the contempt of the Committee, if it is true, and we have been informed that it is.

Mr. Chittenden—Very well. I am responsible for what I say, and I am not responsible for what people say I say.

Now, I have stated—and I propose to be perfectly cool about this thing, and I am not in the slightest degree off of my centre—I say that the paper that I have read, signed by Mr. Robinson, shows the disposition of stock and bonds that was originally made in the Bleecker Street road, and shows the connection of Mr. Sharp, Mr. Kerr, and other people, with that stock and bonds; and I say that the report of the receiver in connection with it show this.

The Chairman—Mr. Chittenden, right here, I do not think that is the statement that you originally made. The statement originally made, Mr. Chittenden, was to the effect that over the signature of Mr. Robinson—Judge Robinson, as you called him—it was proved, or rather it charged, the same people who are applying here for this Broadway railroad with—I won't say "crookedness"—but the record will show what you said, sir, and to satisfy yourself as to what you did say, why, the stenographer has it there and will please read it.

The stenographer thereupon read the statement made by Mr. Chittenden, appearing upon page 1, beginning in the first line of said page.

Mr. Chittenden—Now, I want to answer Mr. Scribner. He asks where in this report it is said that nobody—that not a dollar was paid for the stock and bonds of this company. I never said it was there. I have said over and over again that that statement was in the report of the receiver, the sworn officer of the Court, and that is all that I have said about it; and it is about time that the misrepresentations of my statement be stopped by counsel or anybody else.

Mr. Scribner—The only thing I have said anything about is the paper you read, signed by Judge Robinson, which demonstrates the entire reverse of what you state.

Mr. Chittenden—It shows as to the disposition of that stock and bonds just as I said it did; and the report of the receiver shows "that the said Conover, Sharp, and others associated with 'them in the management of the road since the date of its organization have never invested any 'money in payment of their stock and bonds, nor have they in any way contributed any moneys 'to the support and operation of the road.' Now, be it worth little, or be it worth much, that is what the judicial record of this suit shows; and I have not misrepresented it. I have stated just what it shows; and now I will file the paper that there will be no doubt about it.

Now, gentlemen, that is all I have to say about this; unless you should see—

The Chairman—Would you be good enough to let us have that veto, or a copy of it?

Mr. Chittenden—Yes, sir; I will furnish a copy of it.

Now I wish to put in this record from the proceedings of this Committee at the former hearing a quotation from the statements of Mr. Bright and Mr. Stetson, and perhaps some answering quotations

from the speech of Mr. Cadwalader, which they made on that occasion, and that is all that I have to say at present.

The Chairman—My recollection about Mr. Cadwalader is that he appeared at the former meeting in the interest of the Broadway road—that is my recollection now about it—and that he didn't file any appearance the last time because of his apparently false position in the matter.

Mr. Chittenden—My purpose simply is to put upon this record the fact that Mr. Sharp was represented by his counsel at the last hearing as one of the prominent promoters of this corporation, and that the grant was asked to him because he was an exceedingly proper and suitable man to whom the grant should be made.

Mr. Bright—We claimed it then as we claim it now.

Mr. Bliss—In that connection, as the record of the last hearing is to be put in—

The Chairman—The Committee has not yet agreed to take it in.

Mr. Bliss—If you put that in I also want to go in a statement of Mr. Chittenden's in view of his statement now that he is here to object to any railroad on Broadway. On the last hearing Mr. Chittenden said: "I am here, gentlemen, to insist on two propositions. \* \* \* The first proposition is, that the best railroad, the best surface railroad, shall be built upon Broadway."

Mr. Chittenden—Yes, sir.

The Chairman—Are those the stenographic notes of the last meeting that you read from, Mr. Bliss?

Mr. Bliss—Yes, sir.

Mr. Chittenden—If Mr. Bliss was not quite so fresh in his conversation he would not make any such statement as that. The record shows that at the last hearing, when I appeared for different persons than I do now, I stated that—the Committee knows what I stated. I stated that upon the question of building a railroad on Broadway, I had nothing to say one way or the other. I took no position in relation to it, either for or against it, but I said, as I say now, that if there is to be a railroad on Broadway, it should be the best railroad, and it should be built under the proper conditions.

Mr. Bliss—That is not your language. There is nothing in the report of that kind.

Mr. Chittenden—I say there is. If you will look you will see.

Mr. Bliss—Well, I will read what you say:

"Mr. Chittenden—I appear here to-day for myself; I should appear, if a day or two's time 'were given so that some gentlemen could meet together and agree, and give me a regular retainer 'for a large number of property-holders on Broadway and citizens generally in this city. They 'came to me on Friday last, having got their first information about this application, without 'knowing exactly what this application was to be, and wanted somebody to appear here and insist 'upon one or two propositions which they presumed would meet with favor by every member of 'this Committee; and if they do meet with that favor, I, for one, do not ask for any delay in 'regard to this application at all. But when I asked them whether they were prepared then to tell 'me for whom I could be specifically authorized to appear here, so that I could put the names on 'the record, why, they were unable to do it. They are engaged at this hour and at this moment in 'making that arrangement to present themselves here, with a regularly retained organ in a body, 'to be heard, if necessary, by this Board.

"So much for the capacity in which I appear in the matter, in which I hold that every citizen 'has a right to appear.

"Now, I have not the slightest interest, and I do not care the snap of my fingers about the 'quarrels between these counsel, or about whether one of them is a bad company, and another is a 'good company, or whether one is in favor of a horse railroad or another is in favor of a cable 'railroad. I am here to insist on two propositions, and I expect every member of this Committee, 'when they have heard them and understand them, to be just as strongly in favor of these propositions as I am.

"The first proposition is that the best railroad, the best surface railroad, shall be built upon 'Broadway by an independent company—a trunk line company—under permanent conditions, 'which will insure the right of every present or prospective road to run its cars over that road and 'every inch of that road from Union Square to the Battery. That is the first proposition—that that 'shall be secured—and I will show you how before I get through.' There is no qualification there—if there is to be a railroad on Broadway.

The Chairman—The Committee well understood that at that time, Mr. Bliss.

Mr. —Mr. Cadwalader has asked me to appear before you to-day to state that he hoped to be here, but that he is engaged in a suit in the United States Circuit Court, and asked me to present this affidavit.

Mr. Chairman—What is the affidavit?

Mr. —Simply an affidavit stating his intentions in this matter. It will take but a little time to read it.

"In the matter of the application of the Broadway Surface Railroad

"Company, for the consent of the local authorities to the building and operation of a railroad in Broadway.

"City and County of New York, ss:—

"Theodore C. Camp, Secretary of the Broadway Railroad Company, being duly sworn, 'says, that the Broadway Railroad Company is a corporation duly incorporated under the 'act of 1884, having for its object the construction and operation of a street surface 'railroad from Fourteenth street to the Battery along Broadway; that since the passage of 'said act, said corporation has been actively engaged in procuring the assents of property owners to the construction and operation of its road, in accordance with the provisions of said act of 1884, and has obtained in due form the consent of a large number of property-holders, and of 'about, if not fully, one-half in value of all the owners of property along the proposed route from 'Fourteenth street to the Battery, being practically the same route as the route adopted by the 'Broadway Surface Railroad Company. That of the owners of property along the line of said 'route, a very great and overwhelming proportion who favor any road, favor the road of the Broadway Railroad Company, and a very great proportion of such owners are absolutely opposed to 'the road of the Broadway Surface Railroad Company. That no formal application from the Broadway Railroad Company for the consent of the local authorities has been presented to the Common 'Council, but that the said railroad company desires the consent of the said Common Council, and 'is prepared to present such an application, and request consideration of the same, provided the 'opportunity is given therefor.

"THEODORE C. CAMP.

"Sworn to before me this 30th

"day of October, 1884.

"CHARLES NETTLETON,

"Notary Public,

"New York County, N. Y."

Mr. Bright—What is the last request of that paper?

Mr. —That no formal application from the Broadway Railroad Company 'for the consent of the local authorities has been presented to the Common Council, but that the 'said railroad company desires the consent of the said Common Council, and is prepared to present 'such an application, and request consideration of the same, provided opportunity is given 'therefor.

Mr. Scribner—At the opening of Mr. Chittenden's address, or in that part of it which he read from manuscript, it was stated that he desired on behalf of himself or the clients he represented, after the case of the petitioner should be closed, to call witnesses and offer arguments in addition to those addressed to the Committee to-day. I ask that the Committee will hold that Mr. Chittenden is bound to put in, or, that the Committee will require Mr. Chittenden, or his clients, to present in the way of witnesses or documents or arguments, any and every objection they have to the application of the petitioner herein, before the petitioner is required to close its case.

The Chairman—The Committee will require all evidence and all argument to be presented here, and opportunity will be given to the petitioners to reply to anything that may be put in.

This Committee will take a recess from now until twelve o'clock to-morrow.

Mr. Chittenden—Won't you allow me to make a correction as to my position at the former hearing. Here is the position that I take in relation to the railroad, and I wish it to appear on the record.

"It is the intent and meaning of this act that the property-holders along a street shall in the 'first instance determine whether they want a surface railway and the kind of surface railway they 'will have. They own the street in ordinary cases; they own the fee of the street; they have 'invested their money; but in this city it is a little different, because the fee of the street is owned 'by the city under a general and everlasting trust that it shall be used for street purposes. Therefore it is entirely proper, it is consistent with democracy and republicanism and honesty and common decency, that the property-owners on a street should, in the first place, have an opportunity 'of determining this question.' And that is the ground that I took through the whole argument.

Mr. Scribner—May I be allowed to ask you a question?

Mr. Chittenden—Yes, sir.

Mr. Scribner—Didn't you, in your argument before Judge Donohue, in the suit of Knox v. Kirk, distinctly say that you believed that a railroad on Broadway was a necessity, and that a street railroad on Broadway ought to be built.

Mr. Chittenden—I don't remember whether I did or not.

Mr. Scribner—Well, do you deny having used language, in substance or purport, such as I have stated.

Mr. Chittenden—I don't allow you to put language into my mouth. What I say is, what I repeat here to-day, that, in the first place, my opinion is of no sort of consequence; in the second place, I haven't any opinion whether a railroad should be built on Broadway, because I haven't the means of forming that opinion; and, I say, that a man—a lawyer—who undertakes to get up here and state that in his opinion it should be this way or that way, insults the intelligence of the members of this body.



Mr. Scribner—Won't you answer my question, and that is whether or not you did not state before Justice Donohue that you believed in a railroad in Broadway.  
 Mr. Chittenden—No, sir; I don't think I said so.  
 Mr. Bright—Will you permit me to ask you a question?  
 Mr. Chittenden—Any question you like.  
 Mr. Bright—Do you appear here at the request of, or under the retainer of, or under an expectation of any fee from, the Cable Company?  
 Mr. Chittenden—First, it is none of your business; second, no.  
 The Chairman—This Committee will take a recess until to-morrow, twelve o'clock.

In the Matter of the application of the Broadway Surface Railroad Company to the Common Council of the City of New York, for its consent to construct and operate a street surface railroad on Broadway, between Fifteenth street and the Battery, in the City of New York.

NEW YORK, October 31, 1884, 12 M.

Before the Railroad Committee of the Board of Aldermen, there being present of such Committee, Messrs. Miller, Dempsey, Waite, and De Lacy.

Mr. Scott Lord—I desire to be heard, if the Committee please, in opposition to the application of the Broadway Surface Railroad Company.

The Chairman—Whom do you appear for?  
 Mr. Lord—I appear for the Broadway, Lexington and Fifth Avenue Railroad Company. We filed an application before the Board of Aldermen on the 8th of August, but we desire to be heard as some time in opposition to the application now before the Committee; and, inasmuch as it would require for a proper hearing, the exhibition of a model and some plans, we thought we would like to have the Committee set down some day when we could bring in our model and be heard. The substance of our claim is which—the road which I represent—

The Chairman—Are you not ready to-day, Mr. Lord, to submit the drawings and diagrams?  
 Mr. Lord—Yes, if we could be heard to-day.

The Chairman—We could hear you to-day.  
 Mr. Lord—I supposed from what I had heard that the time would be very much consumed to-day by other counsel, who had previously appeared, in making arguments already partly opened.

The Chairman—You want to go on to-day, I understand?

Mr. Lord—Yes, we can be ready after an hour or half an hour.

The Chairman—Well, how about to-morrow?

Mr. Lord—To-morrow would suit us better.

The Chairman—To-morrow will do.

Mr. Fearing Gill—If the Committee please, I am the Vice-President of the New York Cable Company. I appear officially in that capacity, but I feel that I am addressing you principally as a citizen. I listened to an argument yesterday from the learned counsel, Mr. Algernon S. Sullivan, in which it was speciously set forth that the placing of a regular obstruction on Broadway would be an addition to the means of transportation, in that it would make a fixed line of running the obstruction north and south. Now, it seems to me that anybody who ever was behind a pair of balky horses, in a horse car, would see how untenable that ground was. I think your Committee should realize that a city which has grown in the last ten years to the number of half a million, and that the private vehicle and cab interest has increased two hundred per cent., and in deference to the public and those interests, not affected by railroads, it should be seriously considered whether the addition of a permanent obstruction, taking up a large portion of a thoroughfare already very narrow and very insufficient—it should be considered whether that should be done. It has been claimed that the cheapness of the fare was an important factor in this proposed Broadway railroad. It is well known that the Elevated Railway, which did not exist ten years ago, now runs within a block on either side of Broadway, and no one is foolish enough to suppose that through passengers would take any other means of transportation than that. I claim, also, that if a railroad of this kind were to be inaugurated, it would practically, in a test of two months, prove to be entirely inoperative from the necessary obstruction which would obtain. I ask any of you, gentlemen, to go any day between nine and ten o'clock in the morning, on the line of the Broadway and University Place cars, at the down-town streets through which it passes, or in the afternoon, between three and four o'clock up-town, and you will see the obstructions and delay induced, and the interference to business, which, if carried to Broadway, would be simply appalling. I claim that even if this railroad has got the consent of the property-owners, that they have not got the approval of one-tenth, yes, not the hundredth part, of the people whose rights are infringed upon, or would be infringed upon, by this enterprise seeking to make a few dollars at the public expense, which it would not make, I believe, if the scheme should be introduced.

I therefore protest, in the name of the company I represent, and in the name of the public, against this infringement upon the rights of that thoroughfare.

Mr. Chittenden—I understand the committee of the cabmen that were here yesterday are here again this morning, and I think they ought to have an opportunity of being heard.

The Chairman—Is there any of the committee here? Is any representative here of the committee of cabmen?

John J. Golderick—Well, I represent about twelve hundred hackmen, and one and all oppose a railroad track on Broadway. From their experience in driving they know what it is in the winter time to drive on a street or an avenue where there is a railroad track. It would be next to impossible for to drive on Broadway, from Fourteenth street to the Battery, in the winter time, if there was a railroad on Broadway. When the snow commences to fall the railroad companies put plows on and pile the snow up on each side of the street and in some cases upon the sidewalks, and as a general thing it remains there until spring. We have not got any place to drive only in the railroad tracks, and if you obstruct you are liable to be arrested and fined. I do not see there is any good cause why a track should be laid on Broadway anyhow. From Fourteenth street to the Astor House, Broadway has on each side a railroad, and it will not require a passenger five minutes to walk the distance.

One and all of this association I represent objects to a track being laid on Broadway.

The Chairman—Are there any other gentlemen here representing the Hackmen's Association? If there are we will hear them now. Are there any other parties here now that oppose this application, or have we heard all the objections and statements for and against this road?

Mr. John Mullen—I represent the hackmen. I have nothing more to say than what my friend said. I consider that it would be a great obstruction to the street. It is the only street that we have to use from Fourteenth street to the Battery, and if there is a railroad track on it I don't see how we would manage to get up and down town. That is all I have to say, sir.

The Chairman—Are there any others?

Mr. Chittenden—Mr. Chairman, I wish to put in some further testimony. In addition to what I said yesterday I wish to put in the message of the Mayor of this city to the Board of Aldermen, and the accompanying documents found in the City Record of October 14, 1884.

The Chairman—That is rather far off. 1884 you mean.

Mr. Chittenden—October 14, 1884.

The Chairman—You said 1844.

Mr. Chittenden—It relates to the receiver's report that I put in yesterday. I wish to have the record straight in reference to that. When I offered that report Mr. Bliss arose, and said that he was the report of a receiver who had been removed by the Federal Court.

Mr. Bliss—No, sir.

Mr. Chittenden—And a member of the Committee said the Committee knew that, and added certain other things.

Mr. Bliss—I didn't say a word about Federal Courts. I said United States Court, and corrected myself immediately. I didn't say a word about Federal Courts.

Mr. Chittenden—I didn't hear you correct yourself; I heard you say the Federal Court. Well, he said that this receiver was removed by some Court. No receiver was ever removed, except for cause, by any Court. I am informed by gentlemen connected with that suit that the statement that this receiver was removed was entirely without foundation; that he never was removed, and, therefore, I will leave that, having put upon this record a copy of a judicial document, followed by the message of His Honor the Mayor, which is all that I have to say about that.

I was charged by one gentleman yesterday with throwing mud. I have not mentioned Mr. Sharp, nor anybody else in this connection, except as his record appears in the documents which I have filed, but if they throw mud I have no responsibility for it. I have not said a word beyond what appears in those documents.

Now, I said yesterday that I wished to put in certain portions of the former hearing. Before saying that, a pretty vigorous attempt yesterday was made to put me in a false position, and rather thrust a quarrel upon me, or a personal controversy. Now, I have no desire in regard to that. I have nothing to say except this. I have done nothing, and shall do nothing, to provoke any personal controversy or quarrel. I never do, but if anybody chooses to have one with me they can have it; I never do anything to prevent it.

I have taken the position here, which this Committee knows, at the first hearing before this Committee, as appears on page 25 of their report. I took the ground that it was the intent and meaning of this act that the property-holders along a street should in the first instance determine whether they wanted a surface railway, and the kind of surface railway they would have. I said then that if any railway was granted it ought to be under proper conditions. Later, I appeared in the action, to which Mr. Scribner alluded, for other parties, on a complaint which stated that some of the plaintiffs did not oppose the construction of a surface railroad through Broadway from the Battery to Union Square; that, on the contrary, they believed that such a railroad, with proper conditions, and reservations to protect the interests of citizens and the public, would promote the public convenience. There, representing those parties, I said I did not oppose a railroad on

Broadway. I went further, and said that so far as that action was concerned, if proper stipulations and guards could be affixed, it would answer that action. To-day I appear for men who are opposed to any railroad on Broadway whatever. I have heard the arguments here, I have heard what is to be said in favor of it and what is to be said against it, and after hearing those and appearing for these men, I have said what I have. And that is all I desire to say about so important a person as myself.

Now, in regard to these proceedings, I wish to put upon the record the fact, about which I suppose there is no question, and that is that Mr. Sharp and his associates are the practical promoters of this application and of the Broadway Surface Railroad Company. It is a fact that I want to appear upon this record as proved.

Now, on page 3 of the former hearing, Mr. Bright read an address, which appears on the third page of the record of that hearing, as follows:

"At the last session the Legislature framed a General Act for street surface railroads and 'opened Broadway for their introduction. It was under this act that this company was organized, and it seeks your authority to construct its road. Its promoters are the most experienced and 'competent railroad men in New York. Mr. Foshay has for many years been at the head of the 'Broadway and Seventh Avenue Railroad, the most admirably operated road in this or any other 'city. And Mr. Jacob Sharp, the chief promoter of a railroad in Broadway, himself built and 'established all the principal lines of railroad in the city.' After a comment on that by Mr. Cadwalader, on pages 32 and 33, Mr. Bright—

Mr. Bright—Mr. Chittenden, are not your references to pages misleading? Is there any record that is open to anybody else with such paging?

Mr. Chittenden—This is an exact copy of the record furnished from your office to me.

Mr. Bright—You cannot have paged it as it was paged in that copy. I only wish to say that by referring to the pages that you give there doesn't appear anything like what you claim appears there.

Mr. Chittenden—I directed that the pages should be made to correspond.

Well, then I show in Mr. Bright's answer to Mr. Cadwalader, and which all appears in that record, that he entered into a defense of Mr. Sharp. He said: "When the learned counsel speaks about Jacob Sharp, Mr. Jacob Sharp needs no defense. His services to the City of New York, and his deeds for thirty years past, will last when my learned friend is forgotten." To which Mr. Cadwalader responded, "They will."

There are other references to pages which I have, but I think I have said enough, in connection with what I have put in, to show that the substantial parties who are promoting this application are the same parties connected with the Broadway and Seventh Avenue road and the various cross-town roads to which I have referred, and my whole purpose is answered when these facts appear on the record.

Now, I have but one thing further to say. I entertain no doubt—I do not suppose anybody does—that this Broadway railroad franchise has very great value. I put before you evidence of the income of some of the other parallel roads, from which certain inferences may be drawn; but I am no expert in value of railroad franchises. I don't think any of the lawyers here are experts in that matter. I doubt whether the Committee are. I am prepared, if the Committee will hear it (and I take their order about it) to produce before them witnesses, at such time as they shall name, on the subject of the value of a franchise such as this sought here for a railroad in Broadway; and that comprises all that I desire to say on the subject, unless the Committee should choose to hear evidence on that particular subject.

Mr. Scribner—We asked yesterday, if the Chairman please, that Mr. Chittenden be required, if he produced witnesses, to do it before the case on behalf of the applicants is rested. We ask that again.

The Chairman—Yes, sir.

Mr. Davies—I think the attention of the Committee ought again be called to the fact that the applicants have as yet failed to specify any terms and conditions upon which they ask for this consent. Now, in the communication, which they claim to be part of their petition to this Honorable Body, there are statements with respect to what this Broadway Surface Railroad is willing to do to get the consent of this body, and in very general language. Now, we claim, and I distinctly ask that my claim be made a part of the record (and I will put it in writing and file it with the Committee), that before the opponents of this petition be called upon to produce any evidence, and before the case of the applicant be regarded as closed, so as to permit evidence to be introduced on the part of the opponents, that the Broadway Surface Railroad Company be required to specify the equitable terms and conditions upon which it desires the franchise in question—such equitable terms and conditions as it considers shall be just to the public and fair to itself; that it also be required to specify what method of construction of its proposed railway is by it considered the most approved plan for the construction of city railroads, as stated in Mr. Richmond's communication, and that it also will specify what the compensation for use of the street as shall be just to the public and fair to the company is—what it means in dollars and cents when it uses that language in Mr. Richmond's communication, wherein Mr. Richmond says: "Our company is willing to submit to the payment into the City Treasury of such compensation for use of the street as shall be just to the public and fair to the company."

I call the attention of the Committee to the fact that the opponents of this road do not know, and cannot know with absolute certainty, the details of what it is they are called upon to oppose until the applicant has made it clear exactly what it wants, and what the terms are to be.

The Chairman—Will you put that in writing, please?

Mr. Davies—I will, Mr. Chairman.

Mr. Fuller—I want to say a word or two.

The Chairman—There is a gentleman there who said he was in a hurry.

Mr. G. S. Hawes—I do not know whether you consider it in order for simply a private citizen, representing no corporation, representing no association of any kind, not at all interested in roads of any sort, not even owning an inch of land in the City of New York, and not in business on Broadway—I do not know whether you would recognize a man in such a position as being a proper party to present views to you.

I claim from what I have seen in the papers that thus far there has been no representation before this Honorable Body of the views and feelings of the citizens at large, and I take it that it is the most important and vital point in this whole matter. I don't enter into any consideration of which road ought to have it, or which company ought to have it, or whether they ought not to have it because 1,200 cabmen object, or because the truckmen object. I consider those matters of very trifling consideration. The point is, what does the great public demand. Now, I travel every day upon the Sixth avenue on the elevated road up to One Hundred and Twenty-fifth street, and every day as I look through the car windows I observe encroachments upon private property. I realize that fact, and yet if a vote were taken by those passengers who daily use the road as to whether that road should be abolished, why there would be a unanimous vote to continue it even though it may infringe upon private rights. Now, that is the history of almost every movement in the direction of public accommodation. Now, let us look at it practically. I have talked with a great many people. I have not talked with shopkeepers on Broadway, and wholesale men on Broadway, and I haven't talked with men interested in corporations. I talk to citizens like myself, who have no corporation to serve, who have no property interest to represent, and the general sentiment of the citizens is this: If a railroad from Canal street to the foot of Broadway were to be built, it would be a splendid accommodation for the traveling public of New York; and when I speak of the traveling public I mean the man who puts his bank book in his pocket and wants to make a deposit in Wall street on a hot day in July, or the man who sends his boy down to the foot of Broadway on an errand; it is an accommodation if one can jump in the cars and go down swiftly and come back swiftly. The trouble about the elevated roads taking the place of that is that it makes but few stops. We want a road that runs through this great business artery that shall accommodate the people, and we must look at it in that way. There are two ways in which people are looking at this question—sentimentally and practically. The sentimental view is hardly worth considering. A great many men weep over the idea about Broadway being made the receptacle of a fixed iron rail. That is all nonsense. I was born in New York City, and I saw the old Columbia College go, and I saw the old New York Hospital go, and I saw the old Brick Church go, where my father was elder, and I saw the Middle Dutch Church go. All went one after another—all these landmarks—and all those removals were indications of the progress of business. But I don't indulge in sentiment. We must look upon the practical side of this question. Well, now, it is said that there are certain wholesale houses on Broadway that want to back their carts up in front of their stores to load them, and that if a road is built on Broadway it will interfere with that. Why, almost every one of those dry goods houses have on the side streets deliveries. Almost every one of these houses have a side street on which their deliveries are made. And, so far as the cabmen are concerned—well, we all love the cabmen, they are such a nice, considerate set; they wouldn't take advantage of us on any consideration if we wanted to go a mile or two, and I think they should be considered very tenderly. The cabmen, they say, will not be able to get any more business on Broadway, if a railroad is put there. Very well, if they cannot get along, let them get into some other employment. The sentimental part of it, that is all nonsense. The 7th Regiment, if it wants to march, or the 60th, let them go up-town. There are avenues up-town, and plenty of avenues, and I have no doubt that the children and ladies of those up-town families would be delighted if they would make their line of march through those up-town streets rather than through these crowded streets. Why, very many of us here, no matter what the ticket we vote, confess it a nuisance, and object to an upsetting of business from these political processions that parade up and down Broadway. Every one of us would rather see them in some other part of the city. They are all very well in their way, but business should not be suspended and interfered with because of them. The idea that Broadway must make room for all these military processions is all nonsense.

It is all nonsense to say that the introduction of a railroad on Broadway would be the means of causing blockades. The omnibuses are much more interfering, and with their clamor and irregular movements through the streets, enormous vehicles as they are, are a much greater obstruction.



tion than a railroad would be. I say that if you should get a railroad on Broadway the street wouldn't be as much obstructed as it is now.

As to the picture the gentleman drew here who spoke a few minutes ago as to the terrible condition of mind that the people would be in when a railroad was laid on Broadway, I take another view of that. I think people who are against it now will wonder, when we get a railroad there, how in the world they ever got along without it; and the best proof of what can actually be done with a railroad we can see every day in Church street.

The Chairman—The Mayor's message, Mr. Chittenden, you said you wanted to hand up.

Mr. Chittenden—I have handed it in to the gentleman who I understand is the official reporter; and I have also this morning filed with him a copy of Governor Cornell's veto message.

Mr. Hawes—Now, I am not interested in anything on the subject. I came here of my own volition. I have no corporation to serve, nor any property interest to protect. The suggestions made to me came from no quarter except in general conversation from time to time; and I thought that in view of the fact that all the gentlemen who have heretofore spoken have simply represented corporations or institutions of some kind, I thought that a plain citizen who had no interest of any kind, and was not interested in any way in the subject at all, except as a citizen, I thought that you ought to have the testimony of such a one at least on that subject, and that that might, perhaps, have some bearing and might be entitled to consideration; and it is on those grounds that I have been impelled to come here. I have never before, in public discussions, found myself in a position of this kind; but I am impelled to come here. I felt that the city might be deprived of the necessity—I maintain that this Broadway railroad is a necessity—and I thought that it might be well to come here. I don't care what company gets the franchise; I don't care upon what plan the road is constructed. That I have nothing to do with. I hope it will be done in the best manner and with the least obstruction possible; but I should maintain that a Broadway railroad is a necessity, and that the citizens of New York, the great mass of public citizens of New York, rich and poor, in their hearts desire it; and those who have not given as much thought will be glad of it when it becomes an accomplished fact.

That is all I have got to say, gentlemen—all I came here to say. It is all very simple, but at any rate it is well enough for you to hear from the people; and I represent the great mass of the citizens of New York, with whom I have conversed and whose mind I know; and I have expressed it.

Mr. Bright—Mr. Chairman, will you allow me to read in connection with the affidavit that is presented on behalf of the Broadway railroad yesterday a single statement.

The Chairman—Yes, sir.

Mr. Bright—On the 13th day of October, before the General Term of the Supreme Court, Mr. Parsons represented the Broadway railroad, and this occurred on that day in the presence of the Court:

"Mr. Parsons—We will then offer to read this affidavit of Theodore C. Camp, Esq., the Secretary of the Broadway Railroad Company to the effect that the road has obtained the requisite number of consents for the building of a railroad in Broadway—fifty per cent.—required by chapter 252 of the Laws of 1884."

The minutes then state: "This affidavit was thereupon read by Mr. Miller, handed to the Court to be filed, and afterwards withdrawn."

I also desire to put upon the record a few lines from—

The Chairman—This may be the same affidavit. That is heard Supreme Court.

Mr. Bright—I infer not, because the dates are different and the statements do not correspond; but I put upon record that representation on behalf of that company made on the 13th day of October.

I desire now to read a brief statement of what occurred—a few lines—before the Committee on the former occasion, on the 5th day of August, 1884.

"Mr. Cadwalader—I desire to oppose the scheme of a horse railroad, and desire to say to the Commissioners that the property owners on the line of Broadway have consented to the building of a railroad by the Broadway Railroad Company to the amount of nearly, if not fully, one-half of the entire amount in value, and that I desire at some time convenient to the Board of Aldermen to put in the evidence of those facts and to give the reasons why property-owners on that line of the road should appear before you and should have a voice whether any road is to be constructed of the character proposed."

"Mr. Waite—They are not ready to appear against the Broadway Surface?

"Mr. Cadwalader—I am appearing now against it; but I say I should ask from the Board of Aldermen an opportunity to put in the evidence of the assents of these property-owners, and their views upon the question of the building of this line of road."

Mr. Fuller—I have lost every word that Mr. Hawes said here in regard to the citizens. I believe that nine-tenths of all the citizens in New York want a railroad in Broadway. I think we will have one very soon, and not only on Broadway but on Fifth avenue, and clear up to Harlem. It will be necessary to accommodate the traveling public.

I want to say a word in personal explanation, because I don't want to accuse any man wrongfully without making reparation or apology. Mr. Russell—Judge Russell—Judge Horace Russell was here yesterday, and I asked him if he, as attorney for Henry Hilton and Cornelia Stewart gave consent to the Broadway Railroad Company. He said that he did. I then asked him if he afterwards acknowledged that consent before a notary public. I understood him to say he did not. I should like to be informed on that point. Was that his answer? Well, that was his answer as far as I remember. I am sure it was his answer, for I asked him twice, and he said that he had not acknowledged the consent of those two parties. Now, I went from here yesterday immediately to the office of the company, and after much search I found the original consents signed by ex-Judge Horace Russell on the 24th of June—I mean that on the 24th of June those consents were acknowledged.

Mr. Bright—Which company do you speak of?

Mr. Fuller—The Broadway Railroad Company.

Mr. Bright—The Broadway Railroad Company?

Mr. Fuller—Yes, sir.

Mr. Bliss—Then it seems that citizen Fuller has access to the private papers of the Broadway Railroad.

Mr. Fuller—They are not private papers, sir. My friend and counsel, Mr. Bliss, might see the papers if he wants to any time he goes down here. I have the handling of all the papers in that office. So that when ignorance is bliss 'tis folly to be wise.

The Chairman—Do you want that to go on the record?

Mr. Fuller—I want it go on the record as well as anything else that goes on the record.

Mr. Scribner—And the consents you speak of were for the construction by the Broadway Railroad company of its proposed road.

Mr. Fuller—They were; yes, sir.

Mr. Scribner—You are opposed to a horse railroad; are you not?

Mr. Fuller—I am. I have always been in favor of all modern improvements. I am in for any other road on Broadway than a horse railroad. I should be in favor of it, and I was in favor of it twenty-five years ago, and I stuck to it ever since; but I think we have something better now than horse cars.

And I want to say one word further. As Mr. Hawes says, I am surprised at the idea of people opposing a railroad in Broadway. There is no street in the City of New York where a railroad is needed more than in Broadway. Those Broadway stages run just as they did, in the same style and manner, forty years ago, and they are a public nuisance to-day. Why, there are twenty-two inches between the seats of those stages. I measured that the other day. There are twenty-four knees sticking out within four inches of each other; and sometimes nearer than that, through which a man has to navigate in order to find a seat, and it was but the day before yesterday that I was trying to get through the passengers in a stage and I stepped on a man's corn, and of all the oaths I ever heard in my life! They lifted me right off my feet. And he said, "Can't you see where you are stepping?" and I said "I can't;" and then before I could sit down I went down in another man's lap; and before I got out of the stage a woman passed who weighed two hundred pounds, and down she came in my lap with such force as to nearly knock the breath out of my body. And so it has been going on for forty years in Broadway in those stages.

Mr. Bliss—Was that before or after dinner?

Mr. Fuller—Well, I don't remember. Dinner don't make much difference with me, because I don't drink wine. With you it would be different. And I have found out in my experience of forty years, in riding in these Broadway stages, that same thing continually. And the nuisance they are, and the noise that they make.

Now, a gentleman took the ground here a few days ago that noise was detrimental to health. It is not. I take exception to that. It is a benefit to health as a rule; but it is inconvenient in conversation and in business. I say it is healthy, and decidedly so. I was employed in 1852 in William H. Beebe's store for years, on Broadway, and it was with the greatest difficulty at times that I could be heard, and you know, Mr. Chairman, that I have a pretty good voice.

The Chairman—Yes, we hear you very well.

Mr. Fuller—Now, I maintain that it is about time these stages were taken off of Broadway, and if we couldn't get anything better than horse cars on Broadway I would be in favor of horse cars.

Mr. Scribner—You are getting on the right side of the case now.

Mr. Fuller—Now, Mr. Sullivan put the thing in a nut-shell, just as he always does, frankly and manfully. He said that if there are no other methods better than horse cars to travel over Broadway, give us horse cars; but that if there were other methods and means that would prove better to the public interest to give us those. And that is what I say. But, under all the circumstances, I protest against this franchise being given away for a consideration of dollars and cents. I don't care for your money, even if you make it twenty-five millions of dollars, without the conditions I wouldn't give it away, because it is worth, with the conditions—it is worth eight millions of dollars a year to the traveling public at least; and what would it be worth fifteen, twenty, or thirty years hence?

The Chairman—In regard to the propositions made here the other day, by I forget what gen-

deman, some one said that one of the up-town stage lines which had a franchise, or which had a right to run across One Hundred and Twenty-fifth street, that they were able to recover from the city the amount for which they had sold the franchise.

Mr. Fuller—I don't remember anything about that.

Mr. Bright—Mr. Deering spoke of that.

The Chairman—Yes, Mr. Deering, I think it was who spoke here the other day. He stated that as a fact that the stage line across One Hundred and Twenty-fifth street had been able to recover from the city the amount of money that the One Hundred and Twenty-fifth street horse-car company had paid to the city.

Mr. Fuller—I think it was a good bargain for the city and the citizens even at that; and I think if the citizens had to pay for all the lines of stages, every dollar that they are worth, it would pay them in the end.

The Chairman—But you want this money to go to the stage companies for their franchises.

Mr. Fuller—Well, I think anything received should be given to the stage lines for what they are injured. I don't think they ought to be driven off of Broadway without any remuneration, but I think the franchise should bring ten times as much as the stage lines are worth in dollars and cents, with the conditions I have proposed, and I think companies can be found that will pay these stage companies every dollar that their routes are worth, and horses and stages and everything connected with it, and with the conditions proposed, to carry passengers all over the city for five cents.

Mr. Bright—Mr. Fuller, it is not personal curiosity merely that induces me to ask you this question, but I wish this to appear upon the record. Your exertions in behalf of a railroad and in getting consents of citizens have been in behalf of the Broadway Railroad Company, have they not?

