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LAW DEPARTMENT.

OPINIONS OF THE COUNSEL TO THE CORPORATION.

The Commissioners of Accounts appointed under the authority of the charter of 1873, may have such clerical assistance as they deem necessary, subject to the power of the Board of Estimate and Apportionment to limit the amount to be expended therefor.

The transfer by the Board of Estimate and Apportionment of an unexpended balance of a certain appropriation to another appropriation is not a mere temporary borrowing or loan, but is the permanent increase of one appropriation and a permanent decrease of the other.

The appropriation so augmented stands at the increased sum with the same effect as though such additional amount had been originally added and allowed.

Where a legal contest exists between two departments or officers of the City Government, it is the duty of the Counsel to the Corporation to determine the matter without resort to the Courts, if, upon careful deliberation, he regards the law clear and certain in favor of one of the contestants.

And even when he has commenced a suit to determine the question, if, in the course of the litigation, he becomes thoroughly convinced that one side is right and the other wrong, it is within his sound discretion to discontinue the suit, and advise according to his convictions.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, October 8, 1874.

Hon. ANDREW H. GREEN,

Comptroller:

SIR—In your letter of the 30th ultimo, I was requested to defend certain actions brought by the clerks of the Commissioners of Accounts to recover salaries accruing since July 1, 1874.

The grounds of defence suggested were: First—That the Commissioners of Accounts have no authority to employ assistants and bind the city to pay for their services. Secondly—That the appropriation to pay assistants to the Commissioners of Accounts was exhausted on the first of July, 1874.

The first ground of defence involves a pure question of law. If that defence had been the only one suggested I should then have advised you, as I now do, that in my opinion the Commissioners of Accounts have power to employ such clerical assistants as they deem necessary, provided the expense involved does not exceed the amount appropriated therefor by the Board of Estimate and Apportionment. The act known as the Charter of 1873, provides that the Mayor shall from time to time appoint and remove at pleasure two persons, who, together with the President of the Department of Taxes and Assessments, shall be Commissioners of Accounts. The statute makes it their duty once in three months, and oftener if they deem proper, to examine all vouchers and accounts of the offices of the Comptroller and Chamberlain, and to make and publish in the CITY RECORD a detailed statement of the financial condition of the city, showing the amount of its funded and floating debt, the amount received and expended since the last preceding report, with a classification of the sources of revenue and expenditure, and such other information as they shall deem proper. They must also from time to time make an examination of the expenses of the several departments and offices, and make such recommendations to the Board of Apportionment and other officers with reference thereto, and particularly with reference to salaries and duties, as they deem advisable. Any one of the Commissioners has authority at any time to make such examination, and two of the Commissioners shall be paid a reasonable compensation, to be fixed as other expenditures by the Board of Apportionment, not exceeding \$3,000 each annually. (Section 106, chapter 335, Laws of 1873.) It is settled that where a statute confers authority and imposes duty, it must be construed by necessary implication to confer also the powers necessary to carry out the design of the law. In the nature of the case these Commissioners could not meet the obligations under which they rest, unless furnished with some clerical

assistance. Of the nature and extent of the assistance required, they must be the judges, subject to the power of the Board of Estimate and Apportionment to limit their expenditures.

The second defence involves a question of fact. The Commissioners of Accounts claim that a balance of the appropriation for their clerk hire remains unexpended, while your letter asserts that no such balance remains. In order that this issue of fact might be speedily determined by proof, I consented, after interposing an answer to the complaint as requested by you, that the issues be referred for trial to a competent person to hear and determine. The printed minutes of the Board of Estimate and Apportionment have been produced before the Referee, and the amounts appropriated for payment of salaries allowed to the clerks of the Commissioners of Accounts have been proven. The expenditures made upon that appropriation have been shown by an accountant from your office.

By the evidence thus produced I have become fully possessed of the facts, and am now so informed as to be competent to determine whether the second defence can be sustained.

The facts are as follows: On the 23d of May, 1874, the Board of Apportionment directed that the sum of \$1,250 be appropriated for expenses of the Commissioners of Accounts, and that the amount be transferred from the appropriation for election expenses of 1873. (Page 334, Proceedings of Board of Apportionment.)

On the 8th of June, 1874, the sum of \$2,500 was appropriated for the same purpose, and directed to be transferred from the appropriation for County Contingencies. (Page 349, Proceedings of Board of Apportionment.)