Mr. Fuller—Yes, sir. Before, however, they spoke to me about getting the consents, I had taken hold of it in the interest of property-holders. Mr. Thomas Faye is a neighbor of mine in Carmansville or Washington Heights, and he owns 310 and 375 Broadway, and he and I often had talked up the matter before that.

Mr. Bright—Isn't it a fact that all your exertions in connection with a railroad under this act of 1884, have been on behalf of the Broadway Railroad Company?

Mr. Fuller—No, sir; because I came in the field long before there was a Broadway Railroad Company—long before. It has been fifteen years since I have been endeavoring to get a Broadway railroad.

Mr. Bright—But since May 6th, haven't your efforts been for the Broadway Railroad Company?

Mr. Fuller—I think it was about June or July.

Mr. Bright—About the time of the organization of this company?

Mr. Fuller—Yes, sir; and I am bound to stick to it until we have a railroad in Broadway, but I am not in favor of the Broadway railroad particularly; I don't know that a cable road would be the best road that could be built. I understand there are improvements made upon the cable road, such as an electric motor, or compressed air, either one of which I understand are better than the cable road. I am in favor of the best road that can be built.

The Chairman—That is the way the Committee understands it. How about those papers you were going to furnish us to-day?

Mr. Fuller—Well, I just arrived a few moments ago from Jersey, and I have not had time to give attention to the matter. I don't know where I can get the papers that I handed in to the Commissioners.

The Chairman—Well, this Committee will hold another meeting Saturday.

Mr. Fuller—I will try and get them in by that time.

The Chairman—We will meet again at eleven o'clock to-morrow.

Mr. Fuller—I handed them into the Commission of which Mr. Harris is the Chairman. I there appeared for the Methodist Book Concern. I was not aware, Mr. Chairman, that it was necessary to hand up any more papers showing that I appeared for other parties.

The Chairman—No, but you had some statistics that you seemed to think would be some aid to us in the consideration of this matter.

Mr. Fuller—I was told it would be necessary for me to be employed or authorized to speak for some property-owner—one property-owner was enough—in order to have a hearing here.

The Chairman—Well, we understand that you represented Mr. Faye and Mr. Knox in connection with Mr. Chittenden.

Mr. Fuller—No, no; that is not so. And I want to say that the Methodist Book Concern is a very respectable concern, and I should not like to say anything to them unless it is necessary. But heretofore they all requested me to appear for them.

Mr. N. D. Adams—My counsel hoped to get here some papers—Mr. Lord—and some other matters, but we have not yet done so—

The Chairman—You represent the Broadway, Lexington and Fifth Avenue Company?

Mr. Adams—Yes, sir, and we are in favor of a road on Broadway. Now, I took a cab from my office the other day, and starting here from the Stewart Building, I went to Fourteenth street, covering about 600 numbers, and I took a list of the signs that had on "This Store to Rent," and "Three and Four Lots to Rent," and as I have the numbers on a paper there are over 100 numbers between 262 and about 860—about 600 numbers—and about one out of six in Broadway, between Chambers street and Fourteenth street, have signs on "To Rent." You will see signs all over, "This Building to Rent," "Two Lots to Rent," "Three Lots to Rent," "Four Lots to Rent." That is the condition in which Broadway is to-day. We cannot find that state of things in any other city in the world—where one number out of every six is to rent. I don't know where else you could find that.

The Chairman—What is the reason?

Mr. Adams—Because there are no facilities for getting through the street.

The Chairman—Then you are in favor of a Broadway railroad?

Mr. Adams—Most decidedly.

Mr. Miller—I desire to submit an affidavit which Mr. Parsons has prepared, and which has been signed by Mr. Parsons, Mr. Davies and myself. It is prefaced by this statement:

"On behalf of the parties represented by us we desire, in answer to any claim that there is no considerable opposition to the application of the Broadway Surface Railroad Company, we submit the following affidavit."

"October 30, 1884."

"Very respectfully,"

"JOHN E. PARSONS,  
"CHARLES T. MILLER,  
"JULIEN T. DAVIES."

Then the affidavit is:

"City and County of New York, ss.:

"Howard Townsend, being duly sworn, says: I am a clerk in the office of Julien T. Davies, Esq., and have general knowledge of the above-mentioned proceeding; an application is now pending by the Broadway Surface Railroad Company, before the General Term of the Supreme Court, for the appointment of a Commission in place of the consent of property owners; and in this petition in that proceeding the Broadway Surface Railroad Company says:

"And your petitioner further shows that your petitioner has made diligent effort to obtain the consent of the property-owners sufficient in number and in amount or value to authorize the construction, maintenance and operation of its railroad, but has been unable to obtain and has failed to obtain the consent of the owners of the property bounded on that portion of the streets and highways upon which it is proposed to construct or operate its railroad sufficient in number or amount or value according to the provisions of said act, to authorize the construction, maintenance and operation of the railroad proposed to be constructed by your petitioner, and the consent of the requisite owners of property computed, either in numbers or in accordance with the value of the property owned by them respectively, cannot be obtained to permit the construction of such proposed railroad."

"And in an affidavit made by Wm. E. Haws, in support of the Broadway Surface Railroad Company, he says:

"That he has made an estimate of the value of property whose owners have refused to give their consent to the construction, maintenance and operation of the railroad of the petitioner herein as set forth in the several affidavits heretofore filed, and that the assessed valuation of said non-consenting property amounts to over 75 per cent. of the total assessed valuations of all the property on Broadway from Battery place to Fifteenth street." This deponent also further says: "That he is familiar with the actual market value of the various pieces of property upon Broadway within the limits heretofore mentioned, and that he knows and states positively, of his own knowledge, that the property whose owners have refused to consent as aforesaid amounts to at least 75 per cent. of the total actual and market value of all the property on Broadway, from Battery place to Fifteenth street."

"Sworn to," etc.

We will have a copy made and then submit it. Is the Committee going to adjourn until to-morrow?

The Chairman—We take a recess until to-morrow.

Mr. Miller—In view of the questions which Mr. Bright wants to go on record to Mr. Fuller, and which Mr. Fuller has answered, I desire to submit an affidavit to-morrow of officers of that company or of one of the officers of that company, as to Mr. Fuller's connection in any way directly or indirectly with that Railroad Company.

Mr. Bright—If it is a question that you prefer not to answer, why, you need not answer it, Mr. Miller—it is a point we want to get on the record, and it may be that your answer will do.

Mr. Miller—Well, what is it?

Mr. Bright—I desire to ask whether it is not a fact that in procuring consents of property-owners on Broadway, the Broadway Railroad Company have offered inducements to the owners either by way of subscription to their stock or otherwise?



Mr. Miller—I know nothing about it of my own personal knowledge.

Mr. Bright—Then I will ask Mr. Fuller if, in procuring the consents on behalf of the Broadway Railroad Company, he has not given, on behalf of the company, assurances of an interest in the road either through subscriptions to the stock or otherwise?

Mr. Fuller—I am glad Mr. Bright has asked that question. Accompanying the consent was a resolution passed by the Board of Directors, if I remember correctly—and if you should ask me who the directors were of the Broadway Railroad Company, or the stockholders, I could not give a single name.

Mr. Bright—Oh, I am not after that.

Mr. Fuller—And when you ask me if I was employed to get consents, or if any gentleman spoke to me to get the consents of these Broadway property-owners, I will say that as far as I could I did it. I have received nothing from them and I don't know that I ever shall; I never thought of that; there was a resolution accompanying the consent—

The Chairman—Offering stock for the consent?

Mr. Fuller—Yes, sir; offering the property-owners on Broadway the stock of one-half of the company. Some looked favorably upon that, others did not. I will admit that I used the argument with the property-owners that if there was a railroad on Broadway they should have a controlling interest in that railroad; and I said to a great many of them that they should have organized a company; that is that the Broadway property-owners should have organized a company, and ought to have built a road on Broadway instead of allowing Jacob Sharp to do it. That is what I have said to a great many of them; and a great many of them were convinced that I was right. But as that could not be accomplished they gladly, when they understood the situation, gave their consent to me. All those whose consents I obtained, with one exception, gave their consents willingly, and were glad to take a controlling interest. The President of the Park Bank, Mr. Potts, an excellent man, said that he thought that a railroad in Broadway was needed, and that the property-owners should give the consent, and should have the control of the Broadway road, or a voice in it; and I was greatly surprised when Mr. Bright, the counsel for Jacob Sharp, got up, I think it was before the Rapid Transit Commission, and declared that it was a base and outrageous thing for the property-owners on Broadway to take an interest in a railroad on Broadway, or that they should be offered, as an inducement by any company to give their consent, an interest in the company. But there was nothing base or outrageous in Jacob Sharp's trying to get the consent of Broadway without a dollar's consideration. Now, I would ask Mr. Bright and the gentlemen of the Committee, if there is anything out of the way in Broadway property-owners taking an interest in a Broadway railroad? If that is not honorable, exemplary and enterprising, I don't know what is! But for any company to try to get the franchise on Broadway, without a dollar's consideration, and to intend to put a horse railroad in Broadway, I think that is base and outrageous.

The Chairman—Mr. Fuller, can you tell the Committee where you obtained these consents to which you refer, and what was the style—what was the form of consent?

Mr. Miller—Pardon me. We will send here to-morrow, on behalf of the Broadway Railroad Company, or there will be presented here on behalf of the Broadway Railroad Company, if you deem it desirable, the form of consent that was used by persons soliciting for that road, and also the resolution of the Board of Directors of that road, authorizing one-half of their stock to be offered to persons who desired to use it or have it.

The Chairman—The Committee was led by your statement a few moments ago to suppose that Mr. Fuller had no connection with the railroad.

Mr. Miller—The affidavit will show that Mr. Fuller is not authorized to speak for the Broadway Railroad Company. He was employed, as a number of other solicitors were employed, to go around and get consents.

The Chairman—The Committee would like to know, Mr. Fuller, where you obtained these consents, and what consents they were. You didn't provide them yourself, did you?

Mr. Fuller—No, sir; it was a regular form of consent of the company—gotten up by the company—and I took consents the same as Mr. Booth and Mr. Beyer did. It was a pretty hard job, too.

Mr. Bright—It was hard to get the consents even with the stock; and you couldn't have gotten them without it, I suppose?

Mr. Fuller—I don't think they could have obtained them without giving the property-owners an interest in the road. After these property-owners had been fighting this Broadway road for thirty years it was a pretty hard undertaking to get their consent for a Broadway railroad, and the company wanted to get men who were acquainted with property-owners on Broadway—people who had experience such as I had in rapid transit, etc.—to take hold of the work; and several citizens up-town spoke to me and asked me to take hold and endeavor to get a good company to build a road on Broadway; and a gentleman came to me from the Broadway Railroad Company and wanted me to take hold for them; but I should have gone on even if he hadn't said anything to me. In regard to the consents I have got, I could give you a list, and I could name a good many of them now, because I have made myself acquainted with most of the numbers and the property-owners on Broadway.

Mr. Bliss—Where did you get the printed forms of resolution?

Mr. Fuller—I don't remember. It strikes me that a man by the name of Booth handed me some. He was a man who was also canvassing.

Mr. Bliss—For the Broadway Railroad Company?

Mr. Fuller—Yes, sir. I got the consent from the Park Bank, the Herald Building, and the large property of the Haight estate where Mr. Beebe used to be—some six or eight numbers—and then I got the New York Life Insurance Company; I got that immense estate of the Sailors' Snug Harbor, and 810, 375 Broadway, and the Methodist Book Concern, which carried great weight.

The Chairman—Do you remember, Mr. Fuller, from whom you got the consent for the Haight estate?

Mr. Fuller—I think it was Lyon—I think that is the name—of, I think, 41 Wall street.

The Chairman—Those are the people you appear for, Mr. Miller?

Mr. Miller—We appear for the persons—Mr. Parsons and I—who have consented to the construction of the Broadway Railroad Company's road, and who are opposed to Mr. Sharp's road; and in doing that, of course, we appear for property-owners.

Mr. Chairman—The Committee wants to get informed on the subject as well as it can.

Now, Mr. Fuller, you have been good enough to tell the Committee a good many things they didn't know before, and perhaps you can tell us whether there was anything in these consents—whether there were any agreements or anything of that sort as to what kind of a railroad the Broadway Railroad Company was to build—that is, was any special kind of a railroad mentioned?

Mr. Fuller—Every single man from whom I got a consent was willing to have a cable road, and electric motor or a compressed air road, or any other improved road. I think there was one man who said that he would not object to having a horse-car road. I think every other man, as near as I can remember, I think every man—of course I can't remember distinctly—but certainly nineteen-twentieths of them wanted either a cable, electric motor or compressed air road—anything but horse cars.

The Chairman—None of them wanted horse cars?

Mr. Fuller—No, sir; they didn't want horse cars.

Mr. Russell stated here yesterday that as soon as he learned that they were not going to take horse cars he withdrew his consent. Why, that was after having taken sixty days to consider the matter and discuss it with Mr. Hilton and Mrs. Stewart, and then he took thirty days more to inquire what railroad was to be built, and he distinctly knew it was not to be a horse-car road, and so Mr. Booth told him. I think he wanted more.

The Chairman—Do you mean to be understood that the reason why that consent was withdrawn was that the amount of stock was not sufficient?

Mr. Fuller—Well, I think that he found out that he was not going to obtain so much stock as he would have obtained otherwise, because some of the buildings were on leased grounds, and I understood the matter was not satisfactory to Mr. Hilton, and he wanted an advantage, like men of that kind, in the enterprise, and not being able to get it he withdrew, and that Mr. Russell wanted to be retained by the Jacob Sharp Railroad Company, as I believe he has been—they can retain almost anybody—and so the consent was withdrawn after having been acknowledged. So, you see, how this whole thing is.

The Chairman—They have not retained you?

Mr. Fuller—No, sir; but I am surprised they have not made me an offer.

Mr. Bright—If we did, and retained you, we should never go back on you as the Broadway Railroad Company now tries to go back on you.

Mr. Davies—I desire to make a statement in connection with this affidavit which Mr. Parsons filed this morning, and which he asked me to agree to by signing the memorandum, and which is filed on my behalf as well as his. The Committee will find in the pamphlet that I filed as part of this record yesterday, not only the abstract from the affidavit of Haws contained in this affidavit filed by Mr. Parsons, but will find Mr. Haws' affidavit in full; and I would call to the attention of the Committee those papers, which were the papers filed by the Broadway Surface Railroad Company on its third application for the appointment of Commissioners, and I trust the Committee will give those papers careful attention, because they will find in those papers the proof that as to the Broadway Surface Railroad 75 per cent. of the owners of property on Broadway have refused to give this Broadway Surface Railroad Company a consent to build their road. I don't think myself that the papers show quite as large a percentage as that, and I attended before the General Term, and it is only fair to say that they did not show that owners of one-half in value had not given their consent. But the papers show, either on my hypothesis or my opponent's, that a great number of owners have refused their consent to this Broadway Railroad Company.

Now, I will call the attention of the Committee to this matter, which is brought to my attention, about compensation to stage lines. I don't know (I have not examined it) whether the stage lines running on Broadway are in such a position that they could recover compensation from the city for the destruction of rights and interests which might take place if a Broadway railroad is put on Broadway. Mr. Deering seemed to favor the view that the stage lines could obtain compensation

from the city. Now, I am quite willing that that should be so; I am quite willing to accept this view—

The Chairman—Mr. Deering so said.

Mr. Davies—So I understood him. But conceding that to be true—it may or may not be true—it is a very strong argument why this Committee and this Board of Aldermen should protect the interests of the city by compelling the payment into the Treasury of a very large sum of money, because, if the stage lines can get compensation from the City Treasury, surely the taxpayers must bear that burden unless the burden is met by a payment into the Treasury by this petitioning road or whoever else may obtain the franchise. So I fail to see in that position any argument except one that should induce this Board to see that this franchise is properly paid for.

Now, I will file with the Board this objection, which I prepared this morning, and the Committee will see the point of that objection. It didn't occur to me, I must confess, until Mr. Cadwalader for the Broadway Railroad Company, yesterday sent in here a statement that that company intended to ask the consent of this Board to construct a railroad upon Broadway; but that statement having been made, and that application having been laid before the Board, it now becomes even still more evident than it was before that there are at least two or three railroads really want this franchise. But, at any rate, the conclusion cannot now be avoided that there are at least two railroads that are seeking at the hands of this Board the consent to the construction of a road on this line—the Broadway Railroad, and the Broadway Surface Railroad—and Mr. Adams, who represents the Broadway, Lexington Avenue and Fifth Avenue, is the third.

The Chairman—We don't understand that the Broadway Railroad has its application in.

Mr. Davies—It has not; but it filed with the Board yesterday a statement that it desired to make an application.

The Chairman—They have not yet secured a resolution.

Mr. Davies—No, sir; but there was yesterday a statement or application filed that they intended to do so. I supposed, however, that the Board would hear them on that subject.

The Chairman—Let me ask you right here, could you form an idea of what might be a proper sum to appropriate for such a purpose as you suggest—for the remuneration of the stage companies?

Mr. Davies—I feel very reluctant to name a sum. I think the only proper way is that this Broadway Surface Railroad Company should be compelled now, at this stage of the proceeding, to formulate the terms and the conditions, and state the sum upon which it is willing to take this franchise from the city. It is perfectly evident from the course this whole matter has taken, as I stated to the Board in my opening, that they won't take any consent from this Board, but will rely on their former consent, unless they just such terms and conditions as they want. At any rate, representing property-owners and taxpayers, what I want to say is: Here are two roads or three roads bidding against each other for this franchise, and I want the bidding to begin, and when this Broadway Surface Railroad Company comes in and says, in a general way, "We will take this franchise upon terms and conditions—upon such equitable terms and conditions as shall be just to the public and fair to us," I want them to specify what those terms and conditions are, and then, I think, the Board will be in a condition to say: "Will you go better? and if you will bid higher for this consent let us know what your conditions are on which you will take this franchise." That seems to me to be the way the interests of the city will best be protected.

The Chairman—Isn't it customary to put an upset price? When you have something to dispose of, isn't it well to put an upset price on it?

Mr. Davies—Undoubtedly; and the opportunity is given to this Board to have the upset price fixed by calling upon this Railroad Company that presented the petition to make a bid.

The Chairman—Why won't you suggest an upset price? That will help us to some understanding in the case.

Mr. Davies—After the petitioner has named publicly the sum at which it is willing to take this franchise, or at which it is willing to begin the bidding, then I will have the opportunity of consulting with my client and finding out whether I should or should not object to such a price as that.

But I think before that this railroad, which is managed by men who have for thirty years been running railroads and trying to get this franchise, and getting franchises of the City of New York—until they are put in a position to give the Board the benefit of their knowledge, I do not think the Board should call upon me, who am frank enough to say that I do not pretend to have the knowledge of the details that Mr. Sharp and his associates have. But after I have learned their views, then I am in a position to verify them, and form my own opinion whether they are or are not correct.

The Chairman—I think, if my opinion serves me right, that Mr. Chittenden proposed to present such evidence here as would give us some idea of the worth of that franchise.

Mr. Davies—Mr. Chittenden did make some such suggestion.

The Chairman—Yes, sir; he said he would be willing to furnish such testimony here. And if you or your clients will give us some idea of the matter it will lead us to a better understanding of the matter.

Mr. Davies—I see that the Committee appreciate fully the duty laid upon them of ascertaining by every means in their power what the value of this franchise is.

The Chairman—You are the first gentleman who seems to appreciate that we do want that.

Mr. Davies—Trustees always ought to do their duty—

The Chairman—And you have been good enough to say so in addition to thinking so.

Mr. Fuller—I can see that.

The Chairman—We would like to get understandingly at this, Mr. Davies.

Mr. Davies—In the few remarks—perhaps not few—that I have made, I have endeavored to proceed upon the supposition that if this Committee could find out for itself, or if by mutual counsel it could be arrived at, what the value of this franchise is, it would perform whatever duty the law imposed upon it.

Now, I urge upon the Committee, starting from that position that you are desirous of ascertaining, by the best means possible, and from the best evidence that can be given to you, and from the statements of those who are best informed upon the subject, what the value of this franchise is, that it is the clear duty of the Committee to call upon these experienced railroad men who are here as petitioners to give you the benefit of their knowledge, and give you the benefit of their experience and aid you to determine this question, instead of you groping about blindly in the dark about this matter. They know perfectly what this franchise is worth to-day to this city, and they should be brought here, and they should state what is fair and just according to their understanding, and they should state what sum they have in their minds. If anybody suppose that James A. Richmond, President, put his name at the bottom of that communication without having in his mind, and his company having in its mind, the sum of money figured out, and clearly ascertained what he believed is a fair and just sum as compensation for the use of the street? Now, I leave aside entirely the malicious and false and fallacious suggestion that any great benefit is going to be derived from this idea of carrying passengers for five cents from the Battery to Central Park. Undoubtedly this petitioner comes in here with the statement, "We are entitled to this franchise for a fair, just, and equitable sum; we don't know what it is—maybe nothing—on the ground that we are going to carry passengers for five cents from the Battery to Central Park." Now, I think it is perfectly clear that a railroad on Broadway is to meet only what we call the local traffic, as distinguished from the through traffic, and that no sane person who wants to go to the Central Park is going to go unless his time is of very much less value than that of most people in New York, by the slow-moving railroad from the Battery to Fifty-ninth street when he has an elevated road on either side. I don't think that is worth discussing, really.

The Chairman—Mr. Cadwalader offered us on the first day that we sat here the sum of \$500,000 from his company, or said that his company was willing to give \$500,000 for the franchise. Now, the very next day, Mr. Chittenden thinks that \$750,000 is the lowest price that we should take; or, if it is put in the shape of interest at so much per year, that \$45,000 is the lowest sum that we should receive. So that there is a vast difference there; and perhaps we can come to a clearer understanding of the matter if we can get at the evidence which Mr. Chittenden proposes to furnish us. But the remarks made by you, Mr. Davies, certainly will meet with our most earnest consideration, and we will endeavor to arrive at something that will be fair in the matter; but we cannot compel a bid for this from the petitioners, Mr. Davies. I don't think we can.

Mr. Davies—Let me make the same suggestion that I started with the other day. I respectfully urge upon this Committee that you are in a position in which it is not only your duty to do it, but that the dignity and the self-respect of this Committee and Board require it. Now, hear what the condition is. Here they have already obtained the consent, as they claim, from this Board. They claim to be in possession to-day of the franchise to construct a railroad on Broadway, and yet they come in here with this so-called petition and communication and say the public are dissatisfied with the former consent given, and they say, "We want the public to understand that we don't want to take this franchise except upon terms that are just and fair and equitable." And yet when they are called upon point blank to say whether they do or do not rely upon that former consent, they will not answer the question; they refuse to answer. I have shown you that at the General Term they relied upon the former consent upon their proceedings in the General Term.

Now, what is the position of these gentlemen before this Board? It is substantially this: "Give us this franchise upon terms which are acceptable to us, or we won't take it from you, but we will rely upon the old consent, which we claim we have obtained from the meeting of the Board on the 30th day of August." Now, I urge upon this Board to compel these men to choose here and now upon which action of this Board they will rely; whether they will rely upon that which they have got, or whether they will say that this is an open question, that they disregard and give up what they claim under the former action, and that they come here fairly open-handed to take this franchise upon such terms as are just and equitable; and isn't this Committee in a position to say, "We will not consider your present application, on the ground that we have already given you our consent?"

The Chairman—That is not our exact position. This Committee was directed by the Board to consider this petition. The Board can deal with that question rather than this Committee. That is my opinion.

Mr. Davies—I think the point of the Chair's well taken. But at the same time the Commit-



tee is appointed by the Board for the purpose of advising and instructing it; and it is for that reason that I urge that this Committee should report simply the fact that the Broadway Surface Railroad Company declined to specify whether it did or did not rely upon the former alleged consent; that the position that this Board has heretofore taken in regard to this matter is that the meeting of the 30th of August was a legal meeting, and that the consent there given was a consent to the construction of a road, and that the report of this Committee is that they recommend that the petition of the petitioner be dismissed on the ground that this Broadway Surface Railroad Company already has the consent of the local authorities for the construction of its road.

Now, that is a fair and a logical and a consistent way of dealing with this matter. It is consistent with respect to the Board of Aldermen, and it is consistent in regard to this road. It puts this road in the phase in which every taxpayer and citizen wants to see it put. Rely upon what you have got! If you want to give it up, "Come in here like men and meet this question fairly and squarely, and give the Board of Aldermen a statement of the terms and conditions upon which you want this franchise, and don't come here skulking behind the former action of the Board."

Mr. Bliss—I simply say this: I submit, Mr. Chairman, that you won't get from the other side a statement of what they consider the value, because, using the phrase that has just been used, "skulking," the real opposition here is in all its forms, and comes right from the Broadway Cable Road, or some portions or divisions of the Cable Road, and the gentlemen here all represent—I don't say it as to Mr. Davies—but it is perfectly well understood that there are divisions in the Cable Company, and that the gentlemen here in various forms (I cannot say it of my own knowledge about Mr. Davies, but I do say it as to Mr. Parsons, and I will give my authority if desired) are all employed by persons interested in that other scheme, though in form representing real estate owners, and that they don't name a price for fear the Committee might turn around and say that if they are willing to pay that price they can take it. Now, I state that of all the counsel who have appeared upon the other side, many of them—and I am willing to give my authority if it be denied—many of them are employed directly by persons interested in that scheme, but nominally here representing property-owners, and yet they come here and charge us with "skulking." The skulking, if anywhere, is on the other side, and they don't name a price because they fear it will come on to them.

Mr. Miller—Mr. Cadwalader is here on behalf of the Broadway Railroad.  
Mr. Bliss—And you and Mr. Parsons are employed by the same interest.  
Mr. Miller—Now, don't get yourself in such a heat; there is no necessity for it whatever. As far as Mr. Cadwalader is concerned, he said here that he represented the Broadway Railroad Company, and that—

Mr. Bliss—Then he didn't skulk?  
Mr. Miller—He said on behalf of the Broadway Railroad Company that they were willing to give \$500,000 as an upset price; and he further said that he was directed to guarantee that the directors of the road would pass a resolution to that effect. Now, I have no doubt that Mr. Cadwalader will carry that out, and I have no doubt that the Committee sounderstand.

Mr. Bliss—Then Mr. Parsons has made an upset price, because he represents the same parties.  
Mr. Miller—What difference does that make? What has that to do with the duties of this Committee? Whether there is skulking or whether there is no skulking, I don't think it makes any difference. I don't think it makes the slightest difference.

The Chairman—The question is whether the persons who make bids really mean to go forward and build a railroad in Broadway.

Mr. Miller—I think that is exactly what the Committee ought to find out.  
The Chairman—One set of people come here and state frankly that they come here in the interest of the Broadway Surface, and for no one else; whereas, the other people apparently appear for different property-owners, but it would appear here that there is a combination of interest of some sort here which tends toward one particular railroad.

Mr. Miller—Well, suppose it does, what then? There has not been any hiding or anything of that kind so far as Mr. Parsons and I are concerned. We do not appear together—he as senior counsel and I as junior—and there hasn't been any question that we appear as counsel for certain property-owners who have given their consent to the Broadway Railroad Company, and in favor of that Broadway Railroad; but we appear for those property-owners and not for the Broadway Railroad directly.

Mr. Bliss—Can't you tell us what you gentlemen think the franchise is worth?  
Mr. Miller—I say frankly I have not thought of that subject. I have not examined into that. I am in the same position the Committee is, and if I were the Committee I should ascertain what is the proper amount.

The Chairman—Can't you tell us, Mr. Miller, what you think?  
Mr. Miller—I haven't an opinion about it, nor can anybody tell who has not made a thorough and careful examination of it. It would be absurd for me to say what I deemed the proper price; and it would probably be absurd for anybody here to name a price.

The Chairman—Well, suppose everybody else makes the same reply?  
Mr. Fuller—Mr. Chairman and gentlemen of the Committee, I sympathize with you. Your position is like mine. We are not lawyers, and lawyers are tricky—there is no question about that—and they do spar, and do conceal their real motives on both sides. But I think that it is the duty of this Committee, when there is an application made to this Board for the consent of the Board to the construction of a railroad on Broadway by any company, if they put it in writing what they are willing to give in dollars and cents, how far they are willing to carry passengers, and leave it with this Board, you ought to consider it; and I wouldn't give any road or any company a hearing until they did it. That is square business; and for the counsel on either side to keep insulting this Board by propositions that don't amount to anything, by saying what they would be willing to do under certain circumstances, if it don't amount to anything. But it shows the desperation of the company when the shining senior counsel of star-route notoriety is employed; and I am afraid of him as much as Beecher was of Judge Fullerton, because we know he is shrewd and cunning, not to say tricky.

Of course we can say that of many lawyers. But I am for the citizens, and I tell you we citizens are going to have a road; we are going to have a railroad on Broadway; we are going to see that it is honestly paid for, and that all the conditions are attached to the grant. We want an honest railroad, and you (turning to Mr. Bliss) won't get a railroad on Broadway, and you (turning to Mr. Miller) won't get a railroad on Broadway.

Mr. Bliss—I am very glad that Mr. Fuller is going to be connected with something that is honest.

Mr. Fuller—I don't think the time will ever come when you will be.

The Chairman—You think the public take much interest in this thing?  
Mr. Fuller—There is not a man, woman or child—particularly the ladies—that is not absorbed in this Broadway railroad.

The Chairman—But only you and Mr. Haws come here in behalf of the public and say a word.  
Mr. Fuller—My dear sir, they cannot come here; they don't know anything about it, only that they want a railroad on Broadway; and if they should undertake to come here and say how they wanted it, or who should have it, they would be in the condition that Mr. Odell was yesterday. He had something to say and couldn't say it. Now, that is what these lawyers say; they want somebody to come here and say something that they can't say, and then they will ask impertinent questions, just as Mr. Bright asks me; but I am a good-natured man, and I can stand it, and I stick to the main question. We want a railroad, as Mr. Sullivan said, which is the best railroad that can be built, but with the conditions.

The Chairman—Tell us how much it is worth, Mr. Fuller?

Mr. Fuller—Well, sir, I think it is worth, with the conditions that I shall attach, \$1,000,000; and the conditions are that they shall carry passengers from the Battery to Kingsbridge and give them transfer tickets to either side of the town, and under no consideration should any company have it without those conditions, not even for \$25,000,000.

Mr. Bliss—Now, how can you authorize any company to go above Fourteenth street from Broadway except this company?

Mr. Fuller—That is none of my business, and none of yours, either. We have got the elevated railroad, and a great many said that we couldn't get that. You lawyers will say anything that you are employed to say and paid for, and you know that just as well as I do; and you know that you can just as well be retained by some other company.

Mr. Bliss—On the contrary, the same gentlemen that employ you tried to employ me, and I wouldn't be employed by them.

Mr. Fuller—Well, sir, they were very foolish in their selection.

Mr. Bliss—I asked whom they had already employed, and they named Mr. Fuller, and I said I wouldn't go on that side.

Mr. Fuller—Probably that is the reason you wouldn't dare go on that side.

Mr. Adams—I am connected with the Broadway, Lexington and Fifth Avenue Company, and we propose to build a railroad on Broadway, and we propose to show a different construction from anything that has been shown before, and which is more applicable to Broadway or to any place, than any other road. Now, only last evening, in going up to Ninety-second street, I went on the Third Avenue road, and I took the street car a part of the way, and I just took notice how many a street car carries. It carries twenty-two people, eleven on a side, but when they put their stove in they carry ten on one side and eleven on the other; and I spoke to the conductor and asked him how many they carried, and he said they generally carried from seventy to eighty, but that they go up as high as one hundred and twenty, between the City Hall and Harlem; and I asked, "What is your opinion of the average travel—how far do people on surface roads usually travel?" And the answer was, "Not over a mile; some may go two, but the travel is not over a mile on an average on a surface road." So, according to that, there isn't anything in carrying people from one end of the island to the other on surface roads for five cents. The point on Broadway is that if I want to go to the telegraph office or to my bank, I want a road where I can jump in a car just for local travel; that is all.

Now, in reference to this compensation to busses. In San Francisco, where I lived for many years, in a leading street of the city, there were two large companies running busses there. Then there was a street-car company formed, and one of the bus company organized a railroad company

and took a franchise for building a street-car road on another street. The other company, running from Montgomery street, made some kick about it, but that didn't pay, and they took them off and then the other company organized another street-car company, and so what were virtually two bus companies were turned into two horse car roads, and nothing ever said about compensation. It is only a question of the survival of the fittest. Just the same as where side-wheel steamers were, there are now propellers.

Mr. Bliss—I was going to suggest merely, Mr. Chairman, that we have some agreement or something of that kind when Mr. Chittenden's testimony should be taken.

The Chairman—I think he said yesterday that he intended to have his testimony here to-day. He went away and said he might return. We will take a recess until to-morrow, and that will be the last day for a public hearing.

Mr. Bliss—I do not think that the Committee should decide a priori that they won't sit longer than to-morrow, because if anybody desires to give evidence, I hope the time will be given. But Mr. Chittenden having gone away, and being the only one to produce testimony, and you having fixed eleven o'clock to-morrow to hear some other gentlemen, I thought if you would cause Mr. Chittenden to be notified that you will hear his testimony at some hour to-morrow to be fixed by you, that there would be no question about it.

The Chairman—What the Chair was going to say is this: The Committee would meet at eleven o'clock to-morrow, and that there would be no other public hearing until the 6th of November—next week, Thursday—at eleven o'clock. That is the first day after to-morrow that we can go on, it seems to me, because Monday, Tuesday and Wednesday it would be impossible to get anybody here.

Mr. Bliss—What I was particularly desirous of doing is this: That we may have an understanding or notice from the Committee that they would be ready to take his testimony to-morrow. I merely suggest that notice be given to Mr. Chittenden that the Committee would be ready to go on with his testimony to-morrow at eleven o'clock.

The Chairman—If there is any one else who wants to be heard to-day he will please say so.

Mr. Miller—From what has been said to-day, it seems to me that it is the desire of the Committee to find out what is the value of this franchise, and it is a thing, of course, that cannot be found out in a day; it requires a great deal of consideration, and it seems to me, as this Committee was appointed by the Board as its small body to find out and report to the Board what the Board ought to do (and the Board no doubt depends upon this Committee for its action, as most legislative bodies on their committees), it would be well for this Committee to subpoena witnesses—persons to come here—experts—to testify as to the value of this franchise. Of course, one of the principal things the Board has to find out is that very thing. Now, how is there a better way to find that out than to call before this Committee, by subpoena, persons who are competent to testify? You ought to do that, so when you go before the Board you can say that you have examined into this matter, and from the testimony you find that the value of the franchise is so and so much.

The Chairman—This matter was referred in the regular way to this Committee. There were no instructions given to the calling of persons or examining witnesses, and without special authorization of that sort the Committee couldn't do it. But this Committee is further instructed to report at the next meeting on Thursday, at one o'clock.

Mr. Miller—This Committee would not report unless it was ready.

The Chairman—It may make a report of some sort or other; it may not make a final report. In order to subpoena witnesses this Board would feel like being specially authorized in the first place.

Mr. Bright—Now, Mr. Miller, I am seeking to get some things on the record. Is it a fact that you are willing to concede that the Broadway Railroad Company is authorized to run from the Battery to Fourteenth street only?

Mr. Miller—The articles of incorporation provide that.

Mr. Bright—That is the fact, is it?

Mr. Miller—Yes, sir; of course there is power under the act in certain cases to extend.

The Chairman—Now, if Mr. Adams has anything to show the Committee to-morrow they will be very glad to see it.

The Clerk—This Committee will now take a recess until eleven o'clock to-morrow.

In the matter of the application of the Broadway Surface Railroad Company for the consent of the Common Council of the City of New York to construct a railroad upon Broadway, etc.

NEW YORK, November 1, 1884.

Before the Railroad Committee of the Board of Aldermen, at the Common Council Chamber, City Hall, there being present of such Committee, Messrs. Miller, Dempsey, De Lacy, and Waite.

The following counsel were also present: Messrs. Scribner, Bright, Bliss, Chittenden, Davies, Miller, and Lord.

The Clerk—Mr. Chittenden, we will hear you first, if you want to.

Mr. Chittenden—I want about ten or fifteen minutes of your time. I might wish to call a witness or two, but I think I have now the means of establishing the value of those franchises without witnesses.

I wish the Committee to have before it, in the shortest and best tabulated form, the length, capital, receipts, and expenses of the roads parallel to Broadway.

I will give them from the official report of the State Engineer and Surveyor, for the year ending September 30, 1881, and for comparison, from the official annual report of the Board of Railroad Commissioners for the year ending September 30, 1883:

The Third Avenue Railroad Company, 1881: length, 10 50-100 miles; capital stock, \$2,000,000.

Mr. Scribner—That is the report of 1881?

Mr. Chittenden—Yes, sir; 1881. Passengers carried, 26,696,842; total receipts, \$1,375,788.72.

Mr. Scribner—Will you give those figures again?

Mr. Chittenden—\$1,375,788.72; total payments, other than interest and dividends, \$874,858.09; interest, \$140,000; dividends, \$400,000, which would be 25 per cent. upon \$2,000,000.

Now, the same road, in 1883: Length the same; capital the same; passengers carried, 29,781,477; the total receipts, \$1,755,994.35; total expenses, \$1,034,311.37; dividend, 13 per cent., \$340,000; interest, \$140,000; cash on hand, September 30, 1883, \$226,582.98.

New York and Harlem, 1883. It might be called here the Fourth Avenue.

Mr. Scribner—You do not give us the miles of the Third Avenue road?

Mr. Chittenden—I gave it. It is 10 50-100 miles.

Now, the New York and Harlem, or Fourth Avenue, 1881: Length, 5 50-100 miles; capital, \$9,450,000; total receipts, \$657,826.56.

Mr. Scribner—Is that the street line?

Mr. Chittenden—Yes, sir.

Mr. Scribner—Now the figures, please.

Mr. Chittenden—\$657,826.56.

Mr. Scribner—You do not mean that the total capital of \$9,000,000 is the street line?

Mr. Chittenden—It is so stated in both these reports.

Mr. Scribner—Then that is a mistake, of course.

Mr. Chittenden—I do not think it is. I will hand the book and you can see. This need not be taken down. I suppose that this is a consequence of the cost of the tunnel cutting through on Fourth Avenue.

In 1883, the same road, on the same capital: The passengers carried, 16,516,212; total receipts, \$856,850.27; total payments, \$667,137.70; dividends, at 10 per cent., \$75,000. Broadway and Seventh Avenue, 1881: length, eight miles; capital paid in, \$2,100,000; passengers carried, 16,000.

Mr. Scribner—You mean millions.

Mr. Chittenden—16,531,922; total receipts, \$846,960.42; total payments, including dividends, \$804,058.33; dividends at 8 per cent., \$168,000.

The same road, in 1883: length, the same; capital, the same; passengers carried, 17,213,126; total receipts, \$889,614.14; total payments, including dividends, \$895,127.79; dividends, 8½ per cent., \$178,500.

Eighth Avenue, in 1881: length, 10 miles; capital, \$1,000,000; passengers, 12,365,837; total receipts, \$660,716.78; total payments, including dividends, \$647,483.61; dividends (rate not given), \$120,000. That would be 12 per cent.

The same road, in 1883: length, the same; capital, the same; passengers, 14,258,225; total receipts, \$752,590.87; total payments, \$559,—there are two items of payment there—hold on—expenses of maintaining the road are put down \$53,000, and expenses of operating, \$506,000. That makes one total of \$559,000. One moment, Mr. Reporter, you better strike that out. I can give it better. I have given total receipts. Now, total payments, \$749,850.83; which include dividends on stock, at the rate of 12 per cent., \$120,000, and an extra dividend of 6 per cent. on proceeds of real estate sold, \$60,000. Now, I do not find in this report anywhere any receipts on account of real estate sold.

These figures which I have given place before the Committee the length, capitalization, number of passengers carried, receipts and expenses of, as I understand it, all the fairly parallel roads to Broadway in the years 1881 and 1883.

Now, I do not suppose it is necessary to take this down. I will merely say that on the question of the cost of a road I refer the Committee to the Mayor's message and the papers accompanying it, which shows that, in certain recent examinations of some kind, the evidence of Mr. James W. Foshay, the President of the Broadway and Seventh Avenue Railroad Company; Mr. Sharp, the President of the Twenty-third Street Company; and of the Superintendent of the Eighth and Ninth Avenue roads, Mr. Wilson; and of Mr. Robinson, Superintendent of the Third Avenue road, has been taken as to the cost of laying a double track per mile.



Mr. Scribner—That had nothing to do with the tunnel—the street-line.  
Mr. Chittenden—Well, it is so reported in both these reports. You need not take this down unless you wish to. If there is any mistake about that, why I do not know it.

Now, dividends this year, \$283,500. Now, the same road for 1883. Length, the same; capital, the same; number of passengers carried, 12,417,952; total receipts, \$739,799.52; total payments, \$502,732.90; and dividends, \$189,000.

Second Avenue, 1881.

Mr. Scribner—What is the rate per cent. of dividend on the Harlem?

Mr. Chittenden—Two per cent., I think—yes, I think it is 2 per cent.

Now, the next is the Second Avenue, 1881. Length, 8 miles; capital, \$1,199,500.

Mr. Scribner—Length of Second Avenue 8 miles?

Mr. Chittenden—Eight miles. Capital, \$1,199,500; passengers carried, 13,843,430; total receipts, \$697,558.10; total payments, including dividends, \$636,640.05; dividends at the rate of 5 per cent., \$59,975. Now, the same road, in 1883. Length, the same; capital, \$1,396,500; passengers carried, 17,912.

Mr. Scribner—You mean 17,000,000 don't you?

Mr. Chittenden—Yes, sir; 17,912,965; total receipts, \$899,719.34; total expenses, \$661,880.54; dividends at 10 per cent., \$139,100.

Sixth Avenue, in 1881. Length, 4 miles; capital, \$750,000; passengers carried, 14,607,596; total receipts, \$768,331.34; total expenses, \$587,886.13; dividends, \$67,500, the rate not being given.

Sixth Avenue in 1883.

Mr. Scribner—That would not be far from 10 per cent., would it?

Mr. Chittenden—\$750,000, I guess it would be 8½.

Mr. Scribner—It would be less than 10; 8½ you say?

Mr. Chittenden—I think so.

Mr. Scribner—That is in papers already in the record.

Mr. Chittenden—I do not ask that this be taken down. I refer, as showing this cost, to the evidence which is in the paper which I have already put in. This is the cost in the year 1883 of laying an entire new track, and the estimates run from \$10,357 a mile to \$10,944 per mile. I suppose that is the cost, merely the cost, of laying a double track. I take it that the length of the road is very well known to the Committee, and I need not go over that; and the cost of stocking this road and of the proper depot accommodations the Committee can tell as well as I can. I have a witness here by whom I can show what it is, perhaps, that has increased the cost of the New York and Harlem horse railroad.

The Chairman—The name of your witness, please, Mr. Chittenden.

Mr. Chittenden—I do not know as I shall call him yet. I suppose I could show the cost of sinking the Fourth Avenue road below Forty-second street. Mr. Serrell, the engineer, says he has not the figures here.

The Chairman—We should very much like to hear some practical man like Mr. Serrell. It would be a great pleasure to us and we would be very glad to hear his ideas.

Mr. Chittenden—Well, of course, I think it will be very useful.

As I was about closing my connection with this matter, I wish to say this only in addition to what I have omitted to put in the resolutions which I have drafted. To me and to those I represent, if you grant this franchise, it is a matter of entire indifference in what way you secure to the public (for in this sense the public and citizens of this city are synonymous terms, almost exactly) the benefits of a franchise for a Broadway railroad. You may do it in three ways: by the price you shall fix for the franchise; by the annual percentage which you shall require them to pay; or by another way which I accidentally omitted, and which is by granting this franchise to the railroad company that will carry the passengers for the lowest rate of fare. I have conversed with practical men on that subject, and I am told that three cents a passenger would capitalize this road at as large a sum they thought, as it ought to be capitalized, and pay on the entire expense of it at the present more than five per cent. interest, which, I think, is all the stock of any railroad—any city railroad—now ought to pay.

Now, in whatever form you put that, so that the public have the benefit of it, it will suit us; and I cannot take my leave, gentlemen, of this case without trying to impress upon you the importance—the inestimable importance—of not limiting the connection of this road to the Broadway and Seventh Avenue road, but of securing a connection with Broadway to every existing railroad and to every one that shall be chartered in the future, if they want to. The Corporation Counsel will point out to you how that may legally be done, I am sure, and how you can secure, by proper conditions to this grant, the system of transfer tickets and an exchange of tickets between roads, which is in operation in Washington, in Philadelphia, and, so far as I know, in every considerable city upon this continent.

Mr. Bright—If Mr. Serrell is to make any statements, it would be very well to make them in connection with Mr. Chittenden's exhibition of figures.

The Chairman—The Committee would be very glad to hear Mr. Serrell.

Mr. Serrell—I have committed myself on this subject. I have written a paper, and I sent a copy of that paper to the press, and Mr. Chittenden has seen a copy of that paper, and a copy of the paper was presented to the Chairman of the Board of Aldermen, and under those circumstances I think that the only road, in my opinion, should be a connection with the Broadway and Seventh Avenue surface road—if a road is to be built in Broadway. That is the first question, to be decided, and in that way I have stated—I have got a copy of that paper with me now, if you would like to have it. I believe the Chairman of the Board of Aldermen has a copy of it that I sent.

The Chairman—I do not think it is here. I would like to see it.

Mr. Serrell—Now, under those circumstances, Mr. Chairman, I have commented that a million dollars is a matter of no consideration to the City of New York. It would not be two cents to the people individually of interest on the money; but a transfer ticket would save a great many people, particularly those that are tired and desirous of riding. You will find in that paper that the length of the roads—of the Second Avenue, the Third Avenue, the Eighth Avenue and the Ninth Avenue—are longer than the distance across the island of New York at its widest place, and under those circumstances I think that the public would be benefited by transfer tickets to the extent of many million dollars instead of a payment into the Treasury; because if the Company pays \$5,000,000 into the City Treasury they have got to get it back again. It all comes through the public, and I believe, gentlemen, in one thing, and that is that public officials should not be slandered. I am opposed to all this bad language against the officials of the City of New York. Now, then, under those circumstances, sir, I say this, and I hope that it will be considered in the proper light, that we should have none of this bad language towards any of our officials. We are having the worst kind now in our political matters, and it is all wrong, and it is disgraceful. It makes men that ought to be respected looked upon, by the party on the other side, as villains and thieves. I say it is wrong. Now, I contend, Mr. Chairman, for a proper consideration of this action of the Board of Aldermen, by giving the franchise to the Broadway Surface road, which, I think, is entitled to it. I have not any interest either one way or the other, but I think it should be given to that company if a road is constructed, and that they should give the privilege to the citizens—give them the advantage of transfer tickets, which would be an advantage to the public more than ten millions of dollars was paid into the Treasury of this city. Where would it go? Why, it would have to be applied on account of our debt, and, as I stated in that paper which the Chairman of the Board of Aldermen has, it would not be two cents a year benefit to the people as the matter now stands. Now, under these circumstances, I hope that the reconsideration which is under way will result in some action which will be to the benefit of the public.

Now, then, under these circumstances, if the Board of Aldermen have acted a little hasty, why they are not to blame. We want these things done very soon. We do not want all this delay and expense. We want this thing carried forward in a proper manner. I have in my pocket here a paper which was posted in my office for signatures thirty-four years ago in favor of a road on Broadway. Now, the consideration for that appears was to have Broadway with block-pavements at a cost of \$30,000. Well, now, that was a public advantage. Those old enough to remember Broadway, remember it was paved with cobble-stones—a very unpleasant pavement to travel over. Now, that consideration was a public consideration. Now, I think, the public consideration that ought to be given now is transfer tickets, and that is all; and, I think, that everything that has ever been said against the officials of New York should be wiped out by the action of this Committee.

The Chairman—Will you kindly tell the Committee what you think of this proposition to sell the franchise?

Mr. Serrell—I am opposed to it, sir. I am opposed to selling the franchise for money. I say that the road that will furnish the public the greatest amount of advantage is the one to be granted this privilege. I am opposed to paying money for it, for two reasons: if it is paid, why the company want it back again. That is the first point. And the second point is, Mr. Chairman, that the control of the road is taken out of the hands of the Common Council. We have an instance of that in Fourth Avenue. The Fourth Avenue had twenty-four feet wide granted to them, and the question was whether they did not own it.

Mr. Davies—I have a paper to file about the suggestion I made yesterday in regard to witnesses.

Mr. Bliss—Won't you let us know what paper you are going to file?

Mr. Davies—I will read it.

Mr. Scribner—If Mr. Serrell is offered as a witness on behalf of Mr. Chittenden's client, I would like the opportunity of asking him a few questions.

Mr. Chittenden—I have not offered Mr. Serrell as a witness.

Mr. Scribner—I would like the opportunity of asking the witness a few questions, whether he comes from Mr. Chittenden's side or not.

The Chairman—The Committee understood that he offered him as a witness. You have no objection to being questioned, Mr. Serrell?

Mr. Serrell—No, sir; not at all.

Mr. Davies—May I ask you to allow this paper to be filed?

Mr. Scribner—Won't you just tell us what it is?

Mr. Davies—The paper simply embodies a request that this Committee will subpoena witnesses, and if it has not the power to subpoena witnesses that it will ask the Board of Aldermen to confer upon it the power to subpoena before it Jacob Sharp, George A. Richmond, Louis May, Thomas B. Kerr, and such other persons as in the judgment of the Committee may be specially qualified to give testimony.

The Chairman—For what purpose?

Mr. Davies—To inquire into the value of the franchise or consent which this Broadway Surface Railroad Company is now asking at the hands of the Board of Aldermen.

Mr. Bliss—Do you suppose that the Board of Aldermen have any power to subpoena witnesses on a proceeding like this?

Mr. Davies—I suppose so.

The Chairman—That was discussed yesterday. On a former occasion when the Board of Aldermen endeavored to subpoena witnesses, we were told by the Court at that time that we had no such power, and it would rather place us in a false position if we now attempted to subpoena anybody.

Mr. Davies—I have not examined the question, I am frank to say.

The Chairman—Well, the Court has decided against us on that.

Mr. Bliss—We would like to subpoena some people if we had the power.

Mr. Davies—I am simply making the suggestion, and I state that if the Committee have not the power to subpoena the witnesses, that they ask the Board of Aldermen to confer upon them the power.

The Chairman—Counsel will remember that we said yesterday that we had no power. And that matter has been decided against us.

Mr. Davies—I am obliged to the Committee for the suggestion, and I will withdraw that and look the matter up, because, I must confess, I am not one of those who think they know all the law before they have examined it.

Mr. Bliss—It is very clear that neither the Committee nor the Board of Aldermen have the power to do it.

The Chairman—That question came up about the Harlem flats; but further back than that we tried to inquire into the letting of the upper story of Pier 1, North river, sublet by the Iron Steamboat Company, and the Court decided at that time that we could not subpoena witnesses.

Mr. Davies—I did not examine the matter at all, and while I understood the Committee as intimating that the Committee had not the power, I thought that the Board of Aldermen might give them the power. I was under that impression without any examination of the subject.

Mr. Scribner—Thereupon examined Mr. James E. Serrell, as follows:

Q. Mr. Serrell, you have given the subject of the construction and operation of a railroad on Broadway, as I understand you, considerable attention?

A. Yes, sir; I have, sir.

Q. And you stated that you have written a paper on that subject, which you have in your pocket?

A. Yes, sir.

Q. Have you any objection to letting me see that?

A. No, sir; that is a copy of the paper that was presented to the Railroad Committee and the Chairman of the Board of Aldermen. (Hands Mr. Scribner some papers.)

Q. Are you a member of the association which is known as the Anti-Monopoly League in this city?

A. Yes, sir; I am one of the original in the National Anti-Monopoly League—not any other than the National.

Q. Is Mr. Chittenden likewise a member of that same association, or its counsel?

A. He is, sir.

Q. Did you come here to give your your advice to the Committee at the request of Mr. Chittenden?

A. I received a notice from Mr. Chittenden to meet him, and I saw him this morning, and I presented him with that paper which I have given you, and the one which I laid on the desk.

Q. And you have been in consultation with him this morning respecting the testimony that you would give.

A. Yes, sir; well, nothing with regard to testimony; only with regard to the paper which was presented, and which you have seen; that is all.

Q. Well, did you come here expecting to be called as a witness on behalf of Mr. Chittenden's views in this matter?

A. That I cannot answer; Mr. Chittenden asked me to come, and he said he might call me, and he said he might not.

Q. Now, then, have you given the subject of the construction and operation of a railroad on Broadway—have you given the subject of the payment to be made or the consideration to be given by the company which might be allowed to construct the road, any other consideration than in the light of transfer tickets?

A. I should think not, sir; no; I should say that I thought that that would be the greatest advantage to the public, and I am opposed to paying anything for a franchise for the reason that I stated before, that if a million dollars were paid in, the company would be very anxious to get it back again, and they have got to get it back from the people and they certainly would like to get more than the money they paid; that is my notion.

Q. In your view, then, a sale of the franchise at public auction is impracticable, is it?

A. I would say so unless it was confined to the application of the present roads now in existence, for this reason, which I will state, that if the road is confined to the length from Fourteenth street to the Battery, it would have to be constructed with several depots, and the depots in that vicinity would cost a great deal of money on account of the value of the land, etc., and all that money would have to come out of the public sooner or later; again, it stopped there at Fourteenth street, persons would have to ride up to Fourteenth street and then be transferred, if there was not any connection with the other roads, and the accommodations to the public would be very small.

Q. Do you think it would be a small accommodation to the public to run this road in connection with the Broadway and Seventh Avenue road in such a manner that the passengers could be carried from the Battery to Central Park without change of cars and for a single fare of five cents?

A. I think it would be an accommodation; but I believe, as I said before, that for the benefit of the public they should have transfer tickets to the cross-town roads and up to Fifty-ninth street. That has been my thought on the subject and I have reasoned upon it and have thought of the length of the various roads, etc.

Q. Have you, Mr. Serrell, any knowledge of any existing law under which connecting roads could be able to issue transfer tickets in exchange for transfer tickets on the railroad constructed on Broadway?

Mr. Chittenden—The difficulty is, Mr. Serrell is not a lawyer.

Q. I asked him if he knew of any provision of law of that kind?

A. I will answer that by saying that that is a duty or a power given to the Board of Aldermen to regulate. They have the power, the same as we said before the Mayor. The Mayor said, "Gentlemen, what do you wish?" We said, "You, Mr. Mayor, we find that you and the Common Council are the authorities, and you are the ones to exercise your judgment upon that point." We said that when we appeared before the Mayor.

Q. Now this paper that you have handed me, Mr. Serrell—

Mr. Davies—Mr. Chairman, I think that under the intimation of the Committee that there would be no further hearing before this Committee before the report of the Committee, that I will file this request with the Committee.

The Chairman—The Committee did not say that there would be no further hearing. We said that we would take a recess from to-day, and that nothing could be done previous to next Thursday, and that there would be no further hearing until next Thursday after to-day, but that we would meet at eleven o'clock next Thursday. We intend to sit again then.

Mr. Davies—As a Committee?

The Chairman—Yes, sir.

Mr. Davies—I thought the Board sat upon next Thursday. I thought the Board would be in session next Thursday at that time.

The Chairman—No, the Board will be in session at one o'clock, I think.

Mr. Davies—However, I will file the requests.

Mr. Bright—If these gentlemen have witnesses here to be heard, I hope they will have the opportunity for a month to come.

Mr. Scribner continues the examination of Mr. Serrell:

Q. Now, this paper that you have handed me, Mr. Serrell, when was it written?

A. The first paper, you will find the date there—you will find the date on the paper.

Q. That appears to be a separate paper that you point out to me?

A. Well, that paper was written for the press and for the Central Committee of Taxpayers and for the Anti-Monopoly League.

Q. This is a paper dated the 16th of August, 1884?

A. Yes, sir.

Q. And these other papers, attached to this, which bear no date, when were they written?

A. The paper bears date when it was presented to the Chairman of the Board of Aldermen.

Q. You mean that these several papers attached together are all one communication?

A. No, sir.

Q. Well, there are one, two, three, four, five separate sheets of paper here pinned together.

A. That one that was sent to the Board of Aldermen—I suppose the Chairman has the date of that paper entered.

The Chairman—The 16th of August, I think.

Q. But these others, when were they written?

A. Those were written at the same time, I think.



Q. Now, do these papers now correctly present your ideas on this subject?  
A. I suppose they do substantially.

Mr. Scribner—Now, I will read to the Board those papers, as follows:

**"To the Committee on Railroads of the Board of Aldermen:**

"The action of the Board of Aldermen was nearly right in my opinion.

"First, That a surface railroad is the only plan (except an elevated road, which could not be made at the present time).

"Second, If a reconsideration should be moved at the next meeting of the Board of Aldermen and an amendment proposed as follows, by the statement hereinafter contained, the Board would be free of all criticism.

"Now, If the railroad company should collect \$500,000 a year (which is a very large sum, equal to \$1,666 per day for 300 days) and a 20th part of; 5 per cent. would be \$25,000 a year or 2,500,000 cents, or about two cents to each person in the city each year.

"The act of the Legislature says—' Shall pay such percentage as aforesaid—only—upon such portion of the gross receipts as shall bear the same proportion to the whole length of such extension and branch bear to the entire length of its tracks.'

"Also, if this is to be assessed—five per cent. on the entire length in proportion to the whole length the five per cent. would be on the part most productive.

"In fact, the five per cent. to the city (or three per cent. for the first five years) would be so nominal in comparison with the local advantages to all who desire to use the road."

Mr. Scribner—That appears to be incomplete, Mr. Serrell. There it ends as I read it. But the paper, as I read it, expresses your views, does it?

A. Yes, sir; in conjunction with the other papers. I think if Mr. Scribner will read the other papers it will be very plain.

Mr. Scribner—Well, I will read the other paper, which is as follows:

"First, I am opposed to all slander of public officers while in power.

"Second, I am opposed to any public franchise being paid a premium for, but in the early stages of improvement the city or general public shall stand by the new beginner and protect it if not able to walk alone at first—and not be ruined, for the benefit of those who buy them out at less than its value.

"Third, I am in favor of compelling persons to whom a franchise is granted—serving the public to the largest extent possible with justice to both the public and the person to whom the franchise is granted, and that the rates of fare or other payment made by the public for the use of the property—owned by the grantees, should be scaled as required by law—ten per cent. on the real capital invested."

Mr. Chittenden—You better read the whole of it.

Mr. Scribner—I will read the whole of it.

"NEW YORK, 16th August, 1884.

"The distance traveled by the Second, Third, Fourth, Eighth and Ninth Avenue Railroad Companies are longer than the Broadway and Seventh Avenue Railroad, as follows:

"The Third Avenue, from Fifty-ninth street to One Hundred and Thirtieth street, seventy-one blocks or three and a half miles longer; all for five cents.

"Second Avenue Railroad about the same length as the Third Avenue Railroad.

"The Fourth Avenue, from Fifty-ninth street to Eighty-sixth street, twenty-seven blocks, or one and three-tenths miles longer than the Broadway and Seventh Avenue Railroad.

"The Eighth Avenue, from Fifty-ninth street to One Hundred and Fifty-fourth street, ninety-five blocks, or four and three-quarter miles more than the Broadway and Seventh Avenue Railroad.

"The Ninth Avenue Railroad now to One Hundred and Tenth street, tracks to One Hundred and Twenty-fifth street, sixty-six blocks, or three and three-tenths miles more than the Broadway and Seventh Avenue Railroad.

"Now, if the Broadway Railroad from the Battery to Fourteenth street is for the benefit of the public, and its length is many miles less than other roads who accommodate the public all for five cents—

"It is proposed that inasmuch as the proposed Broadway Surface road is only an auxiliary to the present road except below the City Hall; that it shall pay 5 per cent. (not 3 per cent. as a new road) which the act of the Legislature contemplates by inference.

"That the Broadway and Seventh Avenue Railroad, also the Sixth Avenue Railroad, are the shortest of the longitudinal roads in this city.

"One million of dollars has said to have been offered for this franchise; this sum would be less than one dollar to each person in the city; and the interest less than five cents a year to each person.

"That this new grant should, in my opinion, provide that inasmuch as this road being many miles shorter than the other roads before mentioned; they charge only five cents fare, and this Broadway Surface road shall make permanent arrangements with all the cross-roads south of and including Fifty-ninth street to take and receive transfer tickets on all these lines and the charge be only five cents, and the franchise granted to the Broadway and Seventh Avenue Railroad Company as so amended, and pay 5 per cent. for the first five years and after; and not 3 per cent. as in the act for new roads, for the reasons above stated.

Q. Now, those several papers that I have read express all the views you have on the subject, do they?

A. Yes, sir.

Q. Well, now, in the statement made of the length in those papers—of the length of the Broadway and Seventh Avenue road—have you considered only the tracks of the Broadway branch of that road and not the Seventh Avenue branch?

A. I have not considered the length of the Seventh Avenue line because it is a parallel road.

Q. But you have not, in giving the length of the Broadway and Seventh Avenue road—you have not taken into consideration the length of the Seventh Avenue track?

A. No, sir; I have not.

Q. Then, you understand, do you not, that the gross receipts of the Broadway and Seventh Avenue Railroad are derived not only from the use of the tracks on Broadway and University place and that route, but also from the Seventh Avenue branch of the same line?

A. That is so.

The Chairman—The Committee would be glad to have that paper.

Mr. Chittenden—Are you through, Mr. Scribner?

Mr. Scribner—Yes, sir.

Mr. Chittenden—I do not know what importance there is to it, but are you aware that the Anti-Monopoly League, of which you have spoken, have any counsel?

The Witness—I am not aware that they have; I know that if we wanted anything we always sent to you.

By Mr. Chittenden:

Q. I understood you to say, in answer to Mr. Scribner, that you considered the sale of this franchise impracticable. Do I understand you to say that?

A. I qualified it by saying, unless it was provided that it should connect with the other roads for the purpose of accommodating the public, and that, inasmuch as if a man had to get out at Fourteenth street and get into another car, it would not be an accommodation.

Q. Then you do not mean to be understood that you consider the sale of this franchise as impracticable?

A. I do, unless it is made with such provisos in it as would protect the interests of the public by transfer tickets from one car to another.

Q. You consider the value to the public of a system of transfer tickets which carries the passenger by a single fare both on the Broadway and connecting roads, of more value than any sum for which the franchise could be sold?

A. Yes, sir; I do.

Q. That, in your opinion, is a matter of the greatest importance?

A. Yes, sir; what I base my calculations on altogether.

Q. Now, do you know any practical difficulty in selling this franchise upon a condition that the road obtaining the franchise should make those provisos?

A. I have said that I believed that the Common Council, in their wisdom, had the right to make those stipulations.

Q. Well, now, you say, in this paper, "I am in favor of compelling persons to whom a franchise is granted serving the public to the largest extent possible with justice to both the public and the person to whom the franchise is granted, and that the rates of fare or other payments made by the public for the use of the property owned by the grantees, should be scaled as required by law—10 per cent. on the real capital invested." Do you mean by that, 10 per cent. is enough income on property so invested?

A. I should think it was, sir, where the rate of interest is lower than that now.

Q. Well, if capital invested in a Broadway railroad would bring the holder 5 per cent. net, wouldn't it pay as well as the average capital invested?

A. Well, I suppose that it would, sir; that is a matter of figures, however.

Q. Now, have you made any computations of the cost of a Broadway railroad?

A. I have not, sir.

Q. Have you made any computation to see whether a fare of three cents instead of five would not pay a fair return on the capital invested?

A. I have not, sir; for this reason, that the expenses connected with the road, which would have a terminus at Fourteenth street and one at the Battery—that the property required for the depots and other accommodations would be so very costly that it would be very difficult to make a computation of what the cost would be.

Q. Let us see about that; do you know what the cost would be for proper stable grounds and car accommodations on one of the side streets near Fourteenth street?

A. I do not know, sir; the property in the vicinity of Fourteenth street and Broadway is nearly all stores and very valuable property.

Q. Well, it is not necessary that those depots and stable accommodations should be exactly at the end of the road, is it?

A. Not exactly, sir; but it would be very troublesome to run them one or two blocks off every time you changed horses or cars.

Q. But are not the stables generally near mid-way the road than they are at each end?

A. Yes, sir; they are.

Q. Well, now, don't you think that three or four hundred thousand dollars would provide the Broadway Railroad with stable accommodations? Don't you think three or four hundred thousand dollars would provide the Broadway Railroad with the necessary accommodations for the stables?

A. Yes, sir; if they were provided somewhere near the centre of the road.

Q. Now, do you undertake to say whether or not a railroad on Broadway is necessary, or rather, is proper?

A. I will answer that by repeating what I said before, that the question to be determined is, first, shall the road be built on Broadway? That is the question that I stated before.

Q. Well, I want to know if you have given sufficient thought to the subject, so that you are willing to say that with parallel roads within one block on either side, you consider that there is any very great public necessity now for a surface railroad on Broadway?

A. That, Mr. Chittenden, I should not desire to answer, because it is within the duty of the Mayor and Commonality of the City of New York to determine that point.

Q. Now, don't you think, Mr. Serrell, that that question ought to be determined by the owners of Broadway property in the first instance?

A. The law provides how it shall be done.

Q. But I ask you whether you think it should be determined in the first instance by the owners of property on Broadway. What is your own opinion about it?

A. My own opinion is that it should be determined according to the law, which is very clear upon the subject, how it should be done.

Q. Now, Mr. Serrell, don't you think that it would be fairer to the city and to the public to give this franchise, if one is to be given, to that company which will give to the public the best accommodations; and to the city the largest compensation?

A. I do, sir; but any road which runs from the Battery to Fourteenth street without connecting with the other roads would not be a public accommodation, in my opinion. That is the fact, because parties want to transfer.

Q. Suppose an independent road should be built from the Battery to Fourteenth street upon condition that it made the connections with all connecting roads, and the power exists in the Common Council, or the courts, to compel connecting roads to make that connection, would not that be fairer than to grant this franchise to an independent company?

A. Provided that the people did not have to go from one car to another. They do not want to transfer from one car to another car. That is the trouble in stormy weather—people do not want to go out and go from one car to another or get tickets and get in and out.

Q. Suppose the arrangement was made for running cars on each other's roads?

A. Well, sir, that is a matter which would be within the control of the Common Council, and they are the judges in reference to that, which is the most desirable for the accommodation of the whole public.

Q. Well, let me understand. Do you say that you are in favor of giving this franchise for a railroad through Broadway to the Broadway and Seventh Avenue Company?

A. I am, sir, because I think that it is the most suitable road—if a road is built in Broadway. That is my only reason for it.

Q. Then you think the franchise should be given to the Broadway and Seventh Avenue road?

A. I do, sir.

The Chairman:

Q. Will you kindly tell the Committee what the point is about the franchise? Do you think that the system of transfers would be of greater public benefit than the money coming to the City Treasury?

A. I have given the figures for it, and if five or ten millions was given it would not be equal to the accommodation given to the public; for this reason, if they paid that money, they would desire to have it repaid.

By the Chairman:

Q. Exactly. That is, you wish to convey to the Committee this idea, that the great public—the traveling public—deserves more consideration than the taxpayers. Is not that the idea?

A. Yes, sir; who does pay the taxes? If I owned twenty houses—indirectly—if I owned twenty houses and I rent nineteen, it is the people who rent those nineteen houses that pay the taxes. It is the people that pay the taxes in the City of New York.

Q. Now, you spoke of the Anti-Monopoly League. Do you know of what that is composed, or who compose that league or association?

A. The association, sir, of the Anti-Monopoly League, is what we term the State Anti-Monopoly League. We are independent of party or of politics. The only object of the Anti-Monopoly League is to promulgate such principles which we are not ashamed of now or hereafter, for the benefit of the whole public. Equality—equality is all that we contend for.

Q. The idea that I wish to get at is, who are the principal movers in that—in the local branch?

A. The principal men, sir, connected with the Anti-Monopoly League are Mr. Thurber and Mr. Chittenden and others. I do not recollect the names of the others, but there are four or five who have been leading men, and the matter has got reduced down to a point which is simply free and clear of all politics, is entirely irrespective of party. So it is with the Central Committee of Taxpayers. We do not allow a man to speak on the subject of politics. It is the interest of the public that we seek. We do not want to elect any man to office, and we won't nominate one. It was called up the other night at our meeting to endorse certain church men that were put up there, and we said, "Gentlemen, down!" We won't allow it; every tub must stand on its own bottom; every man must vote according to the dictates of his conscience irrespective of party. Those are the only two organizations that I have anything to do with in the City of New York.

Mr. Fuller—Are they allowed to speak about a matter of common sense?

Mr. Serrell—Well, sir; we will get you there some day!

Mr. Bright—I object to that; that is a reflection upon Mr. Chittenden.

Mr. Chittenden—If you only won't trouble yourself about Mr. Chittenden.

By Mr. Scribner:

Q. Are you in favor of a horse railroad on Broadway, if any railroad is to be constructed?

A. At the present time I am, sir.

Q. You know of no other power consistent with public safety that has yet been devised that is so practical for a street railroad as horse power, do you?

A. I do not; I have examined all the plans that have been presented—there are some here—and I would state that a party, a connection of the family, who felt very favorably disposed towards this cable road, has by examination of it, changed his mind.

Q. The figures you have given Mr. Chittenden respecting the cost of depot, grounds, etc., are mere guess-work, are they not?

A. Mere probable estimate, sir; I have not taken the matter into consideration at all.

Q. Is it not a subject to which you have given any thought?

A. No especial thought; only general considerations.

By Alderman O'Neil:

Q. If a railroad was built in Broadway, with all the necessary considerations that you have stated; would that be satisfactory to the organization of which you are an honored member?

A. I think it would.

Q. Then, as you draw your inspiration from Mr. Chittenden, he also must be in favor of it?

A. Mr. Chittenden is here, and he can speak for himself.

The Chairman—Here is this paper that you handed up, Mr. Serrell. (Hands paper to Mr. Serrell).

Mr. Chittenden—If the Aldermen are curious to know anything about the Anti-Monopoly League, I can tell them that, in the first place, it has no connection with any subject whatever, except to secure pure and respectable candidates from both political parties, and never had any other purpose; and it is an institution with which, I am very glad to say, in its earlier days I was officially connected; but I have not been a member of a committee of it for now nearly two years.

Mr. Serrell—Mr. Chairman, in addition to that I might say this, if you please, that it has been held in the Anti-Monopoly League and in the Central Committee of the Taxpayers both, that there are good and sound men in both parties who, if properly informed and fully understand the points which are of public interest, the country is safe.

The Clerk—The Committee will now hear Mr. Lord.

Mr. Miller—I desire to submit this affidavit, which I said yesterday I would produce to-day, by the secretary, and the resolutions passed by the Broadway Railroad Company. I should not think it were necessary if it had not been that Mr. Bright desired to have spread upon the record some statement Mr. Fuller made, and that is the only reason:

"City and County of New York, ss.:

"THEOPHILE C. CAMP, being duly sworn, says: 'That he is the Secretary of the Broadway Railroad Company, and has, since the 9th day of May, 1884, had charge, on behalf of said company, of the employment and superintendence of persons employed by his company to canvass for consents of property-owners on the line of the proposed road. That among other persons employed by the company for this purpose was Mr. Lawson N. Fuller. That on the 26th day of May, 1884, the directors of deponent's company passed a resolution, of which the annexed Exhibit A is a copy, and that all persons sent out by the company to canvass for consents were furnished with a printed form, of which Exhibit B, hereto annexed, is a copy, to which was also attached a copy of a resolution, Exhibit A; that no authority whatever beyond that contained in the annexed consent, Exhibit B, was ever given to any person soliciting consents either by deponent or by the Board of Directors of deponent's company.'

Now, the resolution reads as follows:

"Resolved, That each corporator be requested to use all convenient endeavor to obtain the



consent of property-owners on Broadway, upon the condition that such property-owners as desire may be permitted to subscribe their proportion to one-half of the capital stock of this company."

Then this was the other paper:

"To the owners of property upon Broadway, between Union Square and South Ferry: The undersigned, with others, having formed a corporation known as the Broadway Railroad Company, pursuant to the act lately passed for the incorporation of street surface railroad companies, propose, on the most approved plan, to build a road from the Union Square to the South Ferry. They believe that the individuals connected with the corporation, and the purposes they have in view, will commend this company and its projects to the property-owners on Broadway, and they therefore respectfully ask the consent of such owners to the construction and operation of the road.

GEORGE HENRY WARREN,  
JAMES A. ROOSEVELT,  
GEORGE G. HAVEN,  
WILLIAM C. WHITNEY,  
THOMAS F. RYAN,  
BRAYTON IVES,  
JOSEPH I. O'DONOHUE,  
WALLACE C. ANDREWS,  
ROLAND N. HAZARD,

Directors Broadway Railroad Company."