On the 29th of June the revised estimates for the year 1874 were adopted, and the sum of \$3,000 was therein appropriated for clerk hire for the Commissioners of Accounts. (Page 427, Proceedings of Board of Apportionment.)

You contend that by the revised estimates adopted June 29, 1874, the sum of \$3,000 is fixed as the aggregate of all expenditures for clerk hire in the entire year 1874; that the expenditures made for that purpose from the sums transferred under the above recited resolutions, prior to June 30, exceed the sum of \$3,000, and therefore that the appropriation is exhausted.

On the other hand, the Commissioners of Accounts insist that the aggregate appropriation at their disposal for clerk hire in the year 1874 comprises the several sums following, to wit: First—\$1,250 transferred from appropriation for Election Expenses; \$2,500 transferred from appropriation for County Contingencies; and \$3,000 appropriated for that purpose on June 29; and therefore that a balance still remains unexpended.

Concerning the facts as I have recited them, which are matters of record, there can be no dispute between your Department and the Commissioners of Accounts. An unmixt question of law as to the effect of the resolutions of the Board of Apportionment remains to be solved. My official position compels me to be counsel and adviser to each of the several officers and departments of the Corporation. My duty therefore is clearly to meet a question raised between your Department and the Commissioners of Accounts; and if I deem the true solution plain, to remove from the Courts the spectacle of contention between different officers of the city government, especially where, on the one hand stands the Department of Finance, and upon the other a Board of such importance as the Commissioners of Accounts.

I have therefore given the question presented my careful consideration. I find that the power to transfer appropriations is absolute in the Board of Estimate and Apportionment; that an appropriation from which a transfer is made becomes diminished by the amount transferred, and the appropriation to which an amount is transferred becomes correspondingly increased, and so remains, unless a retransfer be made. The transfer is not a temporary loan from one fund to another, nor a temporary borrowing by one fund from another. It is a permanent increase of one fund by the diminution of another, unless a retransfer be made. No retransfer of the funds transferred from the appropriations for Election Expenses or County Contingencies has been made. It is my judgment, therefore, that by the action of the Board of Estimate and Apportionment authority has been conferred to expend for clerical assistance to the Commissioners of Accounts the several sums mentioned, namely: \$1,250, \$2,500, and \$3,000, making an aggregate of \$6,750, together with any balance remaining unexpended from 1873. There is therefore a balance unexpended and applicable

to the payment of the clerical assistance in question.

Entertaining this clear conviction, it is my manifest duty to bring this incipient litigation to a close as speedily and inexpensively as possible. I have therefore determined to remove these cases from the consideration of the Referee, and to withdraw the answers, advising you that the claims must be paid. I send you the papers in the several cases.

I am, sir,

Very respectfully yours,

E. DELAFIELD SMITH,
Counsel to the Corporation.

Under the statutes of the state of New York as they now stand, coroners cannot include in their charges for investigating the cause of death, bills of surgeons, physicians, or chemists assisting them in an inquest, unless limited to the fees mentioned in the act of 1871.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, August 28, 1874.

Hon. ANDREW H. GREEN, Comptroller:

SIR—Your letter of the 21st instant, in relation to the bill of Dr. R. Ogden Doremus, for \$2,250, requests my opinion as to the liability of the county in the case, and whether the coroners have a legal authority to incur such charges and make them binding upon the county.

For many years prior to 1868 the compensation and incidental expenses of coroners, in this as well as other counties of the state were by law to be fixed, audited, and allowed by the Boards of Supervisors, and paid in the same manner as other county charges. (1 Edmonds' Laws, p. 538, § 8; 2 Edmonds' Laws, p. 777, § 10.)

In 1868 the Legislature passed a law in relation to coroners' fees and expenses which is applicable to this county only. (Chapter 565 Laws of 1868.) This law provided that the Supervisors of the County of New York should audit the bills of the coroners for services as follows: "For viewing each dead body and holding an inquest thereon, the sum of \$10.00; for summoning and swearing a jury in each inquest, \$5.00." All other fees or expenses then existing, whether by city or county usage, or by law, charged by the coroners, were then expressly abolished.

In 1871 the Legislature passed another law in relation to the coroners of this county, the first section of which provides that the coroners may subpoena a physician to assist them in holding inquests, and that such physician may receive \$3.00 for an external examination, and \$10.00 for an autopsy, and that such fees shall be regarded as county charges.