And then follows the form of consent used in obtaining all consents that have been obtained for the road.

Mr. Scribner—Won't you read that?

Mr. Miller—Yes.

"Consent of property-owners to the building of a railroad in Broadway, by the Broadway Railroad Company, incorporated May 7, 1884.

"We, the undersigned owners of property upon Broadway, in the City of New York, and of the lots or parcels set against our respective names, hereby severally give our consent to the construction, maintenance, operation, use and extension of a surface street railroad or branches from Union Square to the South Ferry, through the entire length of Broadway, and upon the routes laid down in the articles of association of the Broadway Railroad Company, filed May 8, 1884, and to the construction and use of such switches, sidings, turn-outs, turn-tables and stands as may be necessary for the convenient working of the road, and they agree to the use of such motive power allowed by the act to provide for the construction of street surface railroads, approved May 6, being chapter 252 of the Laws of 1884, as shall be selected by the said company."

Mr. Scribner—And all those consents are confined to the Broadway Railroad Company.

Mr. Miller—What consents?

Mr. Scribner—The consents obtained by Mr. Fuller or these other persons.

Mr. Miller—Of course; certainly.

Mr. Lord—Mr. Levi, who I understand, is pressed with the coming election, desires to occupy two minutes. With the consent of the Board I yield two minutes to him.

Mr. Jefferson M. Levi—Gentlemen of the Committee: As a citizen and property-holder I come here to submit to you that this is a very important question, and that if the franchises of the City of New York were properly protected they would pay all the taxes of the City and County of New York.

Now, Broadway is a grand street. There is no other street in the world of its length that is anything like Broadway.

I submit to you, as you have the power to make terms, that you should submit this question to the vote of the people; and, second, that you should send out notices that all companies who desire (if the people should vote in that way, in favor of it,) shall bid for this franchise. If you have not this power, I think it is no more than proper that you should lay the matter over until the proper legislation should be obtained.

Now, it has been stated in the public print that this franchise is worth at least a million dollars. They are mistaken, it is worth five—it is worth five million dollars.

There is another affair to be considered also. Two-thirds of the people that will travel on that railroad are strangers who come to our city. They come from a distance; and it is a very important question to the property-owners and the citizens of New York.

Mr. Bliss—If there is any other candidate for the Assembly who wishes to be heard on this question, I hope that the Committee will hear him now.

Mr. Levi—Mr. Chairman, I appeared this way all the way through. I opposed the Thirty-eighth and Thirty-ninth street grants; I am in favor of the interests of the people.

Mr. Bliss—Well, will you accept the decision of the people in the district in which you are running next Tuesday?

Mr. Levi—Yes, sir.

The Chairman—Are you a property-owner on Broadway?

Mr. Levi—No, sir; but I own adjacent property.

The Chairman—How near Broadway?

Mr. Levi—Well, I own on Cortlandt street, and Tenth street right 100 feet from Broadway, and several other pieces.

The Chairman—Well, what is your idea about a Broadway railroad as to whether it is a benefit to the property or a detriment to it?

Mr. Levi—I think it is such an important question—that it is so serious a question, that this street, that we have known for so many years, and has been the by-word to everyone—it has been known as the greatest street to all New Yorkers; and I say it is so important a question that people cannot answer it haphazardly; and that it should be submitted to the vote of the people to decide that question.

The Chairman—What we want is advice if we can get it. That leaves us as much in the dark as ever.

Mr. Levi—I think you should send for witnesses, for you have full power to send for witnesses to test that question.

The Chairman—Where can we get that power?

Mr. Levi—Oh, you have that power.

The Chairman—Well, show it to us. The Supreme Court says we have not.

Mr. Levi—Oh, I think that was on some technical point.

The Chairman—Well, that is what would like to know.

Mr. Levi—Well, I didn't think that you would question that power. But I will submit it to you.

The Chairman—Well, we know we have not the power. The Supreme Court says we have not.

Mr. Levi—Well, then, I differ with the gentlemen.

Mr. Bliss—We will wait until the gentleman gets to the Legislature, and we will change that.

Mr. Levi—I have never doubted the power of the Board of Aldermen to send for witnesses. Now, if you want authorities on that I will look them up, and send them to you.

The Chairman—Well, we will meet at eleven o'clock next Thursday, and we would like to have them. They will us no harm.

Mr. Fuller—I think it is a perfect outrage for a candidate for the Assembly to come here. I think it is a perfect outrage for candidates of the Assembly and Aldermen and citizens to come here to express their views in regard to this Broadway Railroad. It is not right. It is not right. It should be confined to counsel from Jacob Sharp's road and counsel from the other side.

Mr. Levi—Am I not a taxpayer? Am I not a citizen? Haven't I a right to express my views here, sir.

Alderman Waite—Mr. Fuller, that was unkind.

Mr. Fuller—I will modify that by saying—without asking the consent of Colonel Bliss.

Mr. Bliss—On the contrary, I expressed a desire that all the candidates for Assembly here should be heard.

Mr. Bright—Mr. Chairman, I would like to ask Mr. Levi how he would vote as a voter and a taxpayer on the question whether a railroad on Broadway would be an advantage.

The Chairman—That is a fair question.

Mr. Bright—We have him here as a witness, as a taxpayer and as a citizen, and valuable advice ought to be derived from him.

Mr. Levi—Well, that question must come up with its proper terms before I can decide it. It is such an important question that I cannot very well now answer.

The Chairman—You suggest, Mr. Levi, that this matter be left open until after the Legislature meets, and that then it be left to the people at the next general election.

Mr. Levi—That is what I ask—that if you have not that power, that you ask for such proper legislation.

Mr. Chittenden—If you are going to have another meeting I should like to withdraw now.

The Chairman—Yes, sir.

Alderman O'Neill—Mr. Levi, you are certainly making a very bad record for yourself on the start. Now, you should certainly state to the Committee what you know and what your ideas are. You should never dodge a question. If you go up to the Legislature to answer these questions you shall certainly—

Mr. Levi—I never dodged a question.

Alderman O'Neill—You just now dodged a question here.

Mr. Levi—I don't know that I have dodged any. I state frankly that that is such an important question that I have not, as a property-owner adjacent to Broadway, positively decided in my own mind whether it would be a benefit or not to Broadway. But if you lay it properly before the people, that will receive the benefit of it, why, then I will decide. It is plain to see that I have not determined one way or the other.

The Chairman—That is the way some of our friends here talk.

Alderman—Haven't you had time enough to make up your mind?

Mr. Levi—No, sir; I have not.

Alderman—Does it take over two months for a man to make up his mind on a subject like that?

Mr. Levi—I have not thought enough on the subject.

Alderman—Mr. Levi ought to go to the Assembly and make more laws.

The Chairman—In your mind, is this a question which should be submitted to the entire people of the State for their decision, or only to the citizens of New York?

Mr. Levi—To the citizens of the City of New York.

The Chairman—Then you would have a special election at which this question should be specially voted upon by the citizens of the City of New York and not the State of New York.

Mr. Levi—No, sir; at the regular election.

The Chairman—By the citizens of the City of New York alone?

Mr. Levi—Yes, sir.

Mr. Bliss—Didn't you say that a railroad on Broadway was a thing the people of the entire State of New York were interested in?

The Chairman—He said two-thirds of the people interested would be strangers—two-thirds of the people that would travel over the road.

Mr. Fuller—Mr. Levi, are you a member of the Anti-Monopoly League?

(No response.)

Mr. Chittenden—I understand the Committee has decided to have another hearing, and I wish I could leave. I may have to withdraw a paper that I filed here and revise it and refile it again before Thursday next.

Mr. Scribner—You have filed a number of papers; which one do you mean?

Mr. Chittenden—This ordinance that I proposed. I want to add something to it, and with that understanding I will revise it.

Mr. Scribner—You mean that you will file it before Thursday?

Mr. Chittenden—Well, I will leave that on file, and on Thursday I will file another which will contain an additional clause.

Mr. Scribner—Now, will you send us a copy of that before Thursday? Because Thursday, likely, may be the final hearing.

Mr. Chittenden—Well, all that I propose as an addition is that they may grant the franchise to those who will carry the public for the lowest fare.

Mr. Scribner—The lowest fare?

Mr. Chittenden—Yes, sir.

Mr. Scott Lord—If the Committee please, I appear on behalf of the Broadway, Lexington and Fifth Avenue Railroad Company, a corporation duly organized under the laws of the State of New York, and on the 8th of August last a petition was presented to the Board of Aldermen to get the consent of the Board, under the statute, to build this road through Broadway.

Now, I want to say very briefly, and I will endeavor to be brief in what I have to say, that we think we have the right to appear and be heard on this question for this reason, that if the Committee should report in favor of the application now before it, without hearing our side of the case, why, then, it might be, I am right in my views, a matter of a future regret that the Committee should take a narrower view than I now suggest; and ex necessitate rei every corporation which has filed a petition of this kind should be filed here, and its claims presented, before you can come to a proper determination.

Now, I have this belief in regard to the road which I represent, and that is that when the principle of the road is fully understood, that the people, if the question is referred to the people, would permit no other road.

I have been somewhat impressed, if the Committee please, in the few minutes I have been in here, in hearing the arguments presented by the cabmen, and in hearing the arguments presented by the truckmen, and I have no doubt that those who drive carriages over these surface roads would also be glad to be heard here, and perhaps they have been heard. Now, nine-tenths, as I am informed, of the wear and tear of these surface roads is occasioned by carriages following the tracks, which it is very easy to do until they turn out or attempt to get in (which is probably not so difficult); but I understand that in turning and getting in nine-tenths of the wear and tear of the rails of these surface roads is occasioned, and of course a corresponding injury to the carriages. Now, the system we propose relieves the matter of this whole difficulty. We put our track and the wheels under ground, and we lay the iron plates, which sustain the slots, perfectly level with the paving, so that carriages can pass backwards and forwards precisely the same as though no railroad was in the street. The Committee are doubtless familiar with the part of the city around the Everett House. I happened there the other—a beautiful—day, and I looked out upon the beautiful buildings and the Park there, and I looked at the road, and I counted eight distinct surface tracks, and so built as to render the passage of a carriage almost impossible. It was almost impossible for a carriage to go across them, and it must go across them very slow and to work in or out of them would wear a carriage ordinarily very badly. Now, under our system every one of these tracks can be put under ground, and the surface of the road there left just as smooth as though no railroad was there at all. Now, consider the immense damage caused by the surface roads, by the track being on the road, and you will see at once that, if I am right in this proposition, it is the road of the future, that the time will come that the public sentiment will demand that such a road be built everywhere.

Now, we differ from the other cable in this—and I ought to say here, in passing, that our car, which is all that appears above the ground, can be drawn by horses or can be propelled by any other power—but we differ from the other cable road in this, that the other cable road lays the rail upon the surface. They may have a depression instead of going above the ground, but that is nearly as bad. I understand that the other cable roads have got to build the road just precisely as the horse roads are built, and they have the same rails and the same difficulty. And another thing in regard to the other cable road, that cable passes in the centre of the track making it almost impossible for a single horse to travel on it with the wheels in the track, while the plates over which our car moves are so situated that a single horse can be driven in the centre of the track, or two horses can be driven, as they are ordinarily driven, with the wheels upon the plates.

Now, you will observe by that model (showing model on the table before the Committee) that there is nothing visible save the car itself, and therefore it seems that all arguments which have been presented to you saying that horse railroads are as convenient to the public as such road as this must be a mistake; and we get rid of the horses not only, but also rid of the debris that is made by the horses.

Now, I want to say another thing in regard to the matter of snow. In a climate like this, this argument which I am about to present to your Honors would be a sufficient reason for the adoption of this plan, saying nothing of the fact, which cannot be disputed, that with a properly paved street carriages can be driven across the road just the same as before, with no more difficulty, because the only openings we make are two half-inch holes through that plate for the iron plates to pass in, which are ordinarily called, I think, slots. Now, in addition to that we say in regard to the snow, in the first place, that we can remove the snow much more easily than any other system devised. In other systems the tracks and the wheels are blocked by the snow, and that, of course, very greatly detracts from the power; but our power remains wholly intact, for it is all beneath the surface. No snow can block our track, no snow can block our wheels, and we reserve all that tremendous power for the purpose, if we choose, of pushing some kind of a broom, or some kind of a plank, to take the snow from the track. But another thing still, we very seldom in this climate have a snow over a foot deep, and generally it is not over six inches deep. Now, our car being six inches from the ground, we pass along without any reference to the snow whatever, if the snow is only six inches; it doesn't trouble us in the least, we pass right over it, our wheels are unimpeded. This car passes right over it, and without thrusting the snow one way or the other; and if the snow is deeper, the slots which connect the car with the wheels below can be so adjusted as to raise the car a foot, and pass down from Fourteenth street to the Battery without disturbing the snow at all, except as the plates or slots, which are half an inch, go through that snow.

Now, all I desire to say on that to the Committee is, that if we can satisfy the Committee that what we claim is true, the Committee should compel some of these rich companies, which my learned adversaries on the other side represent, to purchase this road and lay it down. It is a mere question of time, if the facts I state are correct, when we will be rid of all this fearful tearing of the carriages, of all this difficulty which the cabmen and truckmen and carriage-men complain of. In time, this road must be put down. If we can overcome this difficulty of snow in the way I have mentioned, which is, first, by the tremendous power which we aggregate entirely unaffected by it and removing it by a plow or broom or whatever device we have; and, next, if we can travel over the snow without disturbing it at all, why, then, a very great problem is solved; and all these difficulties, so earnestly pressed by the cabmen and truckmen, these difficulties which we would have in Broadway if a horse road was built, in a deep snow, or arising from a succession of snows, from the snow being thrown on the sides, and all these difficulties about the raised tracks, would be obviated.

Now, I desire, that if the Committee have any questions to ask they may be put to Mr. Adams, the Engineer of our road, who is present, at this time or at any other time. Mr. Adams would be glad to detail to your Honors the processes of this road, by which it will distinctly appear that I am right in these propositions, and I believe that there is not a property-holder on Broadway, nor a disinterested citizen of this city, but who, understanding it, would insist upon this mode. I believe that I am right, of course. In my somewhat protracted experience I have found myself sometimes mistaken; but this subject I have investigated, and I believe I am entirely inside of the proof in making the observations I have made.

Mr. Scribner—May I be permitted to ask what is the company that owns this patent?

Mr. Lord—The company that owns this patent is the United States Cable Road.

Mr. Scribner—Well, has it formed a corporation for the purpose of constructing a railroad on Broadway?

Mr. Lord—It has; I can't say that this company has organized.

Mr. Scribner—Well, has any company been formed for the purpose of constructing and operating a railroad on Broadway in accordance with this scheme?



Mr. Lord—Yes, sir.  
 Mr. Scribner—What is the name of that company?  
 Mr. Lord—The Broadway, Lexington and Fifth Avenue.  
 Mr. Scribner—Has that company a petition pending before the Common Council for its consent?  
 Mr. Lord—It has. I was unfortunate in my early utterances, because I stated both those propositions.  
 Mr. Scribner—Now, may I ask if the construction of a road in accordance with that scheme would involve the excavation of two trenches in Broadway?  
 Mr. Lord—Yes, sir.  
 Mr. Scribner—And, if so, what are the dimensions of those trenches?  
 Mr. Bliss—Before you answer that question, I notice that some of the counsel are going away, and I would like to ask the Committee this question. There seems to be a difference of opinion as to what the Committee intends to do on Thursday. I had supposed that the Committee would, if possible, finish the hearing to-day, allowing, on Thursday, gentlemen to hand up any additional papers or anything of that sort, and not postponing until Thursday anything that they could now dispose of to-day, or anything that they could now foresee, and therefore we expected to answer these gentlemen and to close to-day.  
 The Chairman—We will close all arguments, and all documents must be filed on next Thursday.  
 Mr. Bliss—But on Thursday anybody may hand up papers?  
 Mr. Miller—What is that?  
 The Chairman—We will close all oral arguments to-day.  
 Mr. Miller—I understand distinctly, and Mr. Chittenden went away on that assurance, that there would be a further hearing on Thursday.  
 Mr. Bright—Mr. Chittenden proposed to file some paper, and that opportunity was given him.  
 The Chairman—We meet at eleven o'clock on Thursday, and we will be here for the purpose of receiving any papers.  
 Mr. Miller—The statement certainly was made, and Mr. Davies understood it so and Mr. Chittenden understood it so and went away on that assurance, that there was to be a further hearing on Thursday. There is no doubt but that I understood it so.  
 Mr. Lord—Now, I beg the Committee won't close the hearing on Thursday. There are three or four gentlemen here, citizens and property-owners, who want to be heard. I certainly would give all the time required.  
 The Chairman (after consultation with his colleagues)—Well, then, arguments can be heard on Thursday, and you had better be ready to close all arguments on that day.  
 Mr. Lord—My client calls my attention to the matter in regard to the snow. Perhaps I didn't make that distinct enough, because I hurried over the matter, and because I didn't want to trespass too much on your time, because I know that on such a beautiful day as this the Committee don't want to sit any longer than it can, and for other reasons.  
 Now, this is the only system by which the cars can be moved without removing the snow one side or the other. Now, six inches of snow are passed right over, and with twelve inches of snow the car can be raised and adapted to it; and if the snow is deeper, or if you choose, you can commence underneath here (indicating on model), wholly unobstructed by any snow—the wheels wholly unobstructed, and the track unobstructed—and we have an easy way of going out in the early morning and taking all the snow off.  
 The Chairman—Well, wouldn't the same objection arise then about throwing the snow aside?  
 Mr. Lord—In the first place, we don't pile the snow at all if we go over the snow. The snow stays there, no horses to tread it in, and no wheels to touch it. The car passes simply through the air over the snow.  
 The Chairman—But the moment you suggest the use of a plow, then that changes the condition of things.  
 Mr. Lord—Yes, but I add to that the tremendous power which we have here. Now, if the Committee will look at it a moment. One idea that I want to impress particularly, is that it is the only road that can run without cleaning the snow from the street. For instance, there (indicating) is the roadway. Every other road running down must clean the snow off and put it towards the curb, or in the centre. Now, on our road our wheels are down here (indicating), and through here (indicating) come the  
 The Chairman—That we understand perfectly; but the question that arises is, what becomes of the snow when you use the plow?  
 Mr. Lord—We don't have to use the plow; that is what I am saying.  
 The Chairman—But a moment ago you were talking about using a plow.  
 Mr. Lord—We don't have to do that. We leave the street in its natural condition.  
 The Chairman—Do you mean to say that if we got one and a half or two feet of snow that that would not affect your road?  
 Mr. Lord—We don't have one and a half or two feet of snow at one time.  
 The Chairman—Supposing the people occupying stores threw the snow, as they do now, from the sidewalks to the centre of the streets, to the depth of fifteen or twenty inches, you certainly would have to remove it in some way then.  
 Mr. Lord—We could run our cars over a foot of snow.  
 The Chairman—We understand that proposition perfectly.  
 Mr. Lord—I thought you understood me perfectly. We could get along with a foot of snow.  
 The Chairman—I so understand you.  
 Mr. Lord—But if we see it we can use those adjustable sides to eighteen inches of snow. Now, I meet the proposition your Honor suggests. We say that in those deep snows, and assuming that there would be a law to keep the tracks clear, then what is our tremendous advantage? Our power is intact. Now, in two feet of snow, your Honors will bear in mind how difficult for horses, how difficult for the wheels, how difficult it is to manage the power. Half of that power, and perhaps more, is impeded by the very obstruction they are removing. Our power is underneath here, wholly intact, wholly preserved, the snow don't touch the track or the wheels, and the power there is so great that we could perform that condition with certainly greater ease, with two-fold greater ease, than any other possible system. Therefore, if your Honor will bear in mind the snows of New York, and recollect that the great bulk of them are not over six inches deep, and don't touch us at all, and then will recollect that not over once in five years is there a snow much over a foot deep, and that we can go right over that foot deep, and let the sleighs all around us and cross our tracks, just exactly as they please, as though there was no railroad there, why, you would at once see the tremendous advantage we have. Now, I have seen streets in New York, and so have your Honors, where six inches of snow falling one day, and then snow falling the next day, and then snow falling the next day, have brought on these accumulations so difficult to overcome, and of which these truckmen and cabmen so properly complain. In regard to all the ordinary snows that fall in the City of New York, we are entirely above them, and care nothing for them. Our system marches right over these snows and leaves the roadway for sleigh riders and for teams just precisely as though there was no railroad there. Now, isn't this in itself an advantage which will commend itself? There is no doubt but by and by all these roads will use this system, which is just as simple as it can be. I have, perhaps, made too much of the snow, which is only an occasional sort of a thing, and I come back to the everlasting fact—the whole year fact—that all these roads have T rails, which break your axles and wheels and bolts, and wear out the wheels and wear out the iron—I come back to the fact that we avoid all that difficulty. And to come back to my first illustration of those eight tracks opposite the Everett House, and which break your carriages, and over which your sleighs cannot go, and you take those tracks off, and put our tracks underneath the ground, and carriages can go just as safely there and just as easy there as in the Central Park. Now, I say that if that be true, this Committee can report in favor of no other system; and I claim that legislative aid should be invoked for the purpose of compelling all these tracks that have been tearing carriages to pieces, that have been doing this great injury, to put their tracks underground.  
 Now, with one other illustration, I will close. It was my former pleasure to have my capital at the City of Rochester, and they commenced this old system at Rochester there, and I recollect how often it was said to me by those whom I knew in the city, "If that road should be put down on my street, I would value my property \$8,000 less." A \$25,000 property would be valued \$8,000 less, simply because of the fact of having those tracks in front of one's house. Now, if this be true, if a railroad of the ordinary kind—surface railroad, such as is now built—would go up Fifth avenue, it would actually be prejudicial to that avenue. And what creates this prejudice? It is the fact that the gentlemen who live on that street, and who use their carriages on that street, don't want to have them torn to pieces by these rails; but, if you would give them a system whereby all that could be seen is just this car passing up and down, leaving the road just as smooth and just as easy for carriages to go upon as now, I think the people on that avenue would favor such a road.  
 Mr. Fuller—Mr. Chairman, as I have had very little to say on this question, I must say that I am impressed with this style of road, and I think that this would be a matter for counsel to address themselves to on the other side. You may put that road down in any street in the City of New York, and it will enhance the value of property twenty-five per cent. or fifty per cent. on any street the moment it is completed.  
 Now, I can see the advantage of that. Supposing a road like that was laid in Broadway. It is no obstruction to vehicles, when snows come, it is no obstruction to sleighs of any kind, as our present railroad tracks are in every street in the City of New York through which they run. Our streets would not be obstructed by throwing the snow up on the sides. You could travel over the sides, or you could travel over the tracks with your sleigh, just as easily as though no track was there, while, as things are now, sleigh-riding is absolutely prohibited. Now, there isn't a single obstacle that that road puts in the way of a vehicle of any kind. And snow may fall to the depth of sixteen feet, and you can turn that car right through, and turn off all but a foot or eighteen inches of snow, and it won't interfere one particle with the progress of the car, for this reason: your friction is interfered with on the surface road; your wheels will fly around on the rail, and so

will your horses' heels fly around, because they cannot hold where it is slippery; but here there is no snow on the rail, and there is no interference with friction; there is no interference with the motive power; the engine will pull the car, constructed like that, through any depth of snow. Now, the idea of any man suggesting to put down a horse railroad in Broadway with that model before him! It makes Mr. Scribner look as though he would faint.  
 Mr. Scribner—Is that the first time you have seen that model?  
 Mr. Fuller—That is the first time I have ever seen that model. I have never seen the model before, and there is no question about it.  
 Mr. Scribner—Isn't that the road being built up Tenth avenue?  
 Mr. Lord—Not at all. That road is the same as the San Francisco road, and I simply say—and then Mr. Adams can take the floor—that that road runs the rails on the ground the same as the horse road. The wheels are on the ground and the tracks are on the ground, and they have the same difficulty with the snow.  
 Mr. Scribner—We knew there was one building in Tenth avenue.  
 Mr. Lord—Yes, sir.  
 Mr. Scribner—I didn't get an answer to my question as to what would be the depth to which this excavation would be made—the two trenches that would require to be excavated to construct a railroad on this plan, and the other dimensions of those excavations.  
 Mr. Lord—I thank the gentleman for calling my attention to that. In width we take no more space than any other road. We go three feet deep. Of course the earth will have to be removed, as we want that vacant space.  
 Mr. Scribner—The ordinary width of a road is four feet eight inches. Then the dimensions of the trench would be three feet in depth by four feet eight inches in width, and you would require two trenches.  
 Mr. Lord—As I understand it, we would dig down about three feet, and the trench would be four feet eight inches wide. We dig four feet eight inches wide, and remove three feet of the dirt.  
 The Chairman—How do you replace the roadway? What is the foundation you have for the paving-stones?  
 Mr. Lord—All this (indicating) is excavated, and this (indicating) is filled with concrete, and the pavement comes right up here (indicating). Just the same as any other cable road. This place here (indicating) is where the plates come.  
 The Chairman—I understand that all that dirt is to be removed.  
 Mr. Lord—Yes, sir; we remove all the earth. Here (indicating) is the foundation; here (indicating) resting upon this (indicating) we place our rail. Your Honor will see how that is.  
 The Chairman—And all that (indicating) is filled up with concrete.  
 Mr. Lord—Yes, sir; and the foundation is built here (indicating).  
 Then I was going to say, in addition, that this model shows this tunnel (indicating) free here (indicating). That may or may not be filled. We have a patent for a tunnel between the track for the purpose of carrying electric wires, or anything else. Here it is (indicating). But the track itself, I repeat, makes a space four feet eight inches wide and three feet deep.  
 Mr. Bright—Mr. Lord, have you stated how you propose to connect with any avenue up-town beyond Fourteenth street?  
 Mr. Lord—Well, our road is up Lexington avenue and Fifth avenue. We go pretty well up—along Fifth avenue—we go up to Harlem.  
 Mr. Scribner—How do you get on Fifth avenue from Broadway and Fourteenth street?  
 Mr. Lord—We go up Broadway to Fourteenth street, to Fourth avenue, to Sixteenth street to Lexington avenue.  
 The Chairman—How do you get around Gramercy Park?  
 Mr. Lord—We go around Gramercy Park.  
 Mr. Scribner—Where do you get on to Fifth avenue?  
 Mr. Lord—We go up Lexington avenue, and get to Fifth avenue at Sixtieth street.  
 The Chairman—Your application—  
 Mr. Lord—We are only putting it in opposition to this petition. Our petition is before the Board.  
 The Chairman—I suppose counsel appreciates that the application of this road and the petition was made some time ago, but that nothing more has ever been done about it.  
 Mr. Lord—No, sir; for the very good reason that the Board of Aldermen granted the franchise to another company. Then, of course, any expense of advertising would be all idle, and that question is now still pending. I understood that the Aldermen gave their consent by an almost unanimous vote to the Broadway Surface Railroad Company.  
 The Chairman—Yes, sir; certainly.  
 Mr. Lord—Perhaps you thought I was confining my attention to the Cable road. I was explaining to your Honor about the delay. I say that when I found that the consent had been given to the Broadway Surface road to lay their track, I thought it was useless, while that consent remained unrevoked, to do anything about the matter, because, of course, your Honors would not give your consent to two roads. I simply mention that as an excuse why we have rested on our oars until we found that the matter was before the Board again; and we deem it our duty to come in now and present our views.  
 Mr. Bright—Now, I would like to ask Mr. Fuller, for the purpose of making our record correct, what company there is that can get to Kingsbridge, Mr. Fuller insisting all the time that that is the objective point.  
 Mr. Fuller—My dear sir, that is not my business. I do not believe in granting to any company the franchise of Broadway until they do secure to the traveling public a ride up to Kingsbridge, and transfer tickets. Now, if there is no right to give any company that right I believe in waiting until we have a law; and if there is no law by which such a road as this can be laid down in the City of New York, I believe in waiting, before any franchise is given to any horse railroad, to wait until we have such a law. I ask the City of New York to wait until such a law can be inaugurated, if there is at the present time no power to give a road such as this the preference to a horse-car road.  
 Now, I understand that these people proposed to carry passengers from the Battery up Broadway, and through Lexington avenue, and up Fifth avenue, to the Harlem river, for five cents; and I understand, further, that such a road as this on Broadway would be worth fifty horse-car roads for the convenience of the traveling public; and why any company should come here and ask for a franchise to run their cars over Broadway to Fifty-ninth street, for five cents, and drop their passengers there, when a company like this proposes to carry them to the Harlem river—why it is a matter that shocks my idea of modesty, to say no more. You see I am not a lawyer who is all the time upsetting things.  
 The Chairman—You are well settled on your feet.  
 Mr. Bright—I want an answer to this question, Mr. Fuller, and I think you can give it. Is there a company now in existence that seeks the right to build a road in Broadway, claiming that it can run through to Kingsbridge?  
 Mr. Fuller—Yes, I believe there is a party claiming that.  
 Mr. Bright—And isn't that the Cable Railroad Company?  
 Mr. Fuller—Yes, sir.  
 Mr. Bright—By what means does it expect to get to Kingsbridge after it gets to Fourteenth street?  
 Mr. Fuller—That is none of my business.  
 Mr. Bright—Oh, answer the question.  
 Mr. Fuller—They have got to climb before they get this franchise—  
 Mr. Bright—No, no, Mr. Fuller; that is not the question.  
 Mr. Fuller—Now, I understand you. You lawyers are very shrewd. You have got a law enacted here by which there can't anybody go along there but you, and you propose, before any amendment can be made to that law, to push this thing through; but you won't succeed.  
 Mr. Bright—Doesn't the Cable road propose to go up Broadway to Fifteenth street and then go to Fifth avenue and up Fifth avenue?  
 Mr. Fuller—I believe that is the road; but I don't care which way they go, as long as they go. I want them to go to Kingsbridge. Now, how a man like Mr. Serrell, a gentleman of experience, can come in here and say he thinks that the Broadway railroad ought to have the franchise from Fourteenth street to the Battery because they carry people to Fifty-ninth street, when all of our surface roads almost are carrying them up to Harlem for five cents, I don't understand. What particular merit is there in that road that they should have this franchise? I wish somebody would answer that question; won't they? There are a great many men up at Kingsbridge that are interested in this matter.  
 Mr. Bright—Isn't the route of the Cable road up Fifth avenue from Fifteenth street?  
 Mr. Fuller—I don't know; I tell you that frankly that I don't know. I have heard some one say that it was. I believe some lawyer told me that, but I don't know whether it is so or not, as you can't believe what they tell you.  
 Mr. Bright—Haven't you got 500 shares of the stock of that company?  
 Mr. Fuller—No, sir; I haven't any stock in that company.  
 Mr. Bright—Well, what became of it?  
 Mr. Fuller—Never had any.  
 Mr. Bright—Didn't you testify the other day that you had?  
 Mr. Fuller—No, sir; I never testified that way.  
 Mr. Bright—Didn't this same Cable Company try for two years to get a law passed without getting the consent of the people of the City of New York?  
 Mr. Fuller—I don't know whether they did.  
 The Chairman—Not this one; it was the other.  
 Mr. Fuller—If they did they didn't get it, and I am glad of it.  
 The Chairman—Now, Mr. Fuller, of course I don't want to be impertinent—  
 Mr. Fuller—No, I don't think you would be.



The Chairman—No, not to you, certainly. But about this question of 500 shares of stock. That is your business and not mine—

Mr. Fuller—That is right.

The Chairman—But it has been stated here for the last two or three months continually, and, if I read aright, the papers stated that when you were examined over yonder, or when the question was asked you in Court, that you said that you had 500 shares, or expected to get 500 shares, when the stock was issued—

Mr. Fuller—Not of the Broadway Railroad.

The Chairman—No, no, no; but of the New York Cable Company.

Mr. Fuller—No; it was the one that had the routes laid out under the Rapid Transit Act.

The Chairman—That is it; that is the New York Cable Company.

Mr. Fuller—I got them to lay out the route in One Hundred and Fifty-fifth street from Eighth avenue to the Hudson and down to the Boulevard, and to show my faith—

The Chairman—Did you get the stock?

Mr. Fuller—I did, sir; to show my faith in the success of the road I took 500 shares, and I induced other gentlemen to take 500 shares. That was the Company formed under the Rapid Transit Act, which has nothing to do with Broadway.

The Chairman—But it is the general New York Cable Company's System.

Mr. Fuller—For ten or fifteen years I advocated elevated railroads, day and night, and I wrote and spoke over 1,300 sheets of foolscap paper on that road; and I think I passed more sleepless nights and had more worry and distress and went through more agony about it than Colonel Bliss has gone through in this case.

Mr. Bliss—What kind of paper was it?

Mr. Fuller—Foolscap; the same that you use. Now, that road proved a success. Distrustful of the success of that road, I never took a single dollar of the stock; and I made up my mind that if any other kind of a road was again laid out other than a horse-car road in New York, I would take an interest in it; and I don't know why I should not have an interest in that just as well as Mr. Bright has an interest in a horse-car road.

Mr. Bright—Then that Rapid Transit road—doesn't that get to Fifth avenue at Fifteenth street?

Mr. Fuller—Not the one I have an interest in.

The Chairman—The route laid out by the Rapid Transit Commission, the route of the Cable Company, or whatever you may call it—their route—they located a route from Fifteenth street up Fifth avenue.

Mr. Fuller—They did?

The Chairman—Yes, sir.

Mr. Fuller—Well, I don't remember the particular route. I was interested in the one up the Boulevard.

Mr. Bliss—Did they have but one company? didn't they, under the law, create but one company to cover all these routes? I think the law said they could create but one company.

Mr. Fuller—The route I was particularly interested in was the route I said.

The Chairman—That was an extension or one of the branches?

Mr. Fuller—That was a route laid out by the Rapid Transit Commission. And then a branch crossed from One Hundred and Fifty-fifth street and the Elevated Station to the Hudson river. I considered that those roads would be valuable to the City of New York, and for that reason I took that interest.

Now, it don't make any difference to me whether that cable road builds this road or this cable road builds it. The system is pretty much the same. I think this is rather an improvement. And how absurd it is to talk about building horse-car roads when a system like this is presented!

Mr. Bright—Mr. Lord says you can use horses on it.

Mr. Fuller—Of course you can, if you desire; but one engine would do the work of a thousand horses; and there is a feature about this which you cannot accomplish with horse cars. There is no obstruction; you cannot obstruct those cars.

Mr. Bliss—I suppose that would go right through a cabman?

The Chairman—How soon can a car on this system be stopped?

Mr. Lord—Instantly; we have two cables. We run slow on one cable and fast on the other, either one of which we can stop instantly.

I desire that as there has been so much said about the Cable road, to again call, if necessary, the attention of the Committee to the distinction between our road and the other; and, probably, by way of repetition, I will say that the cable road being built on Tenth avenue has all the objections as to the surface which the horse-car roads have; and when I said that this car could be drawn by horses, of course those horses could not go through sixteen feet of snow; and those horses, in any snow, six inches of snow or a foot of snow, would be impeded; and those horses are in the way, they take up so much of the street, and the debris of the horses is unpleasant. My judgment is, that as long as such a road as this could be run with cable we wouldn't use horses; but, nevertheless, it could be used by horses or any other power known. But we have a cable which we think is superior to anything else. But, in a single word, the cable road on Tenth avenue, and that kind of a cable road, has its tracks on the surface, and its wheels therefore on the surface, while our track and our wheels are wholly out of the way, by doing which we leave this road just as smooth for travel as though it were not touched by any railroad, and relieve the difficulties in this climate in regard to snows. And I repeat again, perhaps for the third time, that I believe that if this road can be properly understood by the community it is the only road the community will allow to be built; and I repeat that if the gentlemen on the other side would investigate the matter with the clearness with which they are capable of investigating the subject, I think they would advise their clients to take hold of this and build a road on this system.

Alderman—The iron that pass through the plate, how wide are they?

Mr. Lord—Half an inch and ten inches in length.

Alderman—Well, how can you turn a curve on a five-eighth inch slot?

Mr. Lord—There would be no difficulty about that. I think a road on Broadway of this description would be advisable. I think the ordinary cable road would be better than a horse road. I should say I object myself to horses going up and down Broadway. I object to any road upon Broadway where horses are used. I don't need to go into the details of that. There are several reasons for that objection. If I was to settle the question as between horses and a cable road, I should be decidedly in favor of the Tenth Avenue road even instead of the horses. I should object anyway to a horse railroad in Broadway. I wouldn't object to a cable road in Broadway, because the difficulties about the horses—the great obstruction of the horses and the debris of the horses—is all avoided. While I would sooner have the other cable road than a horse road in Broadway, yet our road has many advantages over the other system.