While I have no doubt that the claim of Dr. Doremus is an exceedingly meritorious one, and that his bill ought to be paid if the law permits, I do not see how, in view of the provisions above cited of the laws of 1868 and 1871, any greater sum can be paid to him than that provided as above mentioned for an autopsy. It was decided by the Albany General Term of the Supreme Court, in the case of *Van Hevenberg vs. Hasbrouck*, (45 Barb., 197,) that a physician's charges for services at inquests are not county charges, unless included in the account of the coroner. In view of the explicit provisions of the act of 1868 above cited, I do not see how the coroner could legally include the bill of Dr. Doremus in his account.

I am constrained to advise you that the coroners have no legal authority to incur charges like the bill in question, so as to make them binding upon the county. So far as I can see, the only remedy which Dr. Doremus has, is against the coroner personally, or through an application to the Legislature.

I am, sir,

Yours, respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

The Department of Charities and Correction has no authority to obtain land by lease for the establishment of a hospital.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Aug. 28, 1874.

Hon. WILLIAM LAIMBEER,
President of the Department of
Charities and Correction:

SIR—I duly received your letter of August 15, inclosing the application of residents of the recently annexed district for the establishment of a hospital, and also a copy of a proposed lease, and asking my opinion as to the power of your Board to lease premises for such hospital.

I have carefully examined the laws which de-

fine the powers of your Department, and I am unable to find any provision authorizing the establishment of such a hospital. In 1869 a law was passed authorizing the then Commissioners of Public Charities and Correction to establish a hospital south of Canal street. (Chapter 376 of the Laws of 1869, vol. 1, p. 853.) The existence of this statute indicates that the Commissioners then controlling your Department considered that they had no right to establish such hospital, except under the authority of an express act of the Legislature; and of course if the Department had no authority to establish a hospital south of Canal street, it would have no authority to establish such hospital in any other part of the city. The fact that the old Commissioners entertained such a view of the law strengthens my own convictions; although aside from this I am of the opinion that the Department has no authority to establish the proposed hospital in the Westchester District.

If it is desirable that there should be such a hospital, I recommend that an application be made to the next Legislature for authority to establish it.

I return herewith the proposed lease and petition.

I am, sir,

Yours respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

A contractor having been employed to reconstruct a portion of a roof upon a public building, and during the progress of the work, the entire roof having been destroyed by fire; held, that it was the duty of the Commissioner of Public Works to advertise for and make a contract for the erection of an entirely new roof, without reference to the rights or liabilities of the contractor first mentioned.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, August 28, 1874.

Hon. GEORGE M. VAN NORT,

Commissioner of Public Works:

SIR—I received your letter in relation to the burning of the roof on Tompkins Market, and requesting my advice as to the manner in which it is your duty to proceed in the matter, in order to protect the interests and property of the city, as well as the property of the occupants of the building, and also as to the liability of the contractor to restore the building.

If the opinion of the Fire Marshal is correct that this fire was caused by the carelessness of workmen in the employ of the contractor, it is quite certain that he can recover nothing from the city under his contract for the work done by him. I do not however consider it necessary at the present time to determine what the rights or remedies of the contractor as against the city may be.

As it appears from your letter that his contract was merely to put on a portion of the roof, and also that the fire destroyed not only the work done by him, but also the rest of the roof, you are not now in the position to call upon him to replace the work done by him before the fire, nor to complete his contract.

I suppose there can be no question that the interests of the city require that an entirely new roof should be placed upon the building. If this be the case, it is clearly your duty to proceed to make a new contract in the manner prescribed by law, for the putting on of such roof, without reference to the old contract with Mr. Halliday.

I return herewith the copy of the contract transmitted with your letter.

I am, sir,

Yours, respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

At the time of the passage of chapter 677 of the Laws of 1872, the charter of 1870 was in force, embracing a provision, similar to that contained in the charter of 1873 requiring that all work to be done and supplies furnished for the Corporation, involving an expenditure of more than \$1,000, should be done by contract, to be entered into in accordance with the ordinances of the Common Council.

The statute of 1872, above referred to, modified to some extent this provision of the charter of 1870.

The sixth section of that chapter clearly authorizes the Police Department to clean the streets by days' work, a method forbidden by the charter of 1870; the Legislature manifestly deeming that the reasons making it unwise to allow work for the city generally to be done by days' work, did not apply to the cleaning of the streets.