The Chairman—Do you think a railroad on Broadway would be an advantage over the omnibuses?

Mr. Lord—I think as New York is now situated it would be better, as far as I can judge (I have only been on Broadway for a couple of years). I think it would be better for Broadway to have some kind of a railroad in it than these omnibuses. I would therefore suggest a cable road—I would be opposed to horse roads for various reasons. I think that—perhaps I have answered the question sufficiently.

Mr. Fuller—I understand Mr. Lord that he prefers a cable road because they can use the flat rail. They have no difficulty in overcoming the snow on a flat rail because their power is below. Horse cars can't use the flat rail well because of the ice on the track and the wheel sliding on it, and it is very difficult to clean them of snow.

Now, Mr. Scribner, speaking of these trenches, he evidently is going to say, Why to dig up these trenches in Broadway is a terrible thing! But, gentlemen, I want you to understand that a very large piece of this road can be put down in the night and closed right up, and when the road is down it is there and you have no further trouble for years and years.

The Chairman—You don't mean to have us understand that concrete could be put down and would be in a fit condition to lay a pavement on properly—

Mr. Fuller—Well, I will tell you what the engineer told me in Chicago, and I went out there expressly to examine the road a couple of weeks ago.

The Chairman—A little longer than that.

Mr. Fuller—Not over four weeks ago, I examined the road carefully; and the Northwestern road crosses the Cable road, and they wouldn't allow them to dig up the street during business hours. They said that they could lay their road between ten o'clock at night and two o'clock in the morning, and that they would not give them the right to do it if they could not do it in that time, as it would be a loss of ten thousand dollars to them; and the engineers made that agreement, and before two o'clock in the morning that was completed.

The Chairman—But that is not laying stone pavement. They laid railroad ties on top.

Mr. Fuller—My dear sir, those men put the concrete in, and laid the track, and the cars went right over that. It may be an extravagant statement to say that they could complete a block in a night, but they certainly could in twenty-four hours. But in an emergency they could do it at night. Those things have been done before. Deacon Richardson did it in Brooklyn, and they put him out of church for it. He laid down miles of track at night. So did Vanderbilt, when there was no law to let him lay tracks. In that case, he said he would lay the track first and test the law afterwards. You can lay down a pile of track at night.

Now, a gentleman asked me the other day whether it was right to charge him five cents to go to Forty-second street, and charge me five cents to go to One Hundred and Fifty-fifth street. Now, I think I ought to go to the cheapest, because my friends have twenty-five minutes longer in the morning and twenty-five minutes more at night to stay home and read the Bible and say their prayers than I do. And I hope they do that, although they don't look as though they were guilty of it. Now, I say that anywhere on this island we should be carried for five cents. Now, why does Uncle Sam charge me two cents on a letter to Jersey City and only two cents on a letter to California?

The Chairman—I told you yesterday I didn't know. You asked me that yesterday, Mr. Fuller, and I told you that I didn't know.

Mr. Fuller—Now, I put the question again, and if any gentleman knows I would like to know why he should not charge me fifty cents to take a letter to California when he charges me two to Jersey City. Is there any justice in that?

Mr. Scribner—I give it up.

Mr. Fuller—I imagine it is to encourage trade and increase commerce. Now, they should carry passengers to the upper end of the island at the same rate for the purpose of enhancing the value of the real estate and increasing trade. Now, isn't that so, Mr. Chairman?

The Chairman—That is so; that is sound.

Mr. Fuller—That is sound, and you cannot get around it, that you should carry me to One Hundred and Fifty-fifth street just as cheap as they would take me to Central Park. The property in the Nineteenth and Twenty-second Wards, through which these railroads are passing for five cents, has advanced over one-half.

The Chairman—Now, Mr. Fuller, to be serious about the matter, do you suppose anybody down at the lower part of Broadway is going to spend any time on a surface road that goes up to Kingsbridge, when they can get home by the elevated railroad?

Mr. Fuller—Yes, sir; if they are not in a hurry. I should do it myself if I were not in a hurry. I should take the street cars and go up Broadway. And in time we will have a Broadway road, too. I say there is no street in the City of New York where we can do without rails upon it. We should have them in Fifth avenue; we should have them in Broadway. In fifteen years we shall have an Arcade road under Broadway, a surface road something like this on Broadway, and an elevated road over Broadway.

The Chairman—Then the truckmen and cabmen will be abundantly protected.

Mr. Fuller—Yes, sir; and they can have the protection of a railroad like this.

Mr. Bright—I have nothing to say on my part by way of argument in this matter, but my associate, Mr. Scribner, desires to close the argument at some future time—it may be on Thursday. Now, Mr. Fuller has presented a great many statements, and has presented a statement a great many times, and we think that Mr. Fuller should close the presentation of his views to-day.

The Chairman—He has a lot of statistics which he wishes to present. He has been preparing them some days, and they are not quite ready yet.

Mr. Fuller—I do not propose to close any statement I have to make until we secure a road something like this on Broadway to Kingsbridge.

The Chairman—But you don't want to talk us to death, do you?

Mr. Fuller—No, sir.

Mr. Bright—I think it would be fair if the Committee should, in respect to Mr. Fuller, have that understanding. Mr. Fuller represents no particular interest. He speaks for the public, and it seems to me that he has the very greatest indulgence. I am perfectly willing to stay and listen to him for an hour, but I think Mr. Fuller ought to be required to close. Mr. Scribner desires to answer these various arguments Mr. Lord has presented. Mr. Lord has presented his case comprehensively, clearly, and instructively. Mr. Fuller's duty ought to be performed, I think, within some reasonable time.

The Chairman—Mr. Bright, we will close all argument on Thursday, and we will give Mr. Fuller an opportunity then, and Mr. Scribner also. That will be the only other session.

Mr. Scribner—On behalf of the applicant I desire it understood, if that is so, that I am to have the closing argument.

The Chairman—Yes, sir; that is understood.

A recess was thereupon taken until 11 o'clock, November 6, 1884.

In the matter of the application of the Broadway Surface Railroad Company for the consent of the Common Council of the City of New York, to construct, operate, etc., a railroad on Broadway, etc.

NEW YORK, November 6, 1884.

At the Chamber of the Common Council, City Hall.

Before the Railroad Committee of the Board of Aldermen, there being present of such Committee, Messrs. McLoughlin, Miller, Dempsey, and Waite.

The following counsel were also present: Messrs. Scribner, Bright, Miller and Davies.

The Clerk—All parties present to attend the meeting of the Railroad Committee will please come inside.

The Committee on Railroads have postponed the hearing of all other matters that were set down before them for to-day, until next Tuesday, at 10 o'clock, except the Broadway Surface Railroad Company's application, which they will now consider. All other matters that were set down for to-day are postponed until Tuesday morning, at 10 o'clock.

The Committee will now continue the hearing of the Broadway Surface Railroad application. Mr. Lawson N. Fuller—Mr. Chairman and gentlemen: I would like to ask one question for information. How many applications are there before your Committee for the privilege of laying a road in Broadway?

The Chairman—For a Broadway railroad?

Mr. Fuller—Yes, sir.

The Chairman—Only one at the present time.

Mr. Fuller—Which one is that?

The Chairman—The Broadway Surface Railroad.

Mr. Fuller—Haven't the United States Cable Company filed an application?

The Chairman—Their application has been presented, but it has been laid over. It has never been published.

Mr. Fuller—And the Broadway railroad—hasn't that presented an application?

The Chairman—The Broadway has never presented an application.

The Clerk—Never been published under the law.

Mr. Fuller—Then there are but two applications to be considered: first, the Broadway Surface Railroad Company's and then the United States Cable Company's, and the Cable Company's is laid over?

The Chairman—Yes, sir; but they are not now before the Committee.

Our understanding is that Mr. Bright, or Mr. Fuller, are to close their arguments on the Broadway Surface Railroad application now.

Mr. Bright—Yes, sir.

The Chairman—Has Mr. Davies got anything else to say?

Mr. Davies—I have made an examination as to the witnesses, and from such examination as I have been able to give the matter I am satisfied that the Committee has a right to examine witnesses. The statute of 1860, chapter 30, is a general statute applicable to all common councils of all cities of this State, and it provides that where any matter is within the jurisdiction of the Common Council the Committee may subpoena witnesses before it. I understand that the decision in the Steamboat Company case was based upon a suggestion that the matter under inquiry was not within the jurisdiction of the Common Council, and for that reason it was held that in that particular case the Common Council had no power to subpoena witnesses. I do not understand that that decision goes to the length of laying down the general principle that the Common Council of the City of New York has not a right to subpoena witnesses before it in regard to a matter that is within its jurisdiction; but on the contrary, I understand that in all matters where they have jurisdiction they can subpoena witnesses.

Mr. Waite—Doesn't that refer to the city affairs or the examination of the affairs of departments?

Mr. Davies—I don't think it is confined to that.

Mr. Waite—I know the act you refer to. It refers to all common councils of the State—generally.

Mr. Davies—Yes, sir; you will find, Mr. Chairman, that the act in general terms gives the power where any subject or matter is within the jurisdiction of the Common Council, and then special language is used relative to investigations such as Alderman Waite refers to.

Mr. Bright—Mr. Chairman, the point that is raised by Mr. Davies concerning the power of the Committee to issue subpoenas is not a very important one. The suggestion made by Mr. Davies concerning the subpoenaing of witnesses is quite indefinite, and it certainly has not appeared that there is any lack of testimony here or any lack of disposition on the part of persons who are acquainted with this subject to come forward and state to the Committee all that they know. As it occurs to me, thus far no occasion has arisen for the exercise of the power, assuming that the power exists.

The Chairman—Have you any witnesses here, Mr. Davies?

Mr. Davies—I have no power to subpoena witnesses. The suggestion that I make is that the Committee shall use the power conferred upon it by law, and apply to a Justice of the Supreme Court, as provided by the act, and subpoena before it such individuals as I suggested. I claim that Mr. Sharp, Mr. May, and Mr. Kerr, and such other persons as may appear to the Committee to have special knowledge as to the value of this Broadway franchise, should be subpoenaed. I would say that it must appear very clearly to the Committee that the Committee is not in possession of such information as it ought to have. Here is a road making an application for this franchise stating to the Committee that it is of very great value, and that they are willing to pay something for it, and yet they produce no evidence before the Committee that will assist the Committee in ascertaining the value of the franchise that they ask for, or even make a statement of the sum they are willing to pay for it. I think it clearly appears to the Committee that they are, not in possession of information which will enable them to act intelligently on this application.

Mr. Bright—Inasmuch as Mr. Davies submits entirely to the Committee's exercising its discretion as to the issuing of subpoenas, I have no reply to make. Mr. Davies has named several persons whom he thinks the Committee would like to hear. If the Committee decide that they want to hear those persons they will say so, I suppose, and if not, the subject will rest.

Mr. Davies—I don't know what Mr. Bright means by saying that I submit to the discretion of the Committee. I feel it my duty to point out to the Committee what I conceive to be its



duties, and what I perceive to be the course to pursue to get at the information that the Committee certainly must desire. I make no suggestion with regard to the discretion of the Committee about it. The Committee is to say, of course, what they will do, and if they do not follow the course that is suggested, why it may or it may not be necessary that you should or should not follow that course. I have not made any suggestion about discretion. That is not my term at all.

Mr. Fuller—I beg leave to state that I know that there is a large number of property-owners who would like to appear before this Committee and enter their protests against a Broadway horse-car railroad. But, unfortunately, the Committee does sit at an unfavorable time. We have been tippy-turvy ever since the Committee has been sitting, and have had an election which is not over yet—it is not decided—and a great many men have been up day and night, and for one I have been unable to prepare the figures that the Committee asked me to prepare and send in. And I think it would be unwise for this Committee to act in haste, and I think the wiser course to pursue would be to postpone—to adjourn for one week—until we can settle down to a thorough investigation of this matter, and to give property-owners and citizens an opportunity to come before the Committee. We certainly have done without a Broadway railroad for thirty years, and I think we can do without one for thirty days further without any very great injury to anybody; and as the Committee have already given a liberal hearing, I think it devolves upon the Committee to be very cautious for their own sake, as well as for the interests of the public, and to listen to the arguments in favor of any road and in opposition to any road in Broadway. And I hope that the Committee will consider the importance of postponing this hearing until a more favorable time—say for ten days or two weeks, until people can settle down to this question of a railroad on Broadway. I understand that there are two or three companies who want to apply for the privilege of laying their cable roads in Broadway, and after having seen the model that was presented here the other day from the cable road, I don't think we should be in a hurry about this matter. We want to adopt the best method, as long as it has been determined that a railroad in Broadway is necessary.

The Chairman—It is the intention of the Railroad Committee that it won't hurry whatever, but so far as adjourning for ten days or two weeks or a month is concerned, the matter has been before not only the Committee but the people who are particularly interested for and against the building of that road for a long time, and if they are not settled now they never will be. We have been sitting here for five days now, and there is no reason why people should not be perfectly settled in the matter.

Alderman O'Neil—May I make one suggestion?

The Chairman—Yes, sir.

Alderman O'Neil—The gentleman who preceded me has stated that time was required in this matter to settle the minds of the public. Now they are—

Mr. Miller—Who does this gentleman appear for?

The Chairman—He is one of the Aldermen of this Board and certainly he has a right to speak.

Mr. Miller—Certainly he has a right to speak; there is no doubt about that; but you have asked every one of us here to enter an appearance for the parties whom we represented; I think it ought to be stated upon the record—

The Chairman—He is for the citizens.

Alderman O'Neil—I am an Alderman of this Board, and I represent my constituents.

The Chairman—He has a perfect right to express his views here.

Mr. Miller—Certainly; I only want to know for whom he appears. I suggest again that the Committee has requested each person who has appeared here to file his name with the Committee with the name of the person for whom he appeared—

The Chairman—He has a right to speak in this Board in preference to anybody else.

Alderman O'Neil—I only want to suggest that Mr. Fuller has stated that the people ought to settle down to this matter or give them a chance to settle down. Now, the gentleman has been settling down for fifteen years, he stated at our last meeting, and I believe he is pretty well settled so far as this matter is concerned; but I think that this Board ought not to adjourn for any ten days or two weeks.

Mr. Bright—It looks very much as if all the property-owners who desire to be heard have been heard.

The Chairman—Mr. Davies, in answer to your request to subpoena Mr. Sharp and others, on the ground that the Railroad Committee are not sufficiently posted as to the value of this consent, the Committee states that your reason will not be accepted by the Board, and the persons will not be subpoenaed—that is, Mr. Sharp will not be subpoenaed, or the gentlemen whom you have named—for the reason that the Railroad Committee have had sufficient experience and knowledge enough to know just exactly what Broadway is worth.

Mr. Davies—Then I understand that the request that I have made is declined on the ground that the Committee do not require any further information as to the value of the franchise which is asked for by the Broadway Surface road?

The Chairman—No, sir; they have sufficient information.

Mr. Davies—That they have sufficient information of the value or that franchise or the consent asked for by the Broadway Surface Railroad to enable them to act without testimony on that subject? That is the ground as I understand it?

The Chairman—That is the ground, I think. Mr. Sharp is too much interested in that road to give proper information in the matter.

Mr. Davies—Well, I have not confined my request to Mr. Sharp; I have named several gentlemen who are well known as men who are familiar with street railroad matters, and I made my request a general one, that the Committee should subpoena before it such other persons, or any other persons who may be specially qualified to give testimony.

The Chairman—I think that the Committee of the Board of Aldermen have had sufficient experience for the last two months to know the value of Broadway.

Alderman Waite—We have before us all your suggestions and the suggestions of three or four other people, in the shape of the papers that have been filed with us, and which ought to give us the information required.

Mr. Davies—I have made no suggestion as to the value of the franchise asked for.

Mr. Bright—Mr. Davies, what do you think that franchise is worth?

Mr. Davies—I decline to put a sum on that franchise. I think it is a matter to be determined by testimony, and by very careful and thorough investigation, and I don't regard myself as an expert on that.

Mr. Bright—What does your client think it is worth?

Mr. Davies—I should desire experts to be examined on that point.

Mr. Fuller—I do not think you need to go a great way in search of wisdom in that direction. If I understood the papers correctly, there has been a million dollars offered for this franchise; has there not?

The Chairman—Who offers it?

Mr. Fuller—I don't know. I understood that some company offered a million dollars for this franchise.

Mr. Bright—Is that your idea of the value of it, Mr. Fuller?

The Chairman—I understood that was to be in stock.

Mr. Fuller—I have given my idea of the value of this franchise in Broadway to Mr. Bright, and it is that no one million, or five million, or twenty-five million should be taken and the franchise given to any company unless proper conditions are annexed. I hope that he will enter that in his memorandum-book and read it until he knows it by heart. This is the sixty-fifth time I have stated that, and I will state again that five million, or ten million, or twenty millions dollars is no consideration for that franchise without the conditions annexed to it, and these conditions are as I have stated, to carry passengers all over this island for five cents; and this company only proposes to carry them to Fifty-ninth street and to drop them there; and I protest against any franchise being granted to the Broadway Surface Railroad Company on the conditions that they propose, and I think that the Board of Aldermen are convinced of the strength of that argument, when there appear before you propositions of other companies who propose to carry people all over the City of New York for five cents. And I don't think it requires any eloquence on the part of the counsel for the Broadway Surface Railroad Company, or any kind of eloquence, to convince the Committee that they should not give the franchise to a company who only proposes to carry passengers to Fifty-ninth street, when other companies are willing to carry them all over the city for the same price.

Mr. Bright—What company do you refer to now?

Mr. Fuller—I understand that the Broadway Railroad Company have proposed to give a million of dollars and carry people all over the island for five cents.

Alderman Waite—What connections have this road outside of Broadway?

Mr. Fuller—I don't know; I have no business with connections.

Alderman Waite—Well, there is a necessity for it in order to meet your statement.

Mr. Fuller—Very well; they are to give security to the City of New York that they will carry passengers to Kingsbridge, and give transfer tickets, for five cents, or they can't get the franchise.

Alderman Waite—What knowledge have we of that?

Mr. Fuller—if you haven't the knowledge, require the company to put up their security. And I understand that the United States Cable Company are willing to do the same thing.

Alderman Waite—What is the United States Cable Company?

Mr. Fuller—I don't know; they were in here with their model, and the Committee saw their model, and they were represented by an excellent counsel, Judge Lord, and I think there is some importance to be attached to such an argument as he adduced with the model that he presented here.

Alderman Waite—He claims that he only wants to go up Lexington avenue. He admitted the other day that he had no other connection.

Mr. Fuller—He goes through Lexington avenue, and then into some other street into Fifth avenue, and then up to Harlem Bridge, all for five cents; and here is a horse railroad which pro-

poses to go to Fifty-ninth street for five cents, and to take the franchise without a dollar's consideration. And I don't know whether this franchise can be put up at public auction; and if anybody comes here and bids a million dollars for it which is to go into the City Treasury, I don't think it ought to be rejected. I think that is the only wise conclusion; and I don't think it will be refused or rejected. But here is a company which proposes to carry people only one-third of the distance, and to give nothing for the franchise.

Alderman Waite—Now, before going any further, how is this road, even if it were in shape, with its application here before us, how are they going to get from Fourteenth street and Broadway to Fifth avenue?

Mr. Fuller—Well, they propose, as I understand, to go across to Fifteenth street and into Lexington avenue.

Alderman Waite—But how are they going over the Fourth avenue tracks?

Mr. Fuller—They don't.

Alderman Waite—How do they get to Fifteenth street if they don't?

Mr. Fuller—That is their business, not mine.

Alderman Waite—You go up to a certain point, and no further. When we ask you to take us a little further, you stop.

Mr. Fuller—My dear sir, I have not gone into an examination of all the affairs of this case; but I say that they should not get the franchise unless they carry out the conditions. I think that the Board of Aldermen are smart enough for that; and if they can't do any better than to take Jacob Sharp's road to Fifty-ninth street for five cents we shall have to accept it.

Alderman Waite—We don't know anything about Jacob Sharp; we don't know him except that—

Mr. Fuller—We all know him.

Alderman Waite—We know nothing except that the Broadway Surface Railroad Company make this application here.

Mr. Fuller—Well, you know it is an extension of the Broadway and Seventh Avenue road?

Alderman Waite—We know it is intended to have a connection with the Broadway and Seventh Avenue.

Mr. Fuller—Of course, and that is the same company.

Alderman Waite—We don't know that.

Mr. Fuller—You don't know that?

Alderman Waite—No, sir; there have been shown before this Committee arrangements between the Broadway and Seventh Avenue Railroad Company and the Broadway Surface Railroad Company for the transportation of passengers over the road of the Broadway and Seventh Avenue and over the road of the Broadway Surface Railroad Company; and that would indicate that they were two separate organizations.

Mr. Fuller—May I inquire of Mr. Bright if the Broadway and Seventh Avenue Railroad Company are asking for this extension over Broadway?

Mr. Bright—No.

Mr. Fuller—Does not the Broadway Surface Railroad intend to connect with the Broadway and Seventh Avenue line?

Mr. Bright—Yes.

Mr. Fuller—I thought so. That should settle the question.

Alderman Waite—What is that?

Mr. Fuller—They have a right to run to Fourteenth street now, and they want to connect at Fourteenth street so as to take passengers from Fifty-ninth street to the Battery.

Mr. Bright—He asks, first, if it is the Broadway and Seventh Avenue Railroad Company that is asking to come down Broadway. I say no. Then he asks if it is the Broadway Surface Railroad that proposes to connect with the Broadway and Seventh Avenue route at Fifteenth street; that I understand to be his meaning, and my answer is yes.

Mr. Fuller—Very well. That is the company that are running up to Central Park?

Mr. Bright—The Broadway Surface, this new road, is the one making this application.

Mr. Fuller—But they propose to connect with this road already running up Broadway.

Mr. Bright—Yes, sir.

Mr. Fuller—Well, that is the same company that is applying here. There is no getting around it.

Alderman Waite—There is no getting around what?

Mr. Fuller—That is the same company.

Alderman Waite—The Broadway Surface Railroad Company applies for the privilege of running from Fifteenth street down to the Battery, and at the same time they make to us the statement that they have arranged to bring their passengers up—

Mr. Fuller—I beg the Alderman's pardon. They claim they are the only ones running from Union Square to Fifty-ninth street and Central Park, and they are the only ones that can make the connection.

Mr. Bright—That is true.

Alderman Waite—I think that is true.

Mr. Fuller—Of course it is true.

Alderman Waite—Of course it is true, if you say so.

Mr. Fuller—You say it is true.

Alderman Waite—Well, I say you say it is true, and it must be so.

Mr. Fuller—Well, don't believe that all I say is true. I want you to know it yourself. There is no getting around the fact that the Broadway Railroad, running from Union Square to Fifty-ninth street, want to extend their road down Broadway, and they want to do it because they are going to carry passengers to Fifty-ninth street for five cents.

Alderman Waite—You said so the other day.

Mr. Fuller—Yes, sir; while the Eighth, Second and Third Avenue roads have been carrying passengers to Harlem and McComb's Dam.

Alderman Waite—From Ann street?

Mr. Fuller—From the Astor House; and now these gentlemen want to carry them to Fifty-ninth street. I want you to keep sight of that. The public understands that, and I, as one of the property-owners and residents on the upper end of the island, protest against it. We all up there protest against it. If you would compel their company to carry passengers to McComb's Dam for five cents, that would settle the question.

The Chairman—Suppose the other roads don't agree to that?

Mr. Fuller—Well, that is their business. If they don't agree to it don't give them the franchise. Make them pledge themselves to do it.

What I am contending for is this fact, and it strikes me that any boy fourteen years old ought to understand it, that no company who proposes to carry people to Central Park and Fifty-ninth street in this last half of the nineteenth century, when other companies are willing to carry them three times as far, should have that franchise. That is the question in a nut-shell.

Alderman Waite—What railroad company has told us that they will take passengers anywhere on the island?

Mr. Fuller—I understand that the Broadway Railroad Company pledged themselves to do it.

Alderman Waite—To do what?

Mr. Fuller—To carry passengers to Kingsbridge and Harlem river and to give them transfer tickets.

Alderman Waite—We don't know of the existence of the Broadway Railroad except through the remarks here. There is no proper petition before this Board—no proper application.

Mr. Fuller—Well, then, adjourn the hearing, for the United States Cable Company want to come before you and make an application.

Alderman Waite—The Broadway Company has no application here.

Mr. Fuller—I admit that, but they have offered you a million dollars.

Alderman Waite—They never have applied for permission to run anywhere.

Mr. Fuller—Haven't they offered you a million dollars?

Alderman Waite—They never have applied to run anywhere.

Mr. Fuller—Well, I understood that they had. I would like to inquire of Mr. Miller if they never have applied?

Mr. Miller—It seems to me that this manner of conducting this investigation is rather unseemly. If the Committee want any further light on the subject, it seems to me—I mean Mr. Fuller's part is unseemly, nothing on the part of the Committee—there is a better way of getting it. Mr. Fuller has been talking backward and forward on this and that and the other thing, and it is not the proper way to conduct the thing at all. The Committee don't get any light on the subject that way. I have but one word further to say, and that is this: There is no question in the world but that the Board of Directors of the Broadway Surface Railroad Company are directors in the Broadway and Seventh Avenue Railroad Company, and the stockholders are very largely the same persons.

Alderman Waite—That has been shown to us.

Mr. Miller—That is an answer to that question, simply.

Now, if the Committee has before it and in its opinion sufficient evidence as to the value of a franchise for a railroad on Broadway, then undoubtedly the Committee has no need for further testimony on the subject, and I understand from the Chairman that the Committee does consider itself in that condition, that it has already examined the matter so carefully that it knows what the value of that franchise, in its opinion, is.

The Chairman—Yes, I think that is so.

Mr. Bright—I don't understand that the Committee understands anything of that kind.

Mr. Miller—The Chairman said just now that that is so.

Mr. Bright—I merely understand that the committee will hear every person who comes forward as an expert, or otherwise, to give his opinion, but I don't understand that the Committee is obliged to go out in the street and subpoena Tom, Dick and Harry at the suggestion of any gentleman, especially where the gentlemen have been heard here day after day for nearly a week, and do not produce anybody to throw any light upon this investigation.



Mr. Miller—That is what we were coming to; we have not the power to subpoena witnesses, but the Committee has the power to subpoena witnesses, and the Committee say that they do not wish to take any further testimony on that subject—that they have no need of it.

The Chairman—We don't wish to subpoena anybody; if they wish to come here without a subpoena they can do so; we will be very glad to hear them.

Mr. Miller—But you do not wish to subpoena anybody?

The Chairman—No, sir.

Mr. Miller—Then I will ask the Committee, and I will put the request in writing, that the Committee authorize us, or on our request will give us subpoenas to serve upon certain persons whom we desire to bring before the Committee.

Mr. Bright—I look upon this merely as a matter to make a record prejudicial to the Committee, and it seems to me there is no occasion for acting upon or recognizing such lame and aimless and improper suggestions.

The Chairman—The Committee decline to give any such power; if it is necessary to subpoena anybody you must do it yourself.

Mr. Miller—The Committee would of course have to make an application to the Supreme Court.

Alderman Waite—Don't understand this as a refusal on the part of the Committee to hear anybody that you may bring here; the Committee would be very glad to hear anybody that you would produce here; but I do not think that you ought really to ask us to delegate to you the power to subpoena people here.

Mr. Miller—You wouldn't have the power to delegate to us exactly; if we prepare an application, with certain persons named in it, whom we desire to be subpoenaed, and request that you apply to the Supreme Court upon those papers, will you apply to a Judge of the Supreme Court to subpoena those witnesses?

Alderman Waite—Wouldn't it be better for you to prepare those papers and then let us see them?

Mr. Miller—Well, we will do that.

Mr. Charles Putzel—Have the United States Cable Company made any argument before you?

The Chairman—They did, by courtesy, at the last hearing—on the last day the hearing took place.

Mr. Putzel—But they are not through.

The Chairman—They are through.

Mr. Putzel—And when do they go on before you again?

The Chairman—I say they are through.

Mr. Putzel—What route have they proposed to use?

The Chairman—You have been here before in relation to Lexington avenue; have you not?

Mr. Putzel—Yes, sir.

Alderman Waite—They are not before us in form, but the statement made the other day was, that they intended to go to Harlem over Lexington avenue and Fifth avenue.

Mr. Putzel—But they have not come before you to ask for a franchise, have they?

Alderman Waite—There has been no proper notice or application.

Mr. Bright—They merely appeared here in opposition to our application. They stated that they came here merely in opposition to the Broadway railroad.

Alderman Miller—The United States Company has no application before us. There has never been any public notice of a hearing. They put in their application, but they pushed it no further.

Mr. Fuller—I regret exceedingly that my course don't meet with the approval of Counsellor Miller. All I can say is, "crushed again!" in reply to that. If there has been a single practical proposition made to this Committee by either one of the lawyers, I would like to know what it is.

I have not heard one. I was simply laboring, in my last remarks, to convince the Committee that the company applying for this Broadway Surface Railroad were virtually the same company who owned the Broadway and Seventh Avenue Railroad, which now goes to Fifty-ninth street, and as Mr. Waite admitted that that was a fact, my purpose was answered. That is all I have to say on that.

The Chairman—Well, we have already been over that.

Mr. Fuller—As he stated afterwards that he knew that fact, that satisfied me.

The Chairman—The Railroad Committee are just as anxious to do what is right as those who appear before us, and if you could show us any practical method, in what shape or form it could be arranged for transfer tickets to Kingsbridge, we would be very glad to do it; but the other roads would not permit any other road to remove their tracks.

Mr. Fuller—I consider that it is the duty of the Committee to see that that is properly arranged, and no company should have the right to run their cars over Broadway until it has been arranged. That franchise is too valuable to be granted to any company that runs only to Fifty-ninth street. It is the very cream of all the franchises in the city. Why, all the other roads carry their passengers so much further for the same price; and if there is no way of getting around that by any proposition that has already been made, it is clearly the duty of the Committee to wait until there is some method found out by which passengers can be carried to Kingsbridge and Harlem river by a road that gets this franchise.

The Chairman—Then you will never have a Broadway road if you wait until that time.

Mr. Fuller—Oh, yes, I will.

The Chairman—We need a Broadway railroad, and will have it.

Alderman Waite—We don't have to go to Kingsbridge, and all the population don't have to go up there.

Mr. Fuller—There are about one hundred million of people that have to go above Fifty-ninth street, and that would have to pay another fare if this Broadway Surface road gets this franchise.

Alderman Waite—But some of those people live on the east side.

Mr. Fuller—Well those ought to have transfer tickets; if not, they would have to pay another fare. I want to know if this is with the approval of Mr. Miller. If it is not, we had better stop right here.

Alderman Waite—He doesn't assume that he has entire charge of the proceedings.

Mr. Fuller—I know he does not. He don't claim that, but—

Mr. Miller—I repudiate Mr. Fuller in every way.

Mr. Fuller—I am glad that he does. I think that will help me before this Committee.

Alderman Waite—Did it ever occur to you that there are a great many people who need to go short distances in this city at certain times in the day?

Mr. Fuller—Yes, sir.

Alderman Waite—Are these long roads you refer to any accommodation to these people?

Mr. Fuller—I am very glad you asked me that question, Alderman Waite. Now, I ride over roads three or four blocks, but fortunately I have the privilege of riding a longer distance if I want to. You might just as well give a franchise to run up Broadway to Canal street, and a great many people would only ride that distance, but they would like the privilege of going further. The privilege is worth something in this matter. If I want to go to Kingsbridge for five cents I ought to have the privilege instead of being compelled to get out at Fifty-ninth street.

Alderman Waite—But when you want to go a long distance don't you go by the elevated roads instead of by the slow surface roads?

Mr. Fuller—That may be, but suppose, as a great many people do, I prefer to go on Broadway. I know I can go out to the Harlem river by Third avenue. But if all the roads ran out to Kingsbridge and the Harlem river, and this road ran to Kingsbridge, it would give you the privilege of going on this Broadway road, but if they stop at Fifty-ninth street you would have to be transferred and pay another fare.

Alderman Waite—Does it occur to you, further, that this simply refers to a road from Fifteenth street to the Battery? Did it ever occur to you that that was the only part of Broadway in question?

Mr. Fuller—Yes, sir.

Alderman Waite—Now, ought not we to deal with that question first, and get through with that?

Mr. Fuller—I say that no franchise should be granted to any company that proposes to carry people from the Battery to Fifty-ninth street, or from the Battery to Fourteenth street; that the conditions should be that they shall carry passengers as the other roads do, and have transfer tickets and if there is no way of giving it to such a company at present, then I say let us wait until we can do it. We have waited thirty years and we can wait a little longer. And there are other companies who have proposed to comply with the conditions—that is, to carry people to Kingsbridge and give them transfer tickets. So that I think it is due to the Aldermen themselves to go slowly in this matter, for things have reached now a point where the matter is under their control; and if they say, "We will grant no franchise to carry people to Fifty-ninth street," that ends the matter. Any company having this franchise over Broadway should carry people to Kingsbridge and the Harlem river and give them transfer tickets, and they can afford to do it. Now, that is a very simple proposition, and the public understand it and that is what they demand.

The Chairman—Any other gentlemen who desire to be heard? Any person present who is opposed to the Surface Railroad? If there is we will hear him. Is there any person present who desires to speak against the Broadway Railroad, or in relation to it? If there are no further arguments to be made in the matter we will adjourn until half-past one o'clock—we will take a recess until half-past one o'clock—for the purpose of hearing Mr. Scribner, who has the close of the argument.

Mr. Bright—May I ask the Committee whether they will then hear Mr. Scribner in his closing argument.

The Chairman—Yes; it is understood that Mr. Scribner will close.

Mr. Miller—At half-past one o'clock to-day?

The Chairman—Yes, sir; and that Mr. Scribner shall then close.

Mr. Davies—We will have this application in relation to subpoenas ready then.

The Clerk—This Committee now takes a recess until half-past one o'clock.

#### AFTER RECESS.

The Chairman—Are there any gentlemen who desire to be heard in opposition to the Broadway road?

Mr. William F. Whitehouse—I suppose it may be proper for me to state my relation to this matter. I am Mr. Whitehouse, and am a property-owner on Broadway right here above Chambers street, and have been for a great many years. I returned from Europe only ten days ago, when my attention was called to a notice I received from Mr. Richmond, the President of the Broadway Surface Railroad, saying that he desired to make this application, and I appear in answer to that, desiring to make some remarks. I don't know that I may be considered what may be termed in opposition to a Broadway railroad, if the tenor of their action would be regulated by what I suppose the necessities of the city require and the ordinary rule that should be observed in a matter of this kind. It seems to me (and I don't know what scope the inquiry has already taken before you) that two questions present themselves: First, is a railroad needed in Broadway? and secondly, whether the Broadway Surface Railroad Company have all the assurances, and is a corporation that should be entitled to what we all know is a very valuable franchise, and one that might be made of large profit to the company, and at the same time have that company carry out its full duty toward the public. I suppose it would be generally conceded, and I desire in making these remarks to confine myself simply to the matter in hand, and to make them simply and briefly, that the elevated railroads at the present time do not supply all the accommodations that are needed by the people of the City of New York. As remarked to me by Governor Tilden, the shape of New York is very peculiar, that in case of most cities the elevated railroad would not have been the grand success it has been in New York; that New York was situated so that a great many people desired to be transferred from one end of the city to the other, which was not the case with other cities. And I would like to have you bear that in mind in considering what we require from a surface railroad in Broadway. The capacity of the elevated railways, it seems to me, is being very largely tested at the present time. I have an office down-town, and I go up-town frequently on the elevated cars, and we all know that they are very largely crowded at certain hours, and that it is almost impossible to supply all the accommodation which is needed. Trains run as rapidly as they can; they have at the present time four cars attached, and it would be difficult to increase the accommodation, bearing in mind the number of stops they have to make at various stations to let passengers on or off. They supply considerable accommodation, but they are not sufficient. No doubt many of these remarks that I make here are superfluous, because the same thoughts have occurred to your own minds. The necessity to be supplied is the accommodation of persons from Union Square and that vicinity, and also a large amount of small travel to be found down-town. In the case of the elevated railroad—as I say, that is not sufficient. A friend of mine by an actual examination—a gentleman who, if I named, you would all know—who goes up to the Forty-second street depot, found he could leave on the Fourth Avenue cars at the Park Bank and ride up to Forty-second street depot as fast as he could get up there by taking the elevated road, in view of the time consumed in going up the steps of the station, making the necessary changes, and crossing on the shuttle train that goes over to the depot at Forty-second street. I say the proposed road ought to supply the requirements of all that section of the city I have named, and the persons down-town who want to ride short distances, and I think that is the way property-owners on Broadway to a very large extent (and I have the pleasure of knowing a very large number of the owners) look upon it, and they desire a railroad—a surface railroad in Broadway—of that kind now (and I say "now desire" because in time past we have all taken an active hand—at least my father has and a great many others—in opposition to anything of that kind, on the ground that we have but this one avenue, and that it ought to be preserved free from what we then considered, and many people do now consider, an impediment. But whether the objection then considered to a horse railroad would now be equally tenable, I leave you to judge; but I think I may say that it is certainly the fact that a very large number indeed, and probably a large proportion of the property-owners on Broadway, deem that a surface railroad of some kind is absolutely necessary for the general convenience of the public and the actual convenience and profitable use of their own property. Below here, of course, it is all very well; a person can walk around a short distance; but a very large section above here is very poorly provided with transportation, and they need very much a road of some kind. Of course they have a horse road, yet that only goes to a certain extent and doesn't convenience them much. Of course we have the omnibuses, and according to the Darwinian theory of the survival of the fittest I suppose I should speak with great respect of that much-abused vehicle; but we all know what the omnibus is. I think, gentlemen, that if any of you, and perhaps many of you have been on the other side of the water, you would concede at once that there is no vehicle that is really as inconveniently arranged as compared with the amount of power required in horses, and the amount of dead weight required in the vehicle, and does less service, than a Broadway omnibus. In London, of course, people ride on the roof of an omnibus, and the ordinary number of people on an omnibus is from twenty to thirty; in Paris it is from thirty to forty, and when they get a larger number, as I say forty persons, they will frequently have three horses. As compared with our omnibuses certainly they carry a large number of persons. I think, however, that we have a right to consider here that after very long experience the omnibus does not meet, and never will meet the wants that a railway of some kind would. And a railway, of course, runs on a fixed line. A person desiring to take a car knows where it will stop, and he knows how to approach it for convenient access, and it is convenient for egress, and then we have a man go around to collect fares; and in every way a railway car is more convenient, more respectable, more rapid, and much better answers the public demand than any omnibus possibly could do. The amount of omnibuses that I have a general idea pass on Broadway, I will assume, at a given point are about two hundred, all, if you choose, filled to their capacity. There you will see that a very large number of vehicles are required to carry a comparatively small number of persons, and the same number of persons could be transported with much more convenience, and with much less vehicles. And that is a point which, I think, this Committee should bear in mind in this matter. And, of course, if you put on railway cars there, there will be at once, and must be necessarily, I suppose, a decrease in the number of omnibuses. If there is not, it could only be said then that there was an extreme need for that additional transportation, because a railroad car would certainly transport two or three times as many people as an omnibus. But the omnibus is objectionable for the further reason that while the cars move from necessity on a certain line, and are not of such a cumbersome shape, an omnibus is uncertain in its movement, and not so easily avoided as a street car.

Now, taking up the matter of a railroad, it seems to me that if the Committee considers the matter in the light of the facility now afforded by omnibuses, and the present street railroads, and the elevated railway, that we must admit that the transportation at the present time is not sufficient; and I need only to add that when these applications are made by these different companies, and when their claims are supported by wealthy corporations and by learned counsel, it shows that it is generally understood that there is a public demand and a public necessity for additional transportation on Broadway. I think we might consider that as being so.

Now, the question that presents itself to my mind is, is there any valid objection on the part of others who might be considered as having a vested interest in Broadway? In other words, there are a large number of trucks that go up and down this street, and a great many cabs and carriages and other vehicles of that kind; and the question is, is there anything in the location or maintenance of a street railway on Broadway that would interfere with the reasonable use of that street, taking into account the general convenience and necessities of the public. If there is any objection, it must come in one or two ways, as it strikes my mind. Either the cars must be objectionable, per se, or the track must be objectionable. In other words, a street car, moving along in some convenient form, would be objectionable, or the tracks are objectionable. Now, taking for a moment a street car, I see nothing objectionable in it; I see nothing more unwieldy or inconvenient in the form or size or shape of a street car than I do in an omnibus. A street car runs on a fixed line. In fact, it would seem to me that there isn't anything easier to keep out of the way of than a horse car, and the drivers of wagons know perfectly well how wide their wagons are, and they can measure exactly the distance between the car and the curb. They know perfectly well if they have a wheel in a gutter and a horse car is coming along, whether they can just pass the car or not. And sometimes, I must say, I have been almost shocked when in a car seeing a wagon or a truck coming along, when they would come so close that it would seem they would certainly collide; but the driver would go on perfectly unconscious of danger, for he knew already that that car would not go out of the track and that there was ample room to go by. But in the case of an omnibus a truckman must be more careful, for they require more room coming along on cobble stones or on Belgium pavement, and they know they could not approach as near as they could in case of a horse car. It seems to me, and I submit to you, gentlemen, whether it is not the fact that the entire objection, and an objection, I regret to say, which is very well founded, is not to the car, but to the track. I repeat that the objection, which I think is very well taken, is not to the car but to the track. In other words, that if you would put trucks upon Broadway, such as are now commonly used, you would sweep off every truckman and every carriage, for such a car track is a nuisance. Gentlemen, I regard that the present car track on Fourth avenue, and the same track is used by other lines, as an unequalled nuisance, and I sympathize with truckmen and other people who have to drive over such tracks. I would protest against such a perfectly abominable track being put down on Broadway. If you go to the other side you will never find any such track as that. Look, for example, at the track on Fourth avenue, or stop out here at an evening, and you will find what is an ordinary T rail, or you will find, at best, a flat rail, which has a projection like this (indicating), or you will find what is a curved rail. Now what is there about every one of those rails? Every one of those rails, if a vehicle of any kind strikes it it strikes it on the outer edge and remains there along the edge or it goes over into it and remains inside. Now, if a man wants to go in or out he must go nearly at a right angle, and there is no possibility for you to cross a track of that kind at any other angle, without having your vehicle wrenched around in every possible way. Now, what is the effect also of that class of vehicles upon the pave-



ment? You take a nice, smooth pavement, as nice as you choose, and you break it up at the edge of the rail. If a man drives along he finds at once that his wheel can just go on the inside of the rail or will just get outside of it, and, after driving a little while, he will strain his wagon a little and then goes on, and every time a man drives alongside like that the pavement in that place is more and more injured. They are all the time grinding away a ditch, so that if anybody else come along he is plunged into it in that way or they find additional difficulty in crossing the track. So that it seems impossible to have a good pavement of any kind so long as these rails are used. The same on the macadamized roads. Forty trucks go along on a macadamized road on a certain line; they make a groove and the water gets in, and the mud becomes an additional friction power, and the road is very soon destroyed.

Now, I contend that all these considerations should operate in the minds of the Committee. Our streets are bad enough; when such a rail is laid down they become worse; and I think we must admit that in New York our pavements are certainly not what they should be. There is a great clamor made—and I may say parenthetically that the whole clamor about cheap cabs might be answered by good pavements. On the other side, in London you can go for fifteen cents, and in Paris for twenty cents, I think about two miles. I had a cab the other day here, and the driver charged me fifty cents, which he had no right to, but it seemed to me that he really had earned that by the wear and tear on his harness and horse and cab, from the terrible condition of the street, and I made no complaint. I thought I had an amount of pleasure in that cab that was worth that. In England and anywhere else where the roads are in good order you wouldn't expect to pay any more than the amounts I have stated, but I do not think you can have good cheap cab service with any profit unless the streets are in good order. You gentlemen who probably own horses know what it is to have a horse in this city. I have a pair, and they go on Fifth avenue as if they were on ice, and when they get into the Park they kick up their heels. A great thing in cab service or anything else is repairs. They can earn considerable money; there is no difficulty in earning it—they can earn two, three, four or five dollars a day—but the question is how long it is going to last; and unless you provide a good pavement it is not going to last long; and the matter of pavement comes directly in question in Broadway because we all know it is a grand line of travel, and if you cannot put a rail on there which will not injure and that will not interfere with the good pavement, why, then, you better not have a railway at all, and wait until a rail can be discovered, or some moving power discovered, that would be a practical advantage. But I should be very glad, and should esteem it a favor from the Committee if I were allowed to get a sample of a rail that I have in view (and if I cannot get it here I certainly can get it from the other side of the water)—a rail that is used on the other side of the water. Now, if you will permit me to give you an illustration of a rail that we have here, I will say that it is—that the ordinary T rail projects up in this form (indicating) and in this way; or if it is a rail like this (illustrating) which has an edge of this kind—a straight edge—(Mr. Whitehouse here describes the shape of the different rails in use in this city and the objections thereto because of their projecting above the surface, etc., and then continues as follows:)

Now, the rail that I have seen in my experience that I think would be best (and let me say here that I have no interest except as a private citizen, I come forward here simply that we may get a proper railroad on Broadway) and we want at the present time, as it seems to me, a rail which I have seen elsewhere, which is a flat piece of metal, perfectly flat, and has within it a groove or slot, in which the flange of the wheel runs. Now, if you will consider a moment that the weight of a car runs, of course, upon the flat part of a wheel, and the entire flange is simply to keep the car on the track, just as in the case of a cable railway, you will see the advantages of such a rail. Now, there is no reason in the world why you cannot have a flat rail—a smooth, even, flat piece of metal, with this slot in it—which will permit a vehicle, however, narrow or wide to pass along or over it, as to have any other rail. And you could have this slot as deep as you chose, and the flange as sharp as you please, to cut out the ice or snow. There would be no difficulty about that. It would be simply a piece of flat metal laid down upon the street upon which a car could run with entire safety. If I were pressing this simply as some theory of my own you might say that you were not prepared to consider a matter of this kind unless you knew it was practicable and could be adopted; but it is not; it is a thing that has been tried and works well. If your Committee would adopt that rail, it would be less objectionable, and more vehicles would go on the street, and more people would go on the street; and it would be more satisfactory to the railroad in a pecuniary point of view. In London you see it, in Chester you see it, in Paris you see it, in Edinburgh you see it—all those cities have rails of this kind—and they apparently haven't any difficulty whatever. I have seen these large tram cars in Paris that would hold forty or fifty people on them, and they travel in that way without any difficulty whatever. I hope that whatever rail road company may get this franchise, your Committee will grant it upon the condition that they should use such a rail. It seems to me that it would be to the interest of everybody to have a good rail on Broadway. Without it it is impossible to have a good pavement, and without a good pavement you cannot expect, of course, satisfactory service from the other vehicles of the various kinds that are entitled to the use of that street.

And I would respectfully and very urgently press upon you this matter of the rail; and I think the Committee should make it a sine qua non with any railroad company that they should furnish what I should term the model rail of the nineteenth century, and not the rail of the sixteenth or seventeenth century, not such a rail as is on the Fourth avenue, but a rail that will be a practical, serviceable and suitable rail in every way, and one that all vehicles can conveniently cross.

There is one other thing that can be done in regard to convenience, although it is slight, and that is that the edge of that rail should have a large number of niches (if I may express it in that way) cut into it so that if a vehicle came up against it there would be a roughness as would catch at once and pass the wheel over it.

Well, now, gentlemen, this rail may be more expensive, it may be a little more troublesome to lay, but you should consider the enormous convenience it would be. And I think that by having the proper rail laid down you will meet the objection of all those who have entered objections here on the ground of a railroad being a nuisance on Broadway, for I think their objections are not to the cars but to the rail, and I think that if a proper rail would be laid down it would be no objection—simply four pieces of smooth iron laid down, which would not interfere with anybody.

I want to make one further suggestion about this matter. The Chairman asked if there was any objection to the surface railroad. The railroads here in New York at the present time are run by horses to a very large extent. I believe there are railroads elsewhere run by compressed air, electricity, and by the cable. I have seen them operate. I have had a residence in Chicago until three years ago, when I came to this city, and I am indeed very familiar with the cable road there. I have represented in value in property in the City of Chicago, I am largely interested there myself, and in connection with my father-in-law, and in connection with an uncle of my wife (Mr. William B. Ogden, who is well known out West, and well known, also, in New York, and he has a place at High Bridge), I suppose I represented a valuation of from ten to fifteen millions of dollars, in real estate, in the City of Chicago, at various times in different matters, and I have been connected also, and had quite a knowledge of railroads there, so that I had what might be termed quite a large property interest, and also competent to consider a matter of this kind; and, therefore, I paid not only the natural attention that anybody would to the cable railroad there, but also from an interest in view of the property that I represented. It seems to me you should weigh well, gentlemen, certain requirements that you should demand of a railroad of this kind, and it seems to me that a franchise of this road would naturally go to any corporation that could fill the bill, which is a very common expression. In other words, we want a safe road; we want one that would be rapid and of uniform speed; we want a road where the car can be started rapidly and stopped with facility, and we want one, I repeat again, where the speed would be uniform; that you could ascend the hill on the other side of Canal street as uniformly as you went down to Canal street, and you want a railroad that would be able to supply the concentration of travel, because at certain hours very few people want to go up-town, while at certain others hundreds and thousands want to go nearly at once. That can be arranged, it seems to me, and all those are requirements, it seems to me, which you have a right to demand of a railroad in the nineteenth century.

Now, I will submit to you, that, from my experience of horse railroads here (and I speak simply as a citizen, I have not the slightest interest in the Cable Railway, and I do not know whether they are represented or not), but I would submit to you whether the horse railroads, as we find them here, answers that demand and can fill the requirements that I have suggested, whether the shaking and straining of the horses in starting the car, whether the wear and tear of the pavement by these horses, whether the smell from the horses when you leave the front door open, and the hair and things of that kind come in; whether the accidents and danger, so to speak, of transportation, whether all these considerations and objections will be obviated by giving this grant to a horse railroad. I say not. If you can dispense with horses and get in their place electricity, compressed air, or cable, it seems to me that it ought to be done, and that by doing so a very large amount of dust and dirt would be dispensed with, and a very large amount of the wear and tear on the pavement would be obviated, and it seems to me to be quite a serious thing for you to consider what motive power should be used. I would leave that, possibly, as an open question. It might be proper, after what I have stated as to my objection to horses, that I should state what I know practically of the cable road. I have had some experience and knowledge of it from my residence in Chicago. Their cars move steadily, they start rapidly, they stop quickly, and they can concentrate a large amount of cars at certain hours at certain points, and accommodate a large amount of people without inconvenience. We introduced the cable system in Chicago without any difficulty, so to speak. I think a personal examination or personal consideration should convince you that a road operated without horses is the proper road, and that a horse road is a road of the eighteenth century and not of the nineteenth.

The time of your Committee, of course, is valuable, and I do not desire to take it up at any great length. I have considered these matters simply as a gentleman in favor of the best road on Broadway, and I have but one desire in relation to the road, and that is that it should be the best road. I should desire to have your Committee consider first, that we are entitled to a railroad on Broadway; secondly, that you should bear in mind the restrictions you ought to

impose with reference to the matter of rail, requiring that a rail should be put down of the best possible pattern, and of such form that it would not interfere with the use of the street by other vehicles. Again, it seems to me there ought to be some safeguard in regard to the removal of snow and ice and other rubbish that might accumulate on the tracks. In many of the streets of the city, as you know, the snow is thrown off on one side or the other, and becomes a very great annoyance, and I should think proper restrictions should be placed around the consent. We, none of us, want to stand in the way of a railroad, but there are hundreds of persons who want the use of the street, and the use of the street by them should not be interfered with more than is absolutely necessary.

Next I would ask your attention to the matter of a pavement in connection with the rails, and also with their use in such a way that the pavement might be kept as good as possible.

Lastly, I most respectfully submit and urge upon your Committee whether horse-power is the power which should move a railroad in Broadway.

All this argument might be submitted to you, and doubtless could be submitted to you by those who represent the other railroads, more intelligently and forcibly than I can present it; but I am only speaking from my own knowledge and from my own experience.

Alderman Waite—Do you think Broadway is the proper place or the best place to try an experiment with new motive power?

Mr. Whitehouse—In having that question addressed to me by one of your members, as to whether I think Broadway is the best place to try an experiment in motive power, I should like to inquire what motive power is referred to in this connection—whether it is electricity, or compressed air, or whether reference is made to cable.

Alderman Waite—Well, the cable, for argument's sake.

Mr. Whitehouse—The cable railroad, I understand, has been very successful. It seems to me it can hardly be considered in that way. I have known it in Chicago for a long period of time. At first, for an hour or two, the transportation was interfered with by the breaking of a cable, or something like that.

Alderman Waite—I don't mean that so much. The idea is this: Whether, there is not necessarily a large excavation and preparation that a cable road requires—a disturbance of the street surface for a long time? Isn't that so?

Mr. Whitehouse—If I may judge from my own experience in Chicago, not very much. Of course it requires the street to be dug up—the centre of the street.

Alderman Waite—Well, the Chicago streets in which this cable system has been introduced are wider streets than we have here, are they not?

Mr. Whitehouse—Some of them are.

Alderman Waite—Do you think there is any street in Chicago of the same length of Broadway from the Battery to Fourteenth street, that has as much traffic on it within the same lateral space?

Mr. Whitehouse—I know of none in the world. I don't think you could find a street in the world and see, in one sense, as much traffic as you can in here. In Chicago there is an immense amount of travel, even more perhaps for four or five blocks, and I may mention a locality on State street.

Alderman Waite—Yes, sir; I know about that.

Mr. Whitehouse—I think there would be no doubt myself of the entire success of a cable road, and I think restrictions could be imposed upon it. And I should think it would be well, in view of the present application from Mr. Richmond of the Broadway Railroad, to put upon it a railroad of that kind. I should recommend it very much, combined with these other lines. I see advantages of giving this franchise to an existing corporation, but I do not think myself that it would be any hardship upon the travel in Broadway to put upon it a cable railway. In other words, I think that during the summer months, in ninety days, it might be put down the entire distance without interfering at that time. You will observe, Mr. Waite (if I may address you personally in that way), that it is not very wide when it goes down, and of course the only necessity would be that the travel would pass upon one side of the street—would pass down one side of the street and up the other. We are always liable to the breaking up of the streets. I have seen in London, recently, very considerable of that there, and you might see that in Paris streets; we are always liable to it. At the present time Fifth avenue in part is in a very unpleasant condition, and it seems to me that it would not be as bad as putting down some of these steam-heating or some kind of pipes down-town. It doesn't require any deep excavation. It seems to me it might be arranged that in some form it might be done—it might be laid down in sections. In other words, I think that the ground is so solidly packed that the excavations would not have to be more than the exact size. And I think also your distance from Union Square is not very long. I think it might be put down at times so that it would not be much trouble. You could, of course, do one side of the street first, and then the other. I think all these matters could be arranged. I think you could put a cable road down in a very short time.

I would make one other suggestion in regard to this matter. It seems to me that a franchise of this kind would be a very valuable one, and saying a word on behalf of the companies, I think that the advantages to the public should be regarded. I venture to suggest to your Committee that some proper return should be made to the city, but that this should bear some relation to the benefit or advantage that the company would have. In other words, the Broadway Surface Railway might at some expense control this cable under the suggestion of your Committee. In that event the expense of laying it down might be much greater than they supposed; and a franchise which has been regarded as worth as much might not be worth so much to them. In any event I should be glad indeed to see the railroad obtaining this franchise put down there a rail that would secure to us an admirable pavement. I think myself the wood pavement is the pavement of the future. They are laying down a large amount in London and Paris and elsewhere, and they find it works well. But the company operating a road of that kind in a satisfactory way should pay a certain proportion of their net or gross receipts—their three per cent. or whatever is proper—and that would be a matter that would grow as the travel increased; and if it was a lucrative thing they could pay more than they otherwise could.

And if I may say another word, I think with a cable railroad, I think we are less liable to loss of lives or disaster. I think we would be protected from loss. It is certainly the fact, gentlemen, and I defy any man to contradict me, that as to a matter of service, everything so far as I can tell by experience of several years, about a cable railroad, the speed at which they run, the promptness in starting, the readiness in stopping, and the advantage of getting rid of a vast number of horses which they concentrate on the street, and all the annoyance in connection with Mr. Bergh, is decidedly in favor of a cable road.

Then, I do not see why we should not have seats on the roof. Our climate is no more trying than elsewhere, and it seems to me impossible for any man to look at this matter candidly and for any man to say that a horse railroad is the railroad for the present and for the future. If so, I can only say that he looks at things quite differently than I do, and I think if he would look around a little closer, he would change his mind. And I think that this matter is one of importance to all of us, and for which we ask a careful consideration from your Committee.

I have presented the matter in this way, and I only hope that your Committee will have the kindness to regard some of these considerations that I have presented.

I am very much indebted for your hearing and courtesy.

Mr. Bright—Isn't that rail you speak of now laid in Forty-second street, across Fifth avenue?

Mr. Whitehouse—I don't know.

The Chairman—It is the same.

Mr. Whitehouse—I want to say this right here, and it would be a benefit to everybody, and I think a thing which the Broadway Surface Railroad Company would be willing to adopt. I say that, with this rail put upon Broadway, the more carriages and more people would go there, and the more passengers they would get, and the more people that go there the better it would be for the business men. This rail is used everywhere, it seems to me, abroad. I never saw this T rail or this other rail anywhere there, and I should be very glad, indeed, to be permitted to give a sample of that rail. It would afford me great pleasure.

Mr. William H. Wilkins—Mr. Chairman and gentlemen: I have a large interest on Broadway, amounting probably to \$200,000, consisting of the Madison Avenue line of stages. I have never said anything before your Committee or anybody else with regard to that business, but I think when gentlemen come here to take my rights away it is time for me to come here and speak. Now, I do not suppose that there is not a man in New York who knows enough to build a railroad. I think there are enough men here who know how to build a railroad without going to Chicago or San Francisco to get people to do it; and I think there is plenty of capital here to build railroads good enough for our citizens here. I don't think we need go West to find people to do that.

We run seventy stages on Broadway, and the other two lines runs a hundred and forty—two hundred and ten stages in all on Broadway—and if you run your cars on Broadway, too, it would make it a pretty thick street. And as our company cost us a great deal of money I don't know where we are going to get out. But we carry a great many people, and I think we ought to be protected. I think so myself.

Alderman Waite—What do you suggest?

Mr. Wilkins—These Western folks come here and say they ought to be allowed to build a railroad on Broadway, but they never have said a word to us about what they ought to do for us in case they put a road down on Broadway.

Mr. Fuller—They will probably see you later.

Mr. Wilkins—It will be too late. I don't want to be too late.

By Mr. Scribner:

Q. Mr. Wilkins, about how many passengers are carried in your line of stages—in the seventy stages that you run?

A. Well, from twelve to fourteen thousand a day.

Q. And what is the rate of fare now?

A. Five cents.

Q. And what are the daily receipts of your line?

A. Well, from six to seven hundred dollars.



Q. And how do the receipts of your line, so far as you know, compare with the receipts of the Fifth Avenue Stage Line and the Thirty-third Street Stage Line?

A. I don't think there is much difference. I think we run just about the same. I could not tell what they receive, but I think we all run about alike; not much difference.

Q. Then the average gross receipts of the three lines, as nearly as you can estimate, it would be about \$1,800 per day?

A. From \$1,800 to \$2,000 a day.

Q. At five cents fare?

A. Yes, sir; at five cents fare.

Q. Would a much less number of cars be able to carry the same number of passengers? A less number of cars would be able to carry the same number of passengers, would they not, Mr. Wilkins?

A. I think they would, yes, sir; a less number of cars carry the same number of passengers if they had double tracks.

Q. Well, Mr. Wilkins, the earnings of your road are derived from what line?

A. We run from Forty-second street and Fourth avenue to Forty-first street, to Madison avenue, to Twenty-third street, to Broadway, to Wall street, to Wall Street Ferry.

Q. Now, Mr. Wilkins, could you make any sort of estimate as to how much of that \$600 per day's earnings was acquired from passengers riding on Broadway, as distinguished from the other parts of your route?

A. Well, I should think about one-half, if not more.

Q. Well, would you say one-half was a fair proportion?

A. From Twenty-third street down.

Q. Yes, sir.

A. Well, I should think a little more than half.

Q. From Twenty-third street down, a little more than half?

A. Yes, sir.

Q. Well, from Fourteenth street down?

A. Well, from Fourteenth street down it is not so much as half.

Q. Not so much as half?

A. No, sir.

Q. Then you don't acquire, in your opinion, one-half of your daily earnings from that portion of your route on Broadway which lies south of Fourteenth street?

A. No, sir.

Q. And what is true of your road is true of the other roads, is it not?

A. Yes, sir; I think we all run about the same.

Q. Won't you tell us what the route of the Fifth Avenue Stage Line is?

A. The Fifth Avenue Stage Line runs from the Windsor Hotel, on Fifth avenue, to Fourteenth street; through Fourteenth street to Broadway; down Broadway to Fulton street, and through Fulton street to Fulton Ferry, and returns the same route.

Q. Now, could you form any general estimate as to what portion of the earnings of the Fifth Avenue line are acquired on Broadway below Fourteenth street?

A. Well, I should think theirs was more than ours; they carry more people from Fulton Ferry than we do from Wall street.

Q. Now, as to the Twenty-third street line: what is the route of that line?

A. They run from Thirtieth street; that line starts on Thirtieth street and Ninth avenue, and runs to Twenty-third street, through Twenty-third street to Broadway, and down Broadway to South Ferry.

Q. What proportion of the earnings of that line will you say are derived from passengers riding on Broadway below Fourteenth street?

A. I should think half.

Q. About half?

A. Yes, sir.

Q. Well, would half of the earnings of the three lines—gross receipts—represent about a fair estimate of the money acquired from passengers riding on Broadway south of Fourteenth street?

A. I should think it would.

Q. That would be \$900 per day?

A. Yes, sir.

Q. Derived from the two hundred stages running on Broadway, south of Fourteenth street—two hundred and ten stages?

A. Yes, sir.

Q. That is the best estimate that you can give us of it, is it?

A. Yes, sir.

By Mr. B. Davies:

Q. Mr. Wilkins, you think that the two hundred and ten stages of these three lines accommodate all the persons wanting to ride on Broadway, at the present time?

A. And more. At times there is plenty of room.

Q. And stages do not run full then?

A. No, sir.

Q. They are never full—

A. That is not so all the day around. There are some times in the day they run pretty full, and other trips they do not run so full.

Q. What times of the day do they run full?

A. What times of the day?

Q. Yes, sir.

A. Well, from 10 o'clock to 3 or 4—from ten to four.

Q. Then they run full?

A. Well, pretty full then; yes, sir.

Q. There is a great amount of travel on those stage lines, isn't there, early in the morning and late in the evening?

A. No, sir.

Q. It is towards the middle of the day that you are the busiest?

A. Middle of the day is our best time.

Q. Don't that prove to your mind that the people who patronize your road are mostly people who ride short distances and not long distances, who ride from and to their places of business?

A. That I cannot say.

Q. Wouldn't you suppose that that fact showed that result?

A. That I couldn't tell; I couldn't tell you; that is something I couldn't tell.

Q. Well, then, morning and night you do not run very full?

A. Morning and night we ride light. The middle of the day is the best.

Q. Well, now, are there not times in the middle of the day when there are people seeking accommodations and cannot find them?

A. Not nowadays; I guess not. I guess they find all the accommodation they want; they get all the accommodation they want and pretty good accommodation too for the price they are paying.

By Mr. Scribner:

Q. Wouldn't half the number of cars carry the same number of passengers?

A. I think they would; they have more capacity; that is the only thing against our business; we have not got capacity enough.

Q. The three lines that you have named are all the stage lines running on Broadway; are they not?

A. Yes, sir.

The Clerk—Are there any other persons who desire to be heard on this subject? (No response.)

Mr. Scribner—Now, if the Committee please—

Mr. Davies—May I say one word, Mr. Scribner, before you begin? I have prepared, Mr. Chairman, the petition, in accordance with chapter 39 of the Laws of 1860, which I will ask the Chairman to make to the Supreme Court for the purpose of obtaining the subpoenas to which reference has heretofore been made; and if the Chairman desires I will read the petition.

The Chairman—It is not necessary. We will take the papers and consider it.

Mr. Davies—It sets out the fact that these gentlemen, Mr. May and Mr. Sharp and Mr. Kerr, are material witnesses in the inquiry or investigation that the Committee is making, and asks the Court to issue subpoenas for their attendance; and I would make the formal request to the Committee (which I suppose will be entered on the minutes) that the Committee should make application to the Supreme Court and procure the issuing of the subpoenas for those gentlemen to attend at the next meeting of the Committee, or at a meeting to be held for that purpose, for the purpose of having them examined; and I offer to the Committee to do whatever acts are necessary to save the Committee from trouble or expense in order to procure the issuing of those subpoenas and the service thereof.

Mr. Fuller—I have simply one question that I want to ask Mr. Whitehouse. Do you consider, Mr. Whitehouse, in view of the advantages and facilities that the cable road offers the citizens of Chicago that a horse railroad franchise should be granted to any company on Broadway?

Mr. Whitehouse—Do I think what, sir?

Mr. Fuller—I state, in view of the advantages and conveniences of the cable road as operated in Chicago do you think that any horse railroad should be laid down Broadway when a cable road can be operated?

Alderman Waite—Bear in mind, Mr. Whitehouse, that the cable road would have to dig up Broadway to a very considerable extent, which a horse railroad would not have to do.

Mr. Whitehouse—In answer to the inquiry of the gentleman and the remark made by one of the Committee, I would say that I don't know that the motive power would be necessarily limited to horse power on the application of this company. I would say that there could be a great many valuable restrictions laid around a road on Broadway. If I were asked if a horse road should be laid on Broadway, or none at all, I should be in favor of a horse road rather than none, with those

restrictions. On the other hand, I do not consider that a horse railroad is the best road that can be put upon Broadway.

Mr. M. Field Fowler—I have a proposition to place before the Committee. (Hands up a paper.)

Alderman Waite—I would submit that this is not a proper place to receive that; that should come in the shape of a petition to the Board of Aldermen.

The Chairman—Do you wish this filed?

Mr. Fowler—Yes, sir.

The Chairman—We will consider that at the proper time.

The Clerk—Are there any other parties who desire to be heard? (No response.)

Mr. John M. Scribner—I desire to be heard if the opponents to the application have finished.

The Chairman—You can go on, Mr. Scribner.

Mr. Scribner—I have listened to the arguments which have been made by the opponents of the application made by the Broadway Surface Railroad Company for the consent of the Common Council to the construction of its proposed railroad on Broadway, with a good deal of interest. Different classes of people have appeared before you, but on the whole, it is manifest to my mind, and must be manifest to the Committee, that the only objection to a railroad per se—that there is no objection to a railroad per se coming from anybody except those who have some selfish interest of their own to promote. Now, you have had here a representation of cabmen, you have had here representatives of the truckmen's fraternity, you have had representatives of the cable road before you. Now, in each and every instance in which arguments have been made on behalf of these different classes of people it was very plain to me, as it was doubtless plain to the Committee, that these people all had some selfish interest of their own to subserve.

Now, my friend, Mr. Davies, was heard at great length at one of the earliest sessions of the Committee, and one of the arguments which he advanced (and I class Mr. Davies as among those gentlemen who are in favor of a railroad on Broadway provided they can have one of their own, and in which they alone are interested, and are opposed to the railroad of the Broadway Surface Railroad Company because they are not interested in it) was that the grant should be put up at auction. Mr. Davies' argument commenced, as I remember it, with a proposition that this grant should not be made—that the consent of the Common Council should not be given to the Broadway Surface Railroad Company, but should be put up for sale at auction, and the consent of the city should be disposed of in that way, and not otherwise. Well, now, then, he referred, in stating a value of the franchise, or the supposed franchise, he referred to offers which are assumed to have been made to the Common Council, and which are contained in the CITY RECORD of September 2, 1884, which he placed on file—offers made on behalf of the Broadway Railroad Company, the rival company seeking to construct a railroad on Broadway, and also to the offers made on behalf of the Cable Company, which likewise seeks to construct and operate a railroad on Broadway.

Well, now, I desire to call the Committee's special attention to the language of the offers that were made by these two several companies in each case. On behalf of the Broadway Railroad Company the offer is:

"Our company is prepared to submit to any reasonable regulations or requirements as to such interchange of business, constituting Broadway a trunk line, and to bid at an auction sale several hundred thousand dollars for the right to build and operate a railroad on Broadway."

The Committee will observe that that is not an offer to bid for the consent of the Common Council; to bid for the only thing the Common Council has a right to grant, but it is an offer to bid at an auction sale several hundred thousand dollars—that indefinite sum—for the right to build and operate a railroad on Broadway. That is a matter, of course which includes not only the consent of the Common Council, but includes the consent of property-owners; the consent of commissioners appointed by the Supreme Court; and it might very well be, and from the language of this act, your Honors cannot say that it is not the intention of the parties to make this proposition, that all the money that is offered here should go to the property-owners for their consent, and that the city shall get nothing. At all events there is nothing in this bid, being a bid for the right to build and operate a railroad in Broadway, that insures to the city, for the consent of the Board of Aldermen, any sum or amount whatever.

Now, I come to the offer of the New York Cable Company, likewise presented by my friend, Mr. Davies, and there is a resolution contained in this CITY RECORD of September 2, 1884, whereby this company offers to the City of New York, for a franchise enabling it to construct and operate a double-track surface railroad from the vicinity of the Battery to Union Square, at or about Fourteenth street, with necessary sidings, switches, etc., the sum of \$1,000,000, with such proper and reasonable restrictions and conditions as will best protect the city and property-owners on Broadway.

Therefore, by accepting an offer of that kind, the city would be bound to provide for or secure and obtain for the Cable road the consent of the property-owners, and to put them immediately on a footing to construct and operate this railroad on Broadway.

Now, I do not think that anybody need more than to refer to these offers to see that they are insincere and deceptive.

Now this question of an auction sale has been before the Supreme Court in an action with which the Committee may be supposed to be somewhat familiar—an action brought by Edward M. Knox and others against William P. Kirk and others, and I have before me the opinion which was written by Justice Donohue on the decision of the motion to continue the injunction which was granted in that case. He says:

"I do not think there is anything in the bill that justifies the granting of an injunction. All that can, in any event, be given is the Corporation's consent that the defendant company apply to the property-owners or court for the privilege sought. All the questions raised on this motion are properly up and can be passed upon in the pending application of that company to the General Term of the Supreme Court for the privilege of constructing a railroad in Broadway. If, under the permission of the Common Council or without its permission, the defendant company should procure the consent of the majority of the property-owners on Broadway, I, for one, do not see any reason why the City of New York should make a profit out of the street in front of the houses on Broadway, the owners of which desire the construction of the railway. In other words, I see no reason why the street in front of my house or any other individual's house in New York should be sold for the benefit of the city for an object which the property-owners desire in that street."

I do not intend to read the whole of this opinion, but only that which refers to the auction sale. The Judge proceeds:

"While they have, in certain cases, provided for the substitution of the consent of the General Term or its commissioners for that of abutting owners, they have nowhere evidenced an intent to substitute the consent of the Court for that of the Common Council in regard to the building of the road. But if they had, and the Court had power to dispose of that question, how does the case then stand? The defendant, the Broadway Surface Railroad Company, have no consent to build the road. Another company has such consent. How can there be equal bidding between these parties for the so-called franchise put up at auction, when one company has the privilege from the people of building a road and the other has not? An auction sale would seem to imply an equality of bidding; here it would be putting up a privilege which but one party could exercise when the privilege or permission given by the Common Council should be given under such sale."

"Again, it is stated that offers have been made which show that the consent of the Common Council was improperly given, and that large sums might be secured by the city for the grant, as it is called, that is now to be given away. The Court, in disposing of this case, cannot shut its eyes to the fact that while in form the discussion is between the plaintiff and the individual defendants, it involves really a contention between rival companies for the same route, and in considering all the questions the weight to be attached to the arguments must be viewed with reference to this fact."

Now, the remarks of the learned Judge in the decision of this motion are peculiarly applicable to the discussion which has taken place in this case. The Committee cannot certainly close their eyes to the fact that the main opposition to the proposed railroad of the petitioner comes from rival companies and not from disinterested people.

The Court further says in that case: "In view of all the facts, is there any such offer or tender of any sum whatever before the Court as having been made to the Common Council for this consent to build a road?"

I read this now to show that my construction of these offers read by Mr. Davies on behalf of these different companies is the construction that was put upon those offers by Justice Donohue in the decision of that case.