Whether the Legislature intended to authorize the Police Department to procure work other than the cleaning of the streets themselves, but necessarily connected therewith, otherwise than by contract after public advertisement; *quære?*

The Department of Buildings served upon the Police Department a notice to the effect that certain stables occupied by horses, wagons, and utensils used by the Street

Cleaning Bureau, were in an unsafe condition; and it appeared upon examination, that the most economical and practicable method of providing suitable accommodations was by the erection of a new stable upon land owned by the city. Without complying with the formalities provided by the ordinances in relation to contracts, the Police Department under these circumstances agreed with an individual for the prompt erection of the stable in question and the work was well done, at a reasonable charge, in accordance with the agreement. The Department taking possession of the building, it was occupied and used by the Street Cleaning Bureau. An appropriation for street cleaning existed from which the bill could be paid. *Held*, that under all the circumstances the Board of Police should ascertain what would be a fair and reasonable compensation for erecting the stable, without reference to their agreement with the builder, and should then pay to him such compensation, upon condition that he release the city from any further claim.

The Department should, if possible, avoid questions of this kind, by purchasing all supplies and having all work done involving the expenditure of more than \$1,000 by contract, under the ordinances of the Common Council.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, August 29, 1874.

The Honorable the Commissioners of the Police Department:

GENTLEMEN—The letter of your Chief Clerk, Mr. Seth C. Hawley, dated the 15th instant, incloses a resolution of the Board of Police in relation to the stable erected in April last upon land belonging to the city, situated upon Mangin and Tompkins streets, in this city. As stated in the letter the question submitted by the resolution for my consideration is whether under all the facts of the case the Board of Police would be legally justified in paying to the builder of this stable the amount of his claim, if on investigation they are satisfied that the work done by the builder was reasonably worth the amount of his claim, namely, \$8,014 45.

I have had doubt as to the advice which I ought to give to the Board of Police in relation to this matter; but after a careful consideration of all the facts of the case and the law applicable thereto, I have come to the following conclusions:

First.—At the time of the passage of chapter 677 of the Laws of 1872 the charter of 1870 was in force, and that charter contained a provision similar to that embraced in the charter of 1873 requiring that all work to be done and supplies furnished for the Corporation involving an expenditure of more than \$1,000 should be done by contract, to be entered into in accordance with the ordinances of the Common Council. The statute of 1872, above cited, undoubtedly modified to some extent this provision of the charter of 1870. As I have recently had occasion to advise you in reference to street cleaning, the 6th section of that chapter clearly authorized the Police Department to clean the streets by days' work, a method of doing work for the Corporation which was forbidden by the charter of 1870. It is clear that the Legislature thought that the reasons which made it unwise to allow work for the city generally to be done by days' work did not apply to the cleaning of the streets; but whether the Legislature intended to authorize the Police Department to procure work other than the cleaning of the streets themselves, but necessarily connected therewith, otherwise than by contract after public advertisement, is a matter of doubt. There has been no judicial construction of this statute, and in the absence of such construction it is difficult to speak with certainty as to what the Courts might decide in relation to this point.

Second.—It appears from the papers submitted and from the statements made to me orally, that there was a sudden occasion for the construction of this stable, as the Police Department, in consequence of a notice served by the Department of Buildings that the stables previously occupied by the stock of the Street Cleaning Bureau were in an unsafe condition, was obliged to seek new accommodations for that stock. Of course the horses employed in the Street Cleaning Department had to be provided with a stable, and it appears that the most economical and most practicable method of providing suitable accommodations was by the erection of the stable in question. A provision in the Charter of 1857 similar to that in the charter of 1873, which requires that work or supplies involving an expenditure of more than \$1,000 shall be obtained by contract, has several times been passed upon and construed by the Courts of this State. It has been held in a number of cases in which the circumstances were quite similar to those under which this stable was erected, that it could not have been intended by the Legislature that this provision should apply to every possible case, and claims incurred by officers of the city in disregard of this provision of the Charter have been sustained as valid and lawful. (See *Harlem Gas Co. vs. The Mayor*, 33 N. Y., 309; *People vs. Flagg*, 17 N. Y., 584; *McLaren vs. The Mayor*, 1 Daly, 243.)

Third.—So far as I am aware, it has not yet been settled by a decision of the Court of Appeals that a contractor who has done work or furnished supplies for the city under circumstances such that

an action at law will not lie against the city upon his contract, may not in any case recover the reasonable value of such work or supplies.