"The first proposition which it is said has been made to them is stated in the following terms: 'Our company is prepared to submit to any reasonable regulations or requirements as to such interchange of business constituting Broadway a trunk line and to bid at auction sale several hundred thousand dollars for the right to build and operate a railroad on Broadway.'"

"It will be seen that what, under this offer, is to be put up at auction is the right to build and operate a railroad in Broadway. It is only necessary to say that the Common Council have not the right to give away any such privilege. All the power they have is to consent that some person who gets the consent of the people or of the Court may build such a railroad. They cannot include the people or the Court in any offer that they may put up at auction, and so the offer which appears to have been made could never have resulted in any benefit to the city." And so with regard to the value.

Now, it seems to me that the argument of Mr. Justice Donohue, and the remarks that I have made in respect to that subject, dispose of the question of an auction sale of this franchise; but there is a provision in this act which we have invited the Committee or the Common Council to take into consideration in the application which we have made for this grant, and that is a provision that the Common Council is entitled to impose or attach to the consent which is given any reasonable conditions, and among those conditions, in my opinion, may be the payment, in addition to the three per cent. and five per cent. which is provided by this act to be paid, of an additional sum by the company, either in gross or in any other manner that the Committee



may advise, and the Broadway Surface Railroad Company in the application which it has made to the Common Council for its consent manifestly showed its willingness to pay to the city anything that is fair and just as between the city and the road, on obtaining the franchise or right to build this road.

Now, my friend, Mr. Davies, has stated that he represents a railroad company—a railroad on Broadway—

Mr. Davies—I beg your pardon; I have not stated that.

Mr. Scribner—I will take it back. I will retract that.

Mr. Davies—I said I represented property-owners.

Mr. Scribner—I will tell you what you said. My friend, Mr. Davies, came here saying he represented a citizen who was in favor of a railroad, and whose great anxiety and apprehension was that if the consent of the city was granted to the Broadway Surface Railroad Company that litigation would ensue, and delays would occur which would prevent his client from realizing the consummation of his hopes.

Well, now, in answer to that thing, all I have to say is this: The Broadway Surface Railroad Company is here as a petitioner before the Board of Aldermen, asking for its consent to the construction and operation of its proposed road on this basis, and on this basis only, submitting itself in all things to the direction of the Board of Aldermen, and to such direction as shall be given by the Commissioners or the Court respecting the mode of road to be adopted; respecting the time when the road should be completed; respecting the regulation and operation of that railroad in all things; and we are prepared to submit to any reasonable obligation which the Committee or the Board may see fit to impose relating to the time when this railroad shall be built; and I undertake, on behalf of the petitioner, to say that if my friend on the other side, Mr. Davies, and those who are acting jointly in the interest with him, as I claim on behalf of rival companies, seeking the same franchise in Broadway, if they will remove the obstructing litigations that they are continually instigating against us, if they will remove the obstructions that they are putting in our way from time to time, that we will undertake to have for the citizens of New York on the surface of Broadway, from the Battery to Fourteenth street, within a period of ninety days, snow-storms included, without regard to wind or weather, a perfect railroad on Broadway, and have it in operation.

Well, now, another interest has been represented here. It is claimed by the parties representing that interest that they represent the citizens; but they really represent, as I claim, a selfish interest of their own, and they are the express companies who come here represented by my friend, Mr. Seward.

Now, what interest have the express companies? What right have the express companies on Broadway which entitles them to any superior respect over that of other citizens? One express company, the American Express Company, as has been stated, has already consented to the construction of a railroad on Broadway. They have given their consent to the construction on Broadway of the proposed railroad of the Broadway Railroad Company. Isn't that evidence that the business of the express companies can be carried on without regard to whether tracks exist or not on Broadway? Mr. Seward said the other day that there are left but nine feet space between the side of the car or the track and the curbstone for a wagon to stand. Now, isn't that enough? Now, my friend Seward did not allude to it, but the Committee well know that most of the business of the express companies is carried on in the rear of their Broadway establishments. Their goods are received and delivered at the rear, as in Church street, instead of Broadway; so that that amount of business concerning which Mr. Seward spoke and which he said was transacted by the express companies on Broadway, is most of it, in respect to the receipt and delivery of goods, which is carried on in Church street and not in Broadway.

Well, now, what is there about the express companies that the Committee should be especially tender of their rights? Have they paid anything into the city? Do they pay any percentage of their receipts to the city? Do they pay any license to the city for the business they do? I am told not. I am told that the city derives from the express companies not one solitary dollar revenue. That not one dollar is paid into the city by them either by way of license fees or by way of percentage on their gross receipts or on their net earnings. My partner reminds me that there have been efforts made on behalf of the city to collect license fees from the express companies, and that all such efforts have failed.

Alderman Waite—Such is the fact.

Mr. Scribner—Now, Mr. Seward urged as an additional argument, and that was an argument also advanced on behalf of the truckmen and the expressmen—I mean also on behalf of the cabmen and truckmen—and that was that the operation of a railroad, in cleaning its tracks from snow, tended to obstruct travel in the street; and Mr. Seward asked how would your fire-engines get to a fire; where would we run our express wagons in case tracks were laid in Broadway, and the snow was removed by snow-plows, as snow is ordinarily removed by street railroads. Now, this question of snow on the streets, and the question whether the action of the railroad companies was advantageous or disadvantageous to the city, has been the subject of litigation in the courts, and various affidavits have been introduced for and against the operation of the snow-plow. I hold in my hand a pamphlet which contains the plaintiff's papers on a motion to continue preliminary injunctions in a variety of suits commenced by the Broadway and Seventh Avenue Railroad Company and other railroad companies, on the occasion of the passage of rather a stringent resolution of the Common Council, requiring them to remove the snow from their tracks within a period of twenty-four hours after it had fallen, or some such odd period as that, and it was demonstrated on the argument of the motions in those cases that there were not trucks and carts enough in the whole State of New York to do what was required in a single street in the city of New York within that limited period. But what I have brought those papers here for is to refer, in answer to these arguments on behalf of the cabmen, truckmen and expressmen, to the affidavits that were put in those suits. There was the affidavit of Benjamin Babbitt, and there is a list here of the affidavits corresponding with Mr. Babbitt's, signed by at least one hundred different men engaged in all classes of business, that the use of the snow-plows in the streets of the City of New York was a great benefit instead of being an encumbrance to the streets, and that it furnished the heavy trucks and other vehicles of that kind the only pathway they had, and instead of being an inconvenience were a very great convenience. There is the affidavit of William T. Ryerson, read in those proceedings, of the firm of Ryerson & Brown, who were livery-stable keepers, and that affidavit was concurred in by nearly every other livery-stable keeper in the city, that the use of the snow-plows, and the cleaning of the tracks by means of snow-plows, was of very great advantage instead of being any inconvenience or encumbrance. I am going to hand this pamphlet up so that the Committee can see the names of the people who made affidavits in these proceedings. There was the affidavit of Joseph L. Perley, formerly and during nearly twenty years connected with the Fire Department of the City of New York, and he said: "I was Chief and Commissioner of the Fire Department during nine years and upwards; I gave orders while acting as Chief of the Department on every occasion after the fall of snow that the engines of the Department in going to or returning from fires should be driven through the streets where street railroad tracks were laid," etc., in consequence of the paths being swept clean and the facilities better, etc.; Thomas F. Jeremiah, the President of the Pacific Fire Insurance Company; Monmouth P. Wilson, Superintendent of a Fire Insurance Company; affidavit of the President of the Clinton Fire Insurance Company; affidavit of the President of the City Fire Insurance Company, and of various other citizens of New York of that class—all testifying that as a matter of fact with regard to fires, with regard to getting about through the streets of the city, that the use of the snow-plow and the cleaning of the streets of the city with the snow-plow of the railroad company was a convenience and not a disadvantage.

This pamphlet I will ask to hand up to the Committee to be filed with the other papers in this proceeding.

Well, now, the main objection which can be urged against the construction of this railroad, by cabmen, comes from the fact that must be perfectly evident to this Committee, that if this railroad is allowed to be constructed on Broadway, the business of the cabs will be largely diverted to the proprietors of the railroad, and thereby the crowding and blockades in Broadway must of necessity be diminished. And there is no argument to be drawn from that fact which is not in favor of the citizens and against the cabmen. Of course nobody is going to take a cab at fifty cents or a dollar and a half who can get a ride in a street car for a single fare of five cents all the way from the Battery to the Central Park.

I think that all the arguments that have been presented to your Committee demonstrate the fact that the great majority of the citizens of the City of New York are in favor of a railroad on Broadway and not against it. In other words, the arguments demonstrate that there is a public necessity for the construction and operation of a railroad on Broadway. In pursuance of the provisions of the Act of 1884, after the presentation of the petition of the Broadway Surface Railroad Company containing its application for the consent of the Common Council, an advertisement was published under the direction of the Clerk of the Board of Aldermen, for fourteen days, in two of the daily newspapers published in the City of New York, designated by the Mayor, to wit, in the "World" and in the "Evening Post"; and for extra precaution we likewise caused that same notice to be published in the "Daily Register," the local advertising sheet of the city, or, at all events, that being a paper in which we conceived it might be held that there was legal necessity for this publication to be made. And who have you had before you? What prominent citizen has come before you to testify or state that he was opposed to the construction of a railroad on Broadway, or that the construction of a railroad on Broadway would not promote the public interest? Every man who has been here has come forward with some scheme of his own in respect to the construction of a railroad on Broadway; and outside of these cabmen and expressmen (whose selfish interests I take are not to be considered in this question), I do not remember a single individual who has come forward here to make any argument against the construction of a railroad on Broadway.

We have heard from our friend, Mr. Chittenden, on various occasions, and we have heard from Mr. Fuller. We have heard from Mr. Fuller not once, but something like three hundred times. Now, I am frank to say that I do not intend to answer in any way the oft-repeated argument of Mr. Fuller that there should be no railroad constructed on Broadway except by persons who are willing to enter into a contract to carry people from the Battery to Kingsbridge for five cents.

We do not propose to do any such thing. The application of the Broadway Surface Railroad Company is for the right to construct and operate a railroad on Broadway between the Battery and Central Park. We do not propose to carry people any further than that, and we do not propose to carry people for less fare than five cents. That is our proposition. It is therefore stated in the application that has been made to the Board, and this is the proposition which we asked the Board to consider. Now there is any such necessity for any such railroad as is mentioned by my friend? Is there any public necessity for a railroad to be run from the Battery to Kingsbridge? The object of this road for which application for consent is made—that is, the road of the Broadway Surface Railroad Company—is for the privilege of constructing a railroad designed to carry passengers only to the Central Park. The purpose of this road is to carry short passengers. I do not conceive, and I do not believe that the Committee will conceive, that there is any other live men in the City of New York, other than Mr. Fuller, who bases so little value on his time that he would willingly enter a street car to be propelled by horses for a ride from the Battery to Kingsbridge. We do not propose to build any such road. For the people who desire to ride to Kingsbridge, for the people who desire to ride to One Hundred and Twenty-fifth street, where Mr. Fuller lives, the elevated roads that have been constructed in the streets of the city furnish all the accommodation that is needed. The accommodation which we offer by the road which is seeking consent at your hands for its construction, is to carry people along Broadway in horse cars at the usual rate at which horse cars are driven, and such a road of necessity will accommodate those people that have occasion for business on errands during the day, as stated, I think, by Mr. Hawes, desiring to do errands in Broadway and in its vicinity, and those are the people whom we intend to accommodate by the construction of this road.

Well, now, there is another argument against the scheme of an auction sale that I desire to present, and that is an argument that it seems to me is unanswerable. The proposition of the Broadway Surface Railroad Company is to construct their railroad to run in connection with the Broadway and Seventh Avenue Railroad in such a manner as will carry passengers from the Battery to Central Park by one continuous route. Well, now, it is possible under litigation that may be commenced, under litigation that has been commenced, it is possible that some question may arise as to the right of the Broadway Surface Railroad Company to run its cars over the tracks of the Broadway and Seventh Avenue Railroad Company. I do not think there is any legal objection to that course. Some question may arise in respect to the right of the Broadway and Seventh Avenue Railroad Company under existing laws to run its cars over the Broadway Surface Railroad Company's tracks. I, for myself, see no legal objection to that, provided the consent of the Broadway Surface Railroad Company is given. But the agreement which has been read in your hearing, the agreement actually existing between the Broadway Surface Railroad Company, the petitioner, and the Broadway and Seventh Avenue Railroad Company, is to the effect that if it shall for any reason be impracticable to run the cars in a manner thus described, there is an agreement between those two companies that they will issue transfer tickets, each company to the passengers of the other, so that in that way, if not by the running of cars by the respective companies over their respective tracks, passengers will be accommodated with a continuous ride from the Battery to the Central Park for the single fare of five cents.

Mr. Davies—Has that agreement been placed before the Committee?

Mr. Scribner—It has; yes, sir.

Mr. Davies—With regard to transfer tickets?

Mr. Scribner—In the agreement itself which I read it is stated, and I read it, I think, while you were here. I think you were here at the time it was read.

Mr. Davies—The agreement of August 6th?

Mr. Scribner—Yes, sir.

Now, how can you put up that franchise at auction, assuming that you had the right to give an absolute franchise? The Broadway Surface Railroad has secured the right, and it alone has the right, to run over the Broadway and Seventh Avenue Railroad, and that right can be acquired in no other way, and certainly that right cannot be sold by the Common Council at auction.

Well, now, it seems to me, gentlemen, that the Broadway Surface Railroad Company, the petitioner, has exhibited to the Committee, and has convinced the Committee, that it offers superior public inducements, and that greater public advantage is to be derived by the granting of the consent of the Common Council to the petitioner than can be given by any other railroad company; and the only question then remaining is as to the terms and conditions on which this grant should be given. Now, as I stated in my opening at the first session that the Committee held for the consideration of this subject, this company, as stated in its letter which accompanied its petition, is willing to do whatever is right. My friend said that letter ought to be under seal, ought to have a resolution of the Board accompanying it, and all that sort of thing. I don't understand that corporations write letters in that way. When a corporation has a letter to write it is signed by its secretary or by its president. But he said that all those facts ought to be incorporated into the petition itself. We sent that communication and the petition together. We ask the Committee to consider them together, and we ask you to consider all the statements contained in that letter as if they were component parts of the petition itself; and by the writing contained in that letter the Broadway Surface Railroad Company is prepared to abide.

Now, with regard to the compensation that ought to be paid. I think some light has been thrown upon the matter by the statements which have been made here by Mr. Wilkins to-day. He says that the combined earnings of the three stage lines running on Broadway—that is, their combined earnings from that portion of the route which is located on Broadway south of Fourteenth street—would be something like nine hundred dollars a day. Assume it to be a thousand dollars a day. Assume that the cars would run on Sundays, as the stages do not, and that their earnings on Broadway south of Fourteenth street would be three hundred and sixty-five thousand dollars per year. You are entitled—the city is entitled—under the provisions of this act, without any conditions attached to the grant by the Common Council, during the first five years, to three per cent. of that sum. If it was three hundred thousand dollars, or three hundred and sixty-five thousand dollars, there would be an annual rental coming to the city of some ten thousand dollars a year during the first five years, and after that time, when the percentage under the act is increased to five per cent., there would be a revenue of some fifteen thousand dollars a year coming to the city independent of any conditions which the Common Council may attach to its consent.

Well, now, assuming, and I don't know why we should assume that, that the railroad company would carry a great many more passengers than are now carried by the stages, it is evident to my mind that they would carry them in less vehicles, and that if the stages were removed, the stage people—their interests should be accommodated, and the stages removed, that there would be at least—Mr. Wilkins, I think, said that one-half the number of cars would carry all the passengers now carried by the stages. Now, that would tend to the relief of Broadway, and the complaint of the cabmen and expressmen and truckmen, to which you have listened, would be obviated entirely.

But Mr. Chittenden, in one of the numerous addresses that he made to the Committee on this subject, suggested the terms and conditions that he would seek to have imposed upon this grant; and I think the Committee must be convinced that the object of Mr. Chittenden, the object of my learned friend, Mr. Davies, the object of the other gentlemen who have spoken here in the interests of rival roads, the object of these gentlemen in suggesting conditions was, as it seems to me, of so loading down the scheme of the Broadway Surface Railroad Company, attaching to it such onerous conditions, such various obstructions, putting such various obstructions in its way that it could not afford to accept of this grant. But I listened to the arguments of Mr. Chittenden on this subject of the conditions that ought to be attached to this grant with a good deal of respect, because he has certainly given a great deal of attention to this subject, and while he has not treated us, or the Committee, or the Board, in the way we think we ought to have been treated, we treat the remarks he has made, and every suggestion he has made in regard to this thing, with every respect. Now, he has shown to the Committee that in the year 1881 (I have not taken any time to verify his figures, but I have taken his figures—I took them down on a memorandum that I made at the time he was making his address—and if I am wrong about that the official record will correct me), he showed of the Broadway and Seventh Avenue Railroad Company in 1881, that its total receipts were \$804,000, and out of those total receipts they were enabled to earn and declare a dividend in that year of eight per cent.; that in 1883, the gross earnings of that road was \$889,614.14, and they were able to earn a dividend that year of eight and one-half per cent. upon the capital.

Now, with regard to that, I shall not repeat the figures that he gave with regard to the Eighth avenue road, and with regard to the Sixth avenue road, or with regard to the New York and Harlem road (he took in nearly every road in the city), but I want to say in regard to the figures that he made, that the earnings of the Broadway and Seventh Avenue Railroad, represented by the figures given by Mr. Chittenden, were acquired on eight miles of track; that they received that \$889,614.14 in 1883, not from their railroad in Broadway alone, not from any railroad south of Fourteenth street, but over eight miles of track, which includes the Seventh avenue branch, and the south branch running parallel with Broadway. Now, assuming that a railroad on Broadway of only two miles from the Battery to Fifteenth street would take in as much at the Broadway and Seventh Avenue Railroad Company on all the lines which it operates, and it not only runs the lines I have said, but as you will remember, it runs a route which terminates at Bleecker street and Broadway, a branch which terminates at Park place and Broadway, and a branch which terminates at Broome street and Broadway; there are three several branches they run, and all those combined routes of the Broadway and Seventh Avenue Railroad Company earned in 1881 \$804,000 as its gross receipts, and in 1883 \$889,614.14 as its gross receipts.

Well, now, assuming that a railroad on Broadway would be a bonanza that people assume it will be, how are you to judge at the present time what its receipts are to be? You have got the statement that the stage lines earn perhaps a thousand dollars a day—the three lines on Broadway—that their gross receipts are that sum. You have got the statement of the largest earnings of the Broadway and Seventh Avenue Railroad Company in all the time of its existence. I presume, at least, that Mr. Chittenden, in giving the figures to the Board, has taken the largest receipts that he



could find in any report—as I have said, I have not taken any pains to verify them myself—but assume that the earnings of a railroad on Broadway would be a million dollars a year, what proportion of that ought the city to receive? What sum should the city receive out of that as a condition for granting its mere consent? Well, now, the first thing to be looked at is what is the city to receive in any event? During the first five years it is entitled to receive, and nobody can gainsay it, three per cent. of the gross receipts of every car that is run over those tracks. Now, if the entire earnings of all these cars run on Broadway, south of Fourteenth street, amounted to a million dollars, and thus placing it far beyond the expectations of this company, there is thirty thousand dollars a year which this company has got to earn and pay into the city if it acquires the right to run and operate this railroad. Now, what will they add to that? In addition to that they will add the public advantage occurring by reason of the increased value of property—by reason of the increased assessment value, by reason of the increase of taxes that the city will be able to collect from property on the line of the route. The company will still be required to pay, in addition to the thirty thousand dollars during the first five years, and the fifty thousand dollars a year that will be required to be paid afterwards into the City Treasury, it will be required to pay taxes on its real estate (because it must have real estate for the doing of its business), it will be required to pay taxes on its gross receipts to the State, and it will be required to pay taxes in various forms. Now, what will you add to all these taxes and conditions? Now, that, I suppose, is what the Committee is to consider. I shall assume that the Committee are in favor of a railroad on Broadway. I shall assume that the Committee have been convinced by the arguments of the people who have attended before it that there is a public necessity for a railroad on Broadway, and then I shall assume that having heard all those suggestions, made both by the advocates of and the opponents of the scheme, that the Committee will take our offer as contained in the letter signed by Mr. Richmond, precisely in the language that it is written, that this road is prepared to abide by and perform any conditions that the Committee and the Common Council may seek to impose upon it.

Now, then, in respect to these conditions I desire only to say one thing more. The Mayor of this city has sought to prejudice the application of this company before the Committee and the Board upon the ground that the Broadway and Seventh Avenue Railroad Company, being a free road, and the Broadway Surface Railroad Company being a road which, if it is allowed to construct and operate a railroad, will be required to pay a percentage of its gross receipts to the city, that by some legendmain the city might be defrauded of any percentage of gross receipts of cars run by the Broadway and Seventh Avenue Railroad Company over the tracks of the railroad on Broadway south of Fourteenth street. No such idea has entered the head of anybody connected with the company that I represent. Nothing of that kind has entered into the mind of anybody, I believe, except the Mayor of the City of New York, and perhaps the gentlemen representing the rival schemes, who have the ear of the Mayor; but I want to say, to set at rest any and every objection of that kind, that we desire that the Committee, in giving its consent to us, if that consent is granted to the Broadway Railroad Company, will attach to it a condition, written in as strong words as the English language contains, binding the Broadway Surface Railroad Company to pay its percentage of three per cent. and five per cent. of its gross receipts on every car that it runs, and imposing upon it and upon every other company whose cars it shall permit to run on its tracks the duty and obligation of accounting for and paying to the city three per cent. during the first five years and five per cent. during all time thereafter, of the gross receipts of every car run on Broadway, or the gross receipts of all passengers riding in cars run by either company on Broadway below Fourteenth street. And I desire that the Committee will likewise frame and attach to its consent, if granted, any further condition that is fair and reasonable under the circumstances of this case, and the Broadway Surface Railroad Company, the petitioner, will be prepared to bind itself in any form or in any manner that the Board may suggest to perform and abide by any such conditions.

Gentlemen, I think that is all that is necessary to say on behalf of the petitioner. You have got Mr. Chittenden's figures; you have got Mr. Wilkins' figures; you have heard the gentlemen on all sides for and against the application, and certainly, if you are not now prepared to frame the terms and conditions upon which consent should be given for the construction of a railroad on Broadway, nothing, certainly, that I could add would influence the Committee in that respect.

The Chairman—That closes the matter. The Committee will now go into executive session.

Which was laid over and ordered to be printed in full in the CITY RECORD, together with the testimony given during the investigation.

## FINANCE DEPARTMENT.

Abstract of transactions of the Finance Department for the week ending November 8, 1884:

<i>Deposited in the Treasury.</i>	
To the Credit of the Sinking Fund.....	\$189,086 03
City Treasury.....	1,944,737 50
Total.....	\$2,133,823 53

<i>Bonds and Stock Issues.</i>	
Three per cent. Bonds.....	\$6,500 00
Three and one-half per cent. Bonds.....	750,000 00
Three and one-half per cent. Stock.....	540,000 00
Total.....	\$1,296,500 00

<i>Warrants Registered for Payment.</i>	
The Mayoralty—	
Contingencies—Mayor's Office.....	\$10 00
The Finance Department—	
Contingencies—Comptroller's Office.....	\$11 85
Salaries—Finance Department.....	3,344 00
Interest on the City Debt.....	3,355 85
	13,615 00

Aqueduct Commissioners—	
Additional Water Fund.....	12,476 67

The Law Department—	
Contingencies—Public Administrator's Office.....	\$81 00
Salaries—Law Department.....	258 32
To Defray the Expenses of Proceedings in Street Openings.....	416 66
	755 98

The Department of Public Works—	
Aqueduct—Repairs, Maintenance and Strengthening.....	\$1,578 64
Boulevards, Roads and Avenues, Maintenance of.....	1,092 25
Contingencies—Department of Public Works.....	100 00
Croton Water Fund.....	71,951 29
Lamps and Gas, and Electric Lighting.....	704 00
Laying Croton Pipes (Chapter 381, Laws of 1879).....	11,196 82
Public Buildings—Construction and Repairs.....	203 00
Repairing and Renewal of Pipes, Stop-cocks, etc.....	9,009 25
Repairs and Renewal of Pavements and Regrading.....	15,405 11
Restoring and Repaving—Special Fund, Department of Public Works.....	1,178 00
Roads, Streets and Avenues Unpaved—Maintenance of and Sprinkling.....	3,592 12
Salaries—Department of Public Works.....	15,149 47
Sewers—Repairing and Cleaning.....	4,293 25
Street Improvement Fund—June 9, 1880.....	81 00
Street Improvements above Fifty-ninth street—June 9, 1880.....	516 50
Street Improvements Authorized, etc., after June 9, 1880.....	19,225 32
Supplies for and Cleaning Public Offices.....	4,273 59
Surveys, Maps, etc., for Street Openings and New Streets.....	835 59
Water Meter Fund, No. 2.....	1,769 12
	162,154 23

The Department of Public Parks—	
Bronx River Bridges—for Rebuilding, Repairing and Maintenance of Bridges over the Bronx river.....	\$36 82
Construction of Bridge over the Harlem River.....	5,488 14
Maintenance and Government of Parks and Places.....	7,533 63
Maintenance—Twenty-third and Twenty-fourth Wards.....	4,047 82
Sewers and Drains—Twenty-third and Twenty-fourth Wards.....	332 21
Surveying, Laying-out, etc.—Tax and Assessment Maps—Twenty-third and Twenty-fourth Wards.....	42 24
Surveys, Maps and Plans—Twenty-third and Twenty-fourth Wards.....	7 92
	17,488 78

The Department of Public Charities and Correction—	
Public Charities and Correction.....	\$1,775 00
The Health Department—	
For Removal of Night-soil, Offal and Dead Animals.....	\$3,000 00
Health Fund.....	7 50
Hospital Fund—For Completion of Hospital Building at foot of Sixteenth Street, East River.....	227 00
Hospital Fund—For Erection of Hospital Buildings at North Brother Island.....	176 62
Hospital Supplies and Transportation for Care of Contagious Diseases.....	52 80
	3,463 92
The Department of Street Cleaning—	
Cleaning Streets—Department of Street Cleaning.....	16,146 13
The Fire Department—	
Fire Department Fund.....	7,327 48
The Dock Department—	
Dock Fund.....	19,502 44
The Board of Education—	
College of the City of New York.....	\$336 27
Public Instruction.....	10,332 46
	10,668 73
The Judiciary—	
Salaries—City Courts.....	\$1,541 66
Salaries—Judiciary.....	8,111 16
	9,652 82
Charitable Institutions—	
Five Points House of Industry.....	\$2,614 21
Institution for Improved Instruction of Deaf Mutes.....	3,143 38
New York Institution for Instruction of the Deaf and Dumb.....	2,810 95
New York Society for the Relief of the Ruptured and Crippled.....	6,360 66
St. Joseph's Institution for the Improved Instruction of Deaf Mutes.....	4,051 82
	18,981 02
Advertising, Printing, Stationery and Blank Books—	
Printing, Stationery and Blank Books.....	582 60
Miscellaneous—	
Armories and Drill Rooms—For Wages of Armorers, Janitors and Engineers.....	\$1,605 00
Commissioners of Accounts, Expenses of.....	1,600 81
Coroners—Salaries and Expenses.....	1,004 00
Election Expenses.....	5 00
Judgments.....	19,270 37
Refunding Interest and Charges on Lands sold for Taxes and Assessments.....	21 52
Salaries—Board of Revision and Correction of Assessments [Salary of the Recorder].....	83 33
Salaries—Commissioners of the Sinking Fund [Salary of the Recorder].....	83 33
Salaries—Commissioners of Accounts.....	333 32
Salaries of Inspectors and Sealers of Weights and Measures.....	200 00
Salary of the Physician to the Jail of the City and County of New York.....	83 33
Tax Sales—Moneys Refunded.....	111 50
	24,401 51
Total.....	\$322,358 16

## SUITS, ORDERS OF COURT, JUDGMENTS, ETC.

COURT.	NAME OF PLAINTIFF.	AMOUNT.	NATURE OF ACTION.	ATTORNEY.
Supreme.	Edward G. Dumahaut	\$91 99	Summons and complaint. For amount of disbursements of the Department of Buildings, from June 15 to July 16, 1880.....	Roswell D. Hatch.
"	Jno. Cantine and others against The Mayor, etc., Nicholas H. Decker, the Produce Bank of the City of New York impleaded with others.....	995 00	Complaint. To enforce a lien for work and material furnished in the performance of the contract for constructing, etc., Riverside avenue, between Seventy-second and One Hundred and Thirtieth streets, during period from October 9, 1878, to December 14, 1880.....	Arthur H. Smith, Miller & Macfarlane.
Superior..	Maunce B. Flynn.....	586 73	Transcript of judgment.....	T. F. Neville.
Supreme.	Margaret MacKean..	321 92	Order reducing assessment for sewers in Eighty-eighth street, between Second and Third avenues, and in Ninety-first street, between Second and Fourth avenues, on Ward Nos. 50 and 51, Block 381, to \$321.92.....	T. F. Neville.
"	Patrick Keefe Horgan and John Arthur Horgan.....	9,000 00	Transcript of judgment.....	John H. Strahan.
"	Patrick H. Fay.....	195 19	Order vacating assessment for setting curb, gutter and flagging in West street, and erecting streets, between Chambers and Canal streets, on lots Ward Nos. 25 and 26, Map Nos. 27 and 28.....	E. M. Neville.
"	Bernard Maloney.....	495 85	Order reducing assessment for sewers in Eighty-eighth street, between Second and Third avenues, etc., on lots Ward Nos. 12 to 14, Block 382, to \$495.85.....	T. F. Neville.
"	Patrick H. Fay.....	27 00	Notice of costs, and for adjustment of the same, in matter of petition to vacate an assessment for curbing, etc., West street.....	E. M. Neville.
"	John McKim against The Mayor, etc.....	447 08	Order for and transcript of judgment in favor of the plaintiff for his damages in the premises.....	Lewis Johnston.
"	Aza L. Shipman, as executor and trustee of Daniel Fanshawe, deceased.....	1,434 79	Transcript of judgment.....	T. F. Neville.

## CONTRACTS REGISTERED FOR THE WEEK ENDING NOVEMBER 10, 1884.

NO.	DATE OF CONTRACT.	DEPARTMENT.	NAMES OF CONTRACTORS.	DESCRIPTION OF WORK.
6825	Oct. 17, 1884	Docks.....	James D. Leary..... (Sureties: Augustus T. Morris, James M. Cumings. Bond, \$600.)	Repairing Pier 44, East river. Total, \$2,490.
6826	" 20, "	"	John W. Flaherty and Thos. O'Connell..... (Sureties: Alfred J. Murray, Thomas F. White. Bond, \$2,000.)	Repairing Pier 43 and the Piers at East Thirty-first street and East Thirty-second street, East river. Total, \$7,255.
6827	" 31, "	Public Parks.....	Dennis W. Moran..... (Sureties: Charles Van Riper, James Kearney. Bond, \$4,500.)	Sewer and appurtenances in Southern Boulevard, from North Third to Lincoln avenue. Estimate, \$8,120.



CLAIMS FILED.

DATE.	NAME OF CLAIMANT.	AMOUNT.	NATURE OF CLAIM.	ATTORNEY.
Nov. 3...	Pauline Heilner, as guardian ad litem of Rosalie Heilner.	\$2,500 00	Claim and demand. For damages for injuries received in October, 1884, resulting from a fall upon the northerly sidewalk of One Hundred and Twenty-fourth street.	Simon & Wolf.
" 3...	William H. Ricketts.	83 33	Claim and demand. For amount due on the monthly instalment of \$68.33 of his annual salary as Crier of the Supreme Court in the First Judicial District, for month of October, 1884.	John C. Shaw.
" 5...	Margaret Lusk	345 02	Claim. For payment to her of award made to unknown owners by damage Map No. 37, in matter of the opening of Webster avenue.	B. F. McCabill.
" 6...	Sophia Donnelly and others.	2,000 00	Notice of George J. Greenfield, attorney, of withdrawal of all claims for award in matter of closing Bloomingdale road, Ward Nos. 27 to 30, Block 1281.	Geo. J. Greenfield.
" 7...	Horace P. Whitney.	63 35	Concord avenue regulating, etc., from Home street to Westchester avenue—	John C. Shaw.
" 7...	James O'Brien.	25 70	Map Nos. Paid. 100 to 113 100 to 104 Aug. 18, 1882 26 B 67 Nov. 17, 1882	"
" 7...	Emma S. Potter.	85 56	First avenue paving, One Hundred and Sixteenth to One Hundred and Twenty-fifth street—	"
" 7...	Simon Mack.	134 72	Ward No. Block No. Paid. 50 145 Nov. 4, 1883	"
" 7...	Herman Livingston.	147 27	Eighth avenue regulating, etc., One Hundred and Twenty-eighth street to Harlem river—	"
" 7...	Simeon E. Church.	98 48	Ward Nos. Block No. Paid. 1 to 4 831 Jan. 7, 1884 1 to 4 830 Dec. 10, 1883	"
" 7...	Michael Tracy.	3,664 79	Tenth avenue regulating, etc., Seventieth to Eighty-first street—	"
" 7...	Thomas Morrell.	597 29	Ward Nos. Block No. Paid. 58 to 60 163 Aug. 4, 1882 1 to 4, 61 to 64 166 May 19, 1883	"
" 7...	John Taylor Johnston.	226 89	Tenth avenue regulating, etc., Eighty-second to Ninety-third street—	"
" 7...	William McCreery.	162 82	Ward Nos. Block No. Paid. 61 to 64 1017 Mar. 13, 1883	"
" 7...	Samuel McCreery.	162 82	Thirteenth avenue regulating, etc., Eleventh to Sixteenth street—	"
" 7...	Isaac Weyman.	107 12	Ward No. Block No. Paid. 4050 .... Aug. 31, 1882	"
" 7...	Robert Ward.	339 20	Forty-fourth street regulating, etc., First to Third avenue—	"
" 7...	The Equitable Life Assurance Society of the U. S.	614 74	Ward No. Block No. Paid. 16 248 April 13, 1884 15 248 April 8, 1884	"
" 7...	Veit Stern.	107 58	Seventy-sixth street regulating, etc., Fifth avenue to East river—	"
" 7...	Michael Tracy.	353 30	Ward Nos. Block No. Paid. 45 279 Nov. 22, 1882 28 461 Dec. 2, 1882	"
" 7...	Laura S. Forbes and others.	440 11	Seventy-eighth street regulating, etc., Ninth avenue to Boulevard—	"
" 7...	Laura S. Forbes and others.	474 23	Ward Nos. Block No. Paid. 61 166 May 19, 1883	"
" 7...	William H. Jackson.	84 45	Seventy-ninth street regulating and paving, Ninth avenue to Hudson river—	"
" 7...	Alexander Roux.	389 76	Ward Nos. Block No. Paid. 45 to 50 167 Mar. 10, 1883	"
" 7...	Robert Gordon.	254 53	Ninety-ninth street regulating, etc., Eighth to Eleventh avenue—	"
" 7...	Caleb D. Gildersleeve.	257 61	Ward No. Block No. Paid. 28 911 May 28, 1883	"
" 7...	Sidney H. Stuart and others.	132 90	One Hundred and First street regulating, etc., Ninth avenue to Public Drive—	"
" 7...	Henry Flegenheim.	252 30	Ward No. Block No. Paid. 36 1027 Mar. 23, 1882	"
" 7...	Phoebe B. Allen.	1,812 71	One Hundred and Fourth street regulating, etc., Fifth avenue to Harlem river—	"
" 7...	Edward S. Parsella.	218 90	Ward Nos. Block No. Paid. 37 to 40 130 April 26, 1884 27 and 28 489 Feb. 15, 1883	"
" 7...	Adelia D. Ireland.	40 23	One Hundred and Sixth street regulating, etc., Third avenue to East river—	"
" 7...	Josephine Wilson.	2,157 85	Ward No. Block No. Paid. 31 309 April 18, 1882	"
" 7...	Simon Mack.	100 56	One Hundred and Sixth street paving, Third avenue to Harlem river—	"
" 7...	Nathaniel Jarvis, Jr.	23 49	Ward Nos. Block No. Paid. 1 to 4 222 Mar. 11, 1884	"
" 7...	Lucene Gunning.	96 32	One Hundred and Seventh street regulating, etc., Fifth avenue to Harlem river—	"
" 8...	In matter of the claim of Pat'k Courtney, filed Oct. 18, 1884.	30,000 00	Ward Nos. Block No. Paid. 8 to 21 311 June 23, 1883 1 and 5 223 April 8, 1882	McCarthy, Lawrence & Buckley.