Fourth.—It appears from your communication to me that the stable in question was finished; the work well and faithfully done; and the bill rendered at a price verbally agreed upon, which was a fair and perhaps a very low price; that after the stable was completed it was taken possession of by orders of the Police Department, and has been from that time to the present date occupied by the Street Cleaning Bureau; and also that there is an appropriation for street cleaning out of which this bill can be paid.

Even, therefore, if the contractor cannot maintain an action at law, he undoubtedly has an equitable claim against the city for the value of this stable; and the Legislature, I presume, if application were made, would authorize the claim to be paid, though it would be a hardship that the contractor should be subjected to the delay and trouble of an application to that body.

Fifth.—Under all the circumstances of this case, in my opinion the Board of Police should ascertain what would be a fair and reasonable compensation for erecting this stable, without reference to any contract which may have been made for putting it up, and should then pay the contractor such fair and reasonable compensation, on condition that he will release the city from any further claim.

Sixth.—I respectfully recommend that the Department hereafter avoid questions of this kind by purchasing all supplies and having all work done involving an expenditure of more than \$1,000, by contract, under such regulations as are established by the ordinances of the Common Council.

I am, gentlemen,

Yours respectfully,

E. DELAFIELD SMITH,

Counsel to the Corporation.

Clerks holding positions under the Board of Education, and under the Board of Trustees of the College of the City of New York, are in the opinion of the Counsel to the Corporation City Officers within the meaning of the provisions of the Charter of 1873 forbidding a person to hold two city offices.

The decisions of the Courts indicate, however, a disposition to sustain claims for salaries and compensation honestly earned, when it is fairly possible to so construe the statutes as to avoid injustice.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Aug. 29, 1874.

Hon. ANDREW H. GREEN, *Comptroller*:

SIR—I duly received your letter of the 6th instant, stating that an application has been made at your Department for the payment of Lawrence D. Kiernan, John Davenport, and George W. White, for services respectively as Secretary, Accountant, and Clerk to the Board of Trustees of the College of the City of New York, all of whom are holding positions under the Board of Education, and are being paid as Clerk, Auditor, and Assistant Clerk of such Board. You request my opinion whether the persons named are not prohibited by section 114 of the Charter of 1873 from holding both offices at the same time.

The section referred to by you declares that no person shall hold two city offices. Under chapter 112 of the Laws of 1873 the Board of Education consists of Commissioners appointed by the Mayor of the city. The entire expenses of the Board, amounting annually to several millions of dollars, are paid from the city treasury; and so far as I can see, the Commissioners themselves and their clerks are City Officers. By the act of the Legislature, passed March 30, 1866, the members of the Board of Education are made, *ex officio*, the Trustees of the College of the City of New York, and the expenses of such Trustees and of the College of the City of New York are paid from the city treasury. It seems to me that the trustees and their clerks and employees are also City Officers. If I am correct in this opinion, the persons referred to in your letter do come within the prohibition contained in section 114 of the Charter above cited, and are not entitled to receive salaries in both capacities.

The Courts seem so much inclined to sustain all equitable claims for salaries and compensation to be paid out of the city treasury, that it is very possible that the opinion above expressed by me will not be sustained. I am unable, however, myself, to come to any other conclusion, and, therefore, advise you accordingly.

I am, sir,

Yours, respectfully,

E. DELAFIELD SMITH,

Counsel to the Corporation.

The provisions of the Charter of 1873, requiring that supplies needed by the Corporation involving the expenditure of more than \$1,000 shall be obtained by contract, after advertisement and opportunity for competition, must be complied with in good faith by every department of the city government.

The adoption of a plan of frequent and small purchases, in order to evade the provision, cannot be tolerated.

When, however, it is manifest that purchases of small quantities, from time to time, would be more to the advantage of the city than obtaining articles in larger bulk or quantity, a department, acting in good faith, may exercise a sound discretion.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Aug. 31, 1874.

Hon. WILLIAM LAMBEER,

President of the Department of

Public Charities and Correction:

SIR—Your letter of the 25th instant asks my opinion whether, under existing laws, your Department is required to purchase the meats used in the several institutions under your charge by contract made in pursuance of section 91 of the Charter of 1873 and the ordinances of the city.

The section in question contains a provision, that whenever any supply, to be furnished to the corporation, is "needful for any particular purpose," and the several parts of such supply shall, together, involve the expenditure of more than one thousand dollars, the same shall be procured by contract, under such regulations concerning it as shall be established by ordinance of the Common Council. It is further provided that all contracts shall be founded on sealed bids or proposals made in compliance with public notice, duly advertised in the CITY RECORD; and the ordinances contain similar provisions, requiring contracts for supplies to be made by public letting, after due advertisement.

The question submitted by you is not free from difficulty. There is nothing in the Charter itself, nor in any other statute of this State—nor, so far as I am aware, is there any decision of the Courts affording material assistance in interpreting the above cited provisions of section 91. The language used is somewhat obscure, and it is a matter of doubt as to when the several parts of a supply needful for a particular purpose do involve the expenditure of more than one thousand dollars.

It is evident that the question whether a particular supply involves an expense of more than one thousand dollars will depend upon the nature and price of the article to be purchased and the time during which the supply is to last. A week's supply of some articles would cost more than one thousand dollars, while the supply of other articles for a month, or even a year, would not amount to that sum.

There is no law, so far as I am aware, that contains any provision as to how large a supply of any article shall be purchased at any one time, nor for what period of time supplies shall be laid in. As the laws are silent on these points, I can come to no other conclusion than that the matter is left to the sound discretion of the Commissioners governing your department.

If, therefore, meats can be obtained of a better quality, and at a lower price, by private purchase than by contract at public letting, as I am informed and believe is the case, I think the Commissioners have the right to procure them in that manner, provided the amount of each purchase does not exceed one thousand dollars.

I must add, however, that I have no doubt the Legislature expected that the provisions of section 91 of the Charter would have the effect of compelling all the departments of the city government to purchase most of their supplies by contracts, to be made in the manner prescribed in that section, and the purchasing of supplies in quantities costing less than one thousand dollars, for the purpose of evading these provisions, would be a violation of the law. It seems to me also that, presumptively, supplies should be purchased in large quantities and by contract with the lowest bidder, and that the purchase of quantities costing less than one thousand dollars should so clearly appear to be for the interest of the city as to completely rebut the presumption and prevent any inference or suspicion that the supplies are purchased in small quantities, with the intent to evade the statute.

I am, sir,

Yours, very respectfully,

E. DELAFIELD SMITH,

Counsel to the Corporation.

It is advisable that in all cases where the Department of Public Parks deems proper to lay sewers, application be made to the Common Council for an ordinance authorizing the same, and that no sewers be constructed until such ordinance has been obtained.

It seems, that the Commissioner of Public Works has power to construct sewers without obtaining ordinances of the Common Council authorizing the same.

Sewers are authorized by law in the territory annexed to the city from the County of Westchester, constituting the Twenty-third and Twenty-fourth Wards. Their construction in those two Wards is intrusted to the Department of Public Parks.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, September 2, 1874.

Hon. HENRY G. STEBBINS, *President of the Department of Public Parks*:

SIR—Your letter of the 12th ultimo requests my opinion as to the proceedings required before

constructing sewers in the Twenty-third and Twenty-fourth Wards (recently annexed to this city from the County of Westchester), and whether it is necessary that the Common Council should pass an ordinance therefor before the Department shall advertise for proposals and put the work under contract.

Section 14 of chapter 329 of the Laws of 1874, authorizes the Department of Public Parks to construct sewers and other public works in the Twenty-third and Twenty-fourth Wards, and provides that all proceedings shall be taken therefor under and in pursuance of the provisions of the laws now in force for the construction of such sewers in the City of New York. Chapter 381 of the Laws of 1865 empowered the Croton Aqueduct Board to construct sewers in the city without an ordinance of the Common Council. The powers of the Croton Aqueduct Board in this respect have been transferred by the Charters of 1870 and 1873 to the Department of Public Works, and although those charters contain provisions that the Common Council shall have power to pass ordinances to regulate the building and repairing of sewers, the Commissioner of Public Works has assumed, and I think correctly, that he possesses the power to construct sewers without first obtaining ordinances of the Common Council.

It is, however, doubtful whether, construing the above cited Act of 1865, the Charter of 1873, and the "Annexation Act" together, the Department of Public Parks has the same power in reference to the construction of sewers in the newly-annexed district that the Commissioner of Public Works exercises in that portion of the city lying this side of the Harlem river. As all sewers laid by your Department are to be paid for by assessments, which, if the work is done irregularly, might be set aside, I advise that in all cases