Opening of Proposals.

The Comptroller attended the opening of proposals at the following Departments, viz.:  
 November 7. The Department of Public Parks (by representative)—For furnishing uniforms for the Police force of the Department. No proposals were received.  
 November 8. The Department of Public Charities and Correction (by representative)—For furnishing materials for new laundry, Hart's Island—lumber, iron, etc., hardware, etc., paints, oils, etc., cement.

Approval of Sureties.

The Comptroller approved of the adequacy and sufficiency of the sureties on the following proposals, viz.:  
 November 3. For paving with trap-block pavement Eightieth street, from Madison to Fourth avenue. William A. Cumming, No. 5 Dey street, Principal. Alexander Milne, Stamford, Conn., James Mulry, No. 367 East Twelfth street, Sureties.  
 November 6. For construction of a sewer at foot of Forty-seventh street, East river. Matthew Baird, No. 306 East Fifty-seventh street, Principal. James Baird, No. 310 East Fifty-seventh street, Thomas McManus, No. 709 Lexington avenue, Sureties.  
 November 6. For construction of a sewer in One Hundred and Thirty-first street, between Sixth and Seventh avenues. Joseph A. Devlin, No. 1145 Park avenue, Principal. John H. Mooney, No. 23 Park Row, Thomas Gearty, No. 135 East Eighty-third street, Sureties.  
 November 8. For constructing sewer in Fourth avenue, east side, between Fifty-seventh and Fifty-eighth streets. John Slattery, No. 788 Fourth avenue, Principal. John Davidson, No. 610 Lexington avenue, Patrick H. Slattery, No. 681 East One Hundred and Thirty-fifth street, Sureties.  
 November 8. For paving with trap-block pavement Seventieth street, from Avenue A to 650 feet east. Wm. A. Cumming, No. 5 Dey street, Principal. Alexander Milne, Stamford, Conn., James Mulry, No. 367 East Twelfth street, Sureties.  
 November 8. For paving with granite-block pavement Eighty-eighth street, from Second to Third avenue; Eighty-ninth street, from First avenue to Avenue A; Ninety-third street, from Avenue A to Second avenue (except between First and Second avenues), and One Hundred and Thirty-fourth street, from Madison to Fifth avenue. Thomas Gearty, No. 135 East Eighty-third street, Principal. Thomas Regan, No. 858 Third avenue, Edward Reilly, No. 1402 Second avenue, Sureties.

Return of Proposal.

November 3. Proposal of Joseph A. Devlin, for sewer in One Hundred and Thirty-first street, between Sixth and Seventh avenues, returned to the Department of Public Works for action on the proposed substitution of John H. Mooney, No. 23 Park Row, and Thomas Gearty, No. 135 East Eighty-third street, as sureties thereon, in the place of John B. Devlin, No. 14 Henderson place, and Edward C. Sheehy, No. 411 East Eighty-eighth street, the original sureties.

Died.

November 7. John M. Seaman, Deputy Collector of City Revenue in the Bureau for the Collection of City Revenue and of Markets.

S. HASTINGS GRANT, Comptroller.

DEPARTMENT OF DOCKS.

At a meeting of the Board of Docks, held October 29, 1884, Present—The full Board.  
 The minutes of the meetings held October 22, 23 and 24, 1884, were read and approved.  
 The following communications were received, read, and, On motion, laid on the table to await action, as stated, to wit:  
 From Elias S. Higgins—Requesting permission to build, at his own expense, a good and substantial crib bulkhead between Ninety-fifth and Ninety-sixth streets, on the North river, on the established bulkhead line, and to fill in behind the same. Engineer-in-Chief to be directed to examine and report.  
 From Christopher Havican—Submitting claim against the Department amounting to \$384, for damage accrued for the detention of scows. Engineer-in-Chief to be directed to examine and report.  
 The following communications were received, read, and, On motion, ordered to be placed on file, action being taken thereon, as stated, to wit:  
 From Counsel to the Corporation—In reference to the execution of the contract for the purchase from the Old Dominion Steamship Company of wharf property on West street, North river, extending 125 feet south of Beach street, and declining to approve of the title to the said premises.  
 From Board of Aldermen—Inviting Commissioners to attend a meeting of the Board on Wednesday, October 29th inst., at 11 o'clock A. M.  
 From Municipal Service Examining Board—Transmitting resolution passed by the Advisory Board on October 20th inst., exempting dock builders and pavers from examination.  
 From Fire Department—Requesting Department to drive six spring piles on south side of Pier foot of Thirtieth street, North river, and also requesting that ten or twelve planks on said Pier be replaced, Engineer-in-Chief to be directed to do the work thereat.  
 From Horace Russell and Theodore Houston, receivers New York, West Shore & Buffalo Railway Company—In reference to the execution of the lease for the Pier at the foot of West Thirty-sixth street, North river. Secretary directed to request the Counsel to the Corporation to prepare a lease in duplicate for the Pier at the foot of West Thirty-sixth street, North river, to the New York, West Shore & Buffalo Railway Company, and the New York, Ontario & Western Railway Company, in accordance with the resolutions heretofore adopted by the Board on July 14, 1883, and October 8, 1884; the Secretary also directed to inform the said railway companies of the action of the Board.  
 From De Forest & Weeks, attorneys—In reference to and claiming that damage is being done to the bulkhead between Piers 41 and 42, East river, by vessels berthed thereat.  
 From the Old Dominion Steamship Company—Reporting that the roadway leading to Pier, new 26, North river, is in a very dangerous condition, and requesting the Department to put the said roadway in such repair as will enable trucks to pass over it with safety. Engineer-in-Chief to be directed to repair where necessary. Secretary directed to notify the Steamship Company that the Engineer-in-Chief has been directed to repair.  
 From Henry Du Bois' Sons—Requesting permission to replace piles and repair Pier foot of West Thirty-third street, North river, for the New York Central & Hudson River Railroad Company. Secretary directed to request information as to the amount and extent of the repairs proposed to be made to the said Pier.  
 From Louis Berkowitz—Notice of lien against Christopher Havican amounting to \$209.01, for unloading rip-rap and cobble stone at Battery and Thirtieth street sections. Secretary directed to file the same with the contract or agreement.  
 From Engineer-in-Chief:  
 1st. Reporting assignment of employees to special duty other than that to which they were appointed. Secretary to notify the Bookkeeper.  
 2d. Reporting amount of material excavated by the Union Dredging Company with Department dredges during the month of June, 1884. Treasurer to make out bill therefor, and collect same from the Union Dredging Company.  
 3d. Reporting that the surface of the Pier foot of Thirty-fourth street, North river, is in an unsafe condition, and should be resheathed with 3-inch spruce plank. Engineer-in-Chief to be directed to fence off the whole or such portion of the Pier as may be necessary to keep the same safe for use by the public.  
 4th. Reporting the suspension of Laborers Charles Muller, Francis Scanlon, Patrick Fleming, Charles F. Kubler, and Michael Laughlin, for absence from work three successive days without being excused. Action of Engineer-in-Chief approved, and the laborers discharged.  
 5th. Reporting the suspension of Laborer, acting Watchman, Thomas Shanahan, for being found asleep while on duty on the night of Friday, the 24th inst. and recommending that he be not again assigned to duty as acting Watchman. Action of the Engineer-in-Chief approved, and the recommendation adopted.  
 6th. Reporting a dangerous hole in the platform in front of the old bulkhead between Pier, old 33, North river, and slope of newly-made ground rear of the bulkhead wall at Chambers street section. Engineer-in-Chief to be directed to do the work required thereat.  
 7th. Reporting that no repairs had been made to the bulkhead between Piers 59 and 60, East river, by the alleged owners, as ordered by the Board. Engineer-in-Chief to be directed to fence off and close from public use.  
 8th. Reporting that the work of building a new Pier at the foot of East Twenty-sixth street, East river, had been finished by the Contractor, James D. Leary. Secretary directed to notify the Dock







from the appropriation made to the Department of Public Works for "Lamps and Gas and Electric Lighting," for 1884, which amount is in excess of the amount required for the objects and purposes thereof, to the following accounts, for which the appropriations are insufficient, and the amounts transferred are required, viz.:

To "Public Buildings—Construction and Repairs," for 1884.....	\$5,000 00
To "Supplies for and Cleaning Public Offices," for 1884.....	21,000 00
Total.....	\$26,000 00

Resolved, That to meet expenditures for supplies and repairs, for the accommodation of the Supreme Court, in the County Court-house, the sum of eighteen thousand dollars (\$18,000) is hereby set apart and appropriated, and for the same purposes, for the accommodation of the Finance Department, in the Stewart Building, the sum of eight thousand dollars (\$8,000) is hereby set apart and appropriated.

The President of the Department of Taxes and Assessments moved to amend the said resolution so as to read as follows, viz.:

Resolved, That the sum of eighteen thousand dollars (\$18,000) be and is hereby transferred from the appropriation made to the Department of Public Works for "Lamps and Gas and Electric Lighting," for 1884, which amount is in excess of the amount required for the objects and purposes thereof, to the following accounts, for which the appropriations are insufficient and the amounts transferred are required, viz.:	
To "Public Buildings—Construction and Repairs," for 1884.....	\$5,000 00
To "Supplies for and Cleaning Public Offices," for 1884.....	13,000 00
Total.....	\$18,000 00

Resolved, That to meet expenditures for supplies and repairs, for the accommodation of the Supreme Court, in the County Court-house, the sum of ten thousand dollars (\$10,000) is hereby set apart and appropriated, and for the same purposes, for the accommodation of the Finance Department, in the Stewart Building, the sum of eight thousand dollars (\$8,000) is hereby set apart and appropriated.

Which was adopted by the following vote:  
Affirmative—The Mayor, Comptroller, President of the Board of Aldermen, and President of the Department of Taxes and Assessments—4.  
The question was then taken on the resolution, as amended.

Which was adopted by the following vote:  
Affirmative—The Mayor, Comptroller, President of the Board of Aldermen and President of the Department of Taxes and Assessments—4.

The Comptroller called up and offered the following resolution, laid over at meetings held November 6 and 10:

Resolved, That the sum of four thousand seven hundred and fifty dollars (\$4,750) be and hereby is transferred from the appropriation made to the Department of Public Works for "Lamps and Gas and Electric Lighting," for the year 1884, which is in excess of the amount required for the objects and purposes thereof, to the appropriation entitled "Salaries—Department of Public Works—for Salaries chargeable to Repairing and Renewal of Pipes, Stop-cocks, etc.," which is insufficient.

Which was adopted by the following vote:  
Affirmative—The Mayor, Comptroller and President of the Board of Aldermen—3.  
Negative—The President of the Department of Taxes and Assessments—1.

The Comptroller offered the following resolution:  
Resolved, That the amounts following be and hereby are appropriated from the "Excise Fund," under the provisions of section 210, chapter 410, Laws of 1882 (New York City Consolidation Act of 1882), for the support of children in the month of September, 1884, committed by magistrates to the institutions named, pursuant to law:

NAME.	NUMBER OF CHILDREN.	DAYS.	RATE.	AMOUNT
Institution of Mercy.....	935	27,278	\$2 per week	\$7,590 21
St. Stephen's Home for Children.....	167	10,858	"	3,044 71
St. Joseph's Asylum.....	431	10,151	"	3,256 71
Mission of the Immaculate Virgin.....	837	24,022	"	6,036 16
Missionary Sisters, Third Order of St. Francis.....	405	11,913	"	3,493 71
Asylum Sisters of St. Dominic.....	388	11,491	"	3,283 14
Dominican Convent of Our Lady of the Rosary.....	282	8,117	"	2,319 14
Association for the Benefit of Colored Orphans.....	107	3,401	"	953 71
St. James' Home.....	123	3,735	"	1,067 14
Association for Befriending Children and Young Girls.....	24	657	"	187 71
St. Ann's Home.....	32	960	"	274 29
American Female Guardian Society and Home for the Friendless.....	109	3,042	"	783 64
Asylum of St. Vincent de Paul.....	62	1,848	"	528 00
Hebrew Sheltering Guardian Society.....	283	8,231	"	2,351 71
Ladies' Deborah Nursery and Child's Protectory.....	296	8,768	"	2,505 14
Total.....				\$38,165 14

Which was adopted by the following vote:  
Affirmative—The Mayor, Comptroller, President of the Board of Aldermen, and President of the Department of Taxes and Assessments—4.

The Comptroller offered the following resolution:  
Resolved, That the sum of two hundred and nine dollars and forty-three cents (\$209.43), be and hereby is appropriated from the "Excise Fund" to the "Home for Fallen and Friendless Girls," for the support of twenty-five inmates in the month of September, 1884, aggregating five hundred and eleven days, at the rate of \$150 per annum, pursuant to section 208, chapter 410, Laws of 1882 (New York City Consolidation Act of 1882).

Which was adopted by the following vote:  
Affirmative—The Mayor, Comptroller, President of the Board of Aldermen, and President of the Department of Taxes and Assessments—4.  
On motion, the Board adjourned.

THOS. B. ASTEN, Secretary.

## OFFICIAL DIRECTORY.

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

### EXECUTIVE DEPARTMENT.

#### Mayor's Office.

No. 6 City Hall, 9 A. M. to 3 P. M.  
FRANKLIN EDSON, Mayor; WILLIAM E. LUCAS, Secretary; AUGUSTUS WALSH, Chief Clerk.

#### Mayor's Marshal's Office.

No. 1 City Hall, 9 A. M. to 4 P. M.  
GEORGE A. McDERMOTT, First Marshal.

#### Permit Bureau Office.

No. 13½ City Hall, 9 A. M. to 4 P. M.  
HENRY WOLTMAN, Registrar.

### COMMISSIONERS OF ACCOUNTS.

No. 12 County Court-house, 9 A. M. to 4 P. M.  
EDWIN HILL, ANDREW B. MARTIN.

### AQUEDUCT COMMISSIONERS.

Room 78, Tribune Building, 9 A. M. to 5 P. M.  
THE MAYOR, President; JAMES W. McCULLOH, Secretary; BENJAMIN S. CHURCH, Chief Engineer.

### LEGISLATIVE DEPARTMENT.

#### Office of Clerk of Common Council.

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

#### City Library.

No. 12 City Hall, 10 A. M. to 4 P. M.

### DEPARTMENT OF PUBLIC WORKS.

#### Commissioner's Office.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
HUBERT O. THOMPSON, Commissioner;  
Deputy Commissioner.

#### Bureau of Chief Engineer.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
Chief Engineer.

#### Bureau of Water Register.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
JOHN H. CHAMBERS, Register.

### Bureau of Street Improvements.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
GEORGE A. JEREMIAN, Superintendent.

### Engineer in Charge of Sewers.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
STEPHENSON TOWLE, Engineer-in-Charge.

### Bureau of Repairs and Supplies.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
THOMAS H. McAVOY, Superintendent.

### Bureau of Water Purveyor.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
DAVID L. SMITH, Water Purveyor.

### Bureau of Lamps and Gas.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
TEPHEN McCORMICK, Superintendent.

### Bureau of Streets.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
GEO. E. BARCOCK, Superintendent.

### Bureau of Incumbrances.

No. 31 Chambers street, 9 A. M. to 4 P. M.  
JOSEPH BLUMENTHAL, Superintendent.

### Keeper of Buildings in City Hall Park.

MARTIN J. KEESSE, City Hall.

### FINANCE DEPARTMENT.

#### Comptroller's Office.

No. 15 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.  
S. HASTINGS GRANT, Comptroller; RICHARD A. STORRS, Deputy Comptroller.

#### Auditing Bureau.

Nos. 19, 21, 23 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.  
WM. J. LYON, Auditor of Accounts.  
DAVID E. AUSTEN, Deputy Auditor.

**Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents**  
No. 5 New County Court-house, 9 A. M. to 4 P. M.  
ARTHUR S. CADY, Collector of Assessments and Clerk of Arrears.

**Bureau for the Collection of City Revenues and of Markets.**  
No. 6 New County Court-house, 9 A. M. to 4 P. M.  
FRANCIS TOMES, Collector of the City Revenue and Superintendent of Markets.

**Bureau for the Collection of Taxes.**  
First floor Brown-stone Building, City Hall Park.  
MARTIN T. McMAHON, Receiver of Taxes; ALFRED VIEDENBURG, Deputy Receiver of Taxes.

**Bureau of the City Chamberlain.**  
Nos. 25, 27 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.  
HENRY B. LAIDLAW, City Chamberlain.

**Office of the City Paymaster.**  
Room 1, New County Court-house, 9 A. M. to 4 P. M.  
MOOR FALLS, City Paymaster.

### LAW DEPARTMENT.

#### Office of the Counsel to the Corporation.

Staats Zeitung Building, third floor, 9 A. M. to 5 P. M.  
Saturdays, 9 A. M. to 4 P. M.  
E. HENRY LACOMBE, Counsel to the Corporation  
ANDREW T. CAMPBELL, Chief Clerk.

#### Office of the Public Administrator.

No. 49 Beekman street, 9 A. M. to 4 P. M.  
ALGERNON S. SULLIVAN, Public Administrator.

#### Office of the Corporation Attorney.

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

### POLICE DEPARTMENT.

#### Central Office.

No. 300 Mulberry street, 9 A. M. to 4 P. M.  
STEPHEN B. FRECH, President;  
Chief Clerk: JOHN J. O'BRIEN, Chief Bureau of Elections.

### DEPARTMENT OF CHARITIES AND CORRECTIONS.

#### Central Office.

No. 66 Third avenue, corner Eleventh street, 8.30 A. M. to 5.30 P. M.  
JACOB HESS, President, GEORGE F. BRITTON, Secretary.

### FIRE DEPARTMENT.

Office hours for all except where otherwise noted from 9 A. M. to 4 P. M. Saturdays, 10 to 3 P. M.

#### Headquarters.

Nos. 155 and 157 Mercer street.  
CORNELIUS VAN COTT, President; CARL JUSSEN, Secretary.

#### Bureau of Chief of Department.

CHARLES O. SHAY, Chief of Department.

#### Bureau of Inspector of Combustibles.

PETER SREKY, Inspector of Combustibles.

#### Bureau of Fire Marshal.

GEORGE H. SHELTON, Fire Marshal.

#### Bureau of Inspection of Buildings.

WM. P. ESTERBROOK, Inspector of Buildings.

#### Attorney to Department.

WM. L. FINDLEY, Nos. 155 and 157 Mercer street.

#### Fire Alarm Telegraph.

J. ELLIOT SMITH, Superintendent of Telegraph, Nos. 155 and 157 Mercer street.  
Central Office Fire Alarm Telegraph open at all hours.

#### Repair Shops.

Nos. 128 and 130 West Third street.

#### Hospital Stables.

99th street, between 9th and 10th avenues.  
JOSEPH SHEA, Foreman-in-Charge.  
Open at all hours.

### HEALTH DEPARTMENT.

No. 301 Mott street, 9 A. M. to 4 P. M.  
ALEXANDER SHALER, President; EDMONDS CLARK, Secretary.

### DEPARTMENT OF PUBLIC PARKS.

No. 36 Union Square, 9 A. M. to 4 P. M.  
EGBERT L. VIELE, President; EDWARD P. BARKER, Secretary.

#### Civil and Topographical Office.

Arsenal, 64th street and 5th avenue, 9 A. M. to 5 P. M.  
Office of Superintendent of 23rd and 24th Wards.  
146th street and 3d avenue, 9 A. M. to 5 P. M.

### DEPARTMENT OF DOCKS.

Nos. 117 and 119 Duane street, 9 A. M. to 4 P. M.  
LUCIUS J. N. STARK, President; JOHN T. CUMING, Secretary.

Office hours from 9 A. M. to 4 P. M. daily, except Saturdays; on Saturdays as follows: from September 13 to June 15, from 9 A. M. to 3 P. M.; from June 15 to September 15, from 9 A. M. to 12 M.

### DEPARTMENT OF TAXES AND ASSESSMENTS.

Staats Zeitung Building, Tryon Row, 9 A. M. to 4 P. M.  
Saturdays, 3 P. M.  
THOMAS B. ASTEN, President; FLOYD T. SMITH, Secretary.

**Office Bureau Collection of Arrears of Personal Taxes**  
Brown-stone Building, City Hall Park, 9 A. M. to 4 P. M.  
CHARLES S. BEARDSLEY, Attorney; WILLIAM COMBERFORD, Clerk.

### DEPARTMENT OF STREET CLEANING.

31 and 32 Park Row, "World" Building, Rooms and 9, 9 A. M. to 4 P. M.  
JAMES S. COLEMAN, Commissioner; A. H. ROGERS, Deputy Commissioner; M. J. D. ORRISON, Chief Clerk.

### BOARD OF ASSESSORS.

Office, City Hall, Room No. 11½, 9 A. M. to 4 P. M.  
JOHN R. LUYDECKER, Chairman; WM. H. JASPER, Secretary.

### BOARD OF EXCISE.

Corner Bond street and Bowery, 9 A. M. to 4 P. M.  
NICHOLAS HAUGHTON, President; JOHN K. PERLEY, Secretary and Chief Clerk.

### SHERIFF'S OFFICE.

Nos. 3 and 4 New County Court-house, 9 A. M. to 4 P. M.  
ALEXANDER V. DAVIDSON, Sheriff; JOEL O. STEVENS, Under Sheriff; DAVID MCGONIGAL, Order Arrest Clerk.

### REGISTER'S OFFICE.

East side City Hall Park, 9 A. M. to 4 P. M.  
JOHN REILLY, Register; J. FAIRFAX McLAUGHLIN, Deputy Register.

### COMMISSIONER OF JURORS.

No. 17 New County Court-house, 9 A. M. to 4 P. M.  
GEORGE CAULFIELD, Commissioner; JAMES E. CONNER, Deputy Commissioner.

### COUNTY CLERK'S OFFICE.

PATRICK KERRAN, County Clerk; H. S. BEATTIE, Deputy County Clerk.

### DISTRICT ATTORNEY'S OFFICE.

Second floor, Brown-stone Building, City Hall Park, 9 A. M. to 4 P. M.  
PETER B. OLNEY, District Attorney; HUGH DONNELLY, Chief Clerk.

### THE CITY RECORD OFFICE.

**And Bureau of Printing, Stationery, and Blank Books.**  
No. 2 City Hall, 8 A. M. to 5 P. M., except Saturdays, on which days 8 A. M. to 3 P. M.  
TH. MAS COSTIGAN, Supervisor; R. P. H. ABELL, Bookkeeper.

### CORONERS' OFFICE.

Nos. 13 and 15 Chatham street, 8 A. M. to 5 P. M. Sundays and Holidays, 8 A. M. to 12.30 P. M.  
PHILIP MERKLE, Foreman; LEWY BERNARD F. MARTIN and WILLIAM H. KENNEDY, Coroners; JOHN T. TOAL, Clerk of the Board of Coroners.

### DEPARTMENT OF PUBLIC PARKS.

#### DEPARTMENT OF PUBLIC PARKS.

#### 36 UNION SQUARE.

#### NEW YORK, NOVEMBER 12, 1884.

**BIDS OR ESTIMATES FOR EACH OF THE**  
following mentioned works, with the title of the work and the name of the bidder in accordance therewith, also the number of the work as in this advertisement:

- No. 1. For Regulating, Grading, Setting Curb and Gutter Stones, Flagging the Sidewalks four feet wide, and Laying Crosswalks in East One Hundred and Thirty-sixth street, between the easterly curb-line of North Third avenue and the westerly curb-line of Brook avenue.
- No. 2. For Regulating, Grading, Setting Curb and Gutter Stones, Flagging the Sidewalks four feet wide, and Laying Crosswalks in East One Hundred and Thirty-seventh street, between the easterly curb-line of North Third avenue and the westerly curb-line of Brook avenue.
- No. 3. For Regulating, Grading, Setting Curb and Gutter Stones, Flagging the Sidewalks four feet wide, and Laying Crosswalks in East One Hundred and Fifty-first street, between the westerly curb-line of North Third avenue and the easterly curb-line of Courtland avenue.
- No. 4. For Regulating, Grading, Setting Curb and Gutter Stones, Flagging the Sidewalks four feet wide, and Laying Crosswalks in East One Hundred and Fifty-fourth street, between the western curb-line of North Third avenue and the eastern curb-line of Courtland avenue.
- No. 5. For Constructing a Sewer and Appurtenances in One Hundred and Sixty-second street, between Brook and Courtland avenues, with a branch in Courtland avenue, between One Hundred and Sixty-second and One Hundred and Sixty-first streets.
- No. 6. For Constructing a Sewer and Appurtenances in One Hundred and Seventieth street, between North Third avenue and Franklin avenue, with a branch in Fulton avenue, between One Hundred and Seventieth and One Hundred and Sixty-ninth streets.
- No. 7. For Constructing a Sewer and Appurtenances in Westchester avenue, from Brook to St. Ann's avenue, with branches in St. Ann's avenue, between the Port Morris Branch Railroad and Carr street.

—will be received by the Department of Public Parks until ten o'clock A. M., on Tuesday, November 25, 1884.  
Special notice is given that the works must be bid for separately, that is, two or more works must not be included in the same estimate or envelope.

The nature and extent of each of the several works, as near as it is possible to state them in advance, is as follows:

- NUMBER 1, ABOVE MENTIONED.
- 5,800 cubic yards of earth excavation.
  - 6,500 cubic yards of rock excavation.
  - 2,700 cubic yards of filling.
  - 2,450 lineal feet of new curb-stone furnished and set.
  - 2,170 lineal feet of old curb-stone reset.
  - 2,480 lineal feet of new gutter-stone furnished and laid.
  - 2,140 lineal feet of old gutter-stone relaid.
  - 12,300 square feet of new flagging furnished and laid.
  - 5,200 square feet of old flagging relaid.
  - 550 square feet of new brick-pavers for crosswalks furnished and laid.







sequent letting; the amount, in each case, to be calculated upon the estimated amount of the work to be done by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of the contract, over and above all his debts of every nature, and over and above his liabilities as bail, surety and otherwise; and that he has offered himself as surety in good faith and with the intention to execute the bond required by law. The bid or estimate must be accompanied by the seal of the City of New York, after the award is made and prior to the signing of the contract.

No estimate will be received or considered unless accompanied by either a certified check upon one of the national banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of five per centum of the amount of security required for the faithful performance of the contract. Such check or money must not be included in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-book, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

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

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

The right to decline all the estimates is reserved, if deemed for the interest of the Corporation of the City of New York.

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

LUCIUS J. N. STARK,  
WILLIAM LAMIERER,  
JOHN R. VOORHIS,

Commissioners of the Department of Docks.

Dated, New York, November 6, 1884.

DEPARTMENT OF DOCKS,  
117 and 119 DUANE STREET,  
NEW YORK CITY.

## NOTICE TO MARINERS IN THE PORT OF NEW YORK, PILOTS, AND ALL OTHERS TO WHOM IT MAY CONCERN.

PLEASE TAKE NOTICE THAT THIS DEPARTMENT has placed at the Battery and south of Pier, new 1, North river, two wooden floats or buoys, cubical in shape, six feet on each side, painted black, and anchored on a line bearing S. 75° E. from southwest corner of Pier, new 1, North river, the first float being anchored about 200 feet and the second about 335 feet distant therefrom.

By order of the Board.

JOHN T. CUMING,  
Secretary.

## DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

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

### TO CONTRACTORS.

#### PROPOSALS FOR BLANKETS.

## SEALED BIDS OR ESTIMATES FOR FURNISHING.

1,500 pairs gray blankets.  
500 pairs white blankets.

Will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9.30 o'clock A. M. of Tuesday, November 25, 1884. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Blankets," with his or her name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day or days above named, at which time and place the bids or estimates received will be publicly opened by the President of said Department, and read.

THE BOARD OF PUBLIC CHARITIES AND CORRECTION RESERVES THE RIGHT TO REJECT ALL BIDS OR ESTIMATES IF DEEMED TO BE FOR THE PUBLIC INTEREST, AS PROVIDED IN SECTION 64, CHAPTER 410, LAWS OF 1882. No bid or estimate will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The award of the contract will be made as soon as practicable after the opening of the bids. Delivery will be required to be made from time to time, and in such quantities as may be directed by the said Commissioners.

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

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they shall pay to the Corporation any difference between the sum to which he would be entitled on its completion and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded, as hereinafter letting, the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the

same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract over and above all his debts of every nature, and over and above his liabilities as bail, surety, or otherwise; and that he has offered himself as surety in good faith and with the intention to execute the bond required by section 12 of chapter 7 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

No bid or estimate will be considered unless accompanied by either a certified check upon one of the National banks of the City of New York, drawn to the order of the Comptroller, or money to the amount of five per centum of the amount of security required for the faithful performance of the contract. Such check or money must not be included in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-book, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

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

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

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

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

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

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

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

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

Dated New York, November 13, 1884.

JACOB HESS,  
HENRY H. PORTER,  
THOMAS S. BRENNAN,  
Commissioners of the Department of  
Public Charities and Correction.

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

### TO CONTRACTORS.

## PROPOSALS FOR GROCERIES, DRY GOODS, LEATHER AND LUMBER.

## SEALED BIDS OR ESTIMATES FOR FURNISHING.

GROCERIES.  
4,000 pounds Dairy Butter, sample on exhibition Thursday, November 20, 1884.  
6,000 pounds Hominy (including packages).  
40,000 pounds Brown Sugar.  
20,000 pounds Prunes.  
480 pounds Corn Starch (in 40-pound boxes).  
16,000 pounds Rice.  
4,000 pounds Oolong Tea.  
8,500 pounds Oatmeal (including packages).  
1,000 pounds Cheese.  
33,000 fresh Eggs, all to be candled.  
1,500 gallons Molasses.  
1,000 gallons Syrup.  
350 barrels gold, sound Irish Potatoes, to weigh 168 pounds net per barrel, to be delivered at Blackwell's Island, in 10 days after award.  
20 barrels Pickles, new crop, 40-gallon barrels, 2,000 to the barrel.  
150 bushels Beans.  
200 bushels Kye.  
50 prime City-cured Smoked Hams, to average 14 pounds each.  
50 prime City-cured Smoked Tongues, to average 6 pounds each.  
100 bales prime quality Timothy Hay, tare not to exceed 3 pounds and weight charged as received at Blackwell's Island, and all to be delivered within ten days after award.  
200 bales long leaf Cotton, to be delivered as on Hay and all to be delivered within ten days after award.

### DRY GOODS.

2,000 yards Ticking.  
1,500 yards Bleached Muslin.  
15,000 yards Brown Muslin.  
3,000 yards Avoine stripes.  
1,000 yards Cotton Jeans.  
100 Rubber Blankets.  
LEATHER.  
300 sides Waxed Upper Leather.  
300 sides Waxed Kip Leather.  
LUMBER.  
200 feet prime quality Oak, 2 inches by 12 inches by 12 feet.  
500 prime quality Fence Boards.

Will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9.30 o'clock A. M. of Friday, November 21, 1884. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Groceries, Dry Goods, Leather and Lumber," with his or her name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day or days above named, at which time and place the bids or estimates received will be publicly opened by the President of said Department, and read.

THE BOARD OF PUBLIC CHARITIES AND CORRECTION RESERVES THE RIGHT TO REJECT ALL BIDS OR ESTIMATES IF DEEMED TO BE FOR THE PUBLIC INTEREST, AS PROVIDED IN SECTION 64, CHAPTER 410, LAWS OF 1882. No bid or estimate will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The award of the contract will be made as soon as practicable after the opening of the bids. Delivery will be required to be made from time to time, and in such quantities as may be directed by the said Commissioners.

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

will be required to give security for the performance of the contract by his or their bond, with two sufficient sureties, in the penal amount of fifty (50) per cent. of the estimated amount of the contract.

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

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they shall pay to the Corporation any difference between the sum to which he would be entitled on its completion and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded, as hereinafter letting, the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract over and above all his debts of every nature, and over and above his liabilities as bail, surety, or otherwise; and that he has offered himself as surety in good faith and with the intention to execute the bond required by section 12 of chapter 7 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

No bid or estimate will be considered unless accompanied by either a certified check upon one of the National banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of five per centum of the amount of security required for the faithful performance of the contract. Such check or money must not be included in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-book, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same, within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

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

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

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

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

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

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

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

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

Dated New York, November 10, 1884.

JACOB HESS,  
HENRY H. PORTER,  
THOMAS S. BRENNAN,  
Commissioners of the Department of  
Public Charities and Correction.

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

### TO CONTRACTORS.

#### PROPOSALS FOR POULTRY.

## SEALED BIDS OR ESTIMATES FOR FURNISHING.

About 15,000 pounds of Poultry, for use on Thanksgiving.

Will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9.30 o'clock A. M. of Friday, the 21st day of November, 1884. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Poultry," with his or her name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the head of said Department, and read.

THE BOARD OF PUBLIC CHARITIES AND CORRECTION RESERVES THE RIGHT TO REJECT ALL BIDS OR ESTIMATES IF DEEMED TO BE FOR THE PUBLIC INTEREST, AND TO ACCEPT ANY BID OR ESTIMATE AS A WHOLE, OR FOR ANY ONE OR MORE ARTICLES INCLUDED THEREIN. No bid or estimate will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

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

Delivery will be required to be made on Wednesday, November 26, before 7 o'clock A. M.

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

Council, Head of a Department, Chief of a Bureau, deputy thereof or clerk therein, or other officer of the Corporation, is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

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

No bid or estimate will be considered unless accompanied by either a certified check upon one of the National Banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of five per centum of the amount of security required for the faithful performance of the contract. Such check or money must not be included in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-book, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk, and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same, within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

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

Bidders are cautioned to examine the specifications for particulars of the articles, etc., required, before making their estimates.

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

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

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

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

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

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

Dated New York, November 10, 1884.

JACOB HESS,  
HENRY H. PORTER,  
THOMAS S. BRENNAN,  
Commissioners of the Department of  
Public Charities and Correction.

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

Dated New York, November 7, 1884.

IN ACCORDANCE WITH AN ORDINANCE OF THE Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Workhouse, Blackwell's Island—Elizabeth Meyer; aged 70 years. Committed July 3, 1884.

Ann Wilson; aged 46 years. Committed October 24, 1884.

At Homoeopathic Hospital, Ward's Island—Francisco Masano; aged 29 years; 5 feet 3 inches high; gray eyes; black hair. Had on when admitted dark suit of clothes, buttoned gaiters, black Derby hat.

William McKenney; aged 35 years; 5 feet 11 inches high; blue eyes; brown hair. Had on when admitted brown suit of clothes, laced shoes, black hat.

Henry Palmer; aged 30 years; 5 feet 6 inches high; blue eyes; gray hair. Had on when admitted black overcoat, brown coat and pants, gray derby hat.

At Branch Lunatic Asylum, Hart's Island—Kate Kenny; aged 71 years.

Nothing known of their friends or relatives.

By order, G. F. BRITTON,  
Secretary.

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

Dated New York, November 30, 1884.

IN ACCORDANCE WITH AN ORDINANCE OF THE Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Charity Hospital, Blackwell's Island—Solomon Greiser; aged 45 years; 5 feet 4 inches high; light brown hair and eyes. Had on when admitted black coat, brown vest, gray pants, shoes, derby hat.

At Workhouse, Blackwell's Island—Kate Watson; aged 35 years; committed October 13, for 2 months.

At Homoeopathic Hospital, Ward's Island; Michael Meyer; aged 63 years; 5 feet 6 inches high; blue eyes; gray hair. Had on when admitted gray coat, black vest, black pants, black derby hat.

Mary McKenney; aged 50 years; 5 feet 3 inches high; blue eyes, gray hair. Had on when admitted black waist, brown skirt, blue and black check shawl, laced shoes, black straw hat.

At Randall's Island Hospital—Thomas Clark; aged 48 years; 5 feet 7 inches high; brown hair, gray eyes.

At Hart's Island Hospital—Rose Cassidy; aged 32 years.

Alice Sexton; aged 48 years.

Thomas Fay; aged 45 years.

Nothing known of their friends or relatives.

By order, G. F. BRITTON,  
Secretary.



in providing themselves with facilities for reducing the cost of examinations and searches, is invited to these Official Indices of Records, containing all recorded transfers of real estate in the City of New York from 1853 to 1882, prepared under the direction of the Commissioners of Records.

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Orders should be addressed to "Mr. Stephen Angell, Comptroller's Office, New County Court-house, 102 Nassau Street, N. Y. City."

S. HASTINGS GRANT,  
Comptroller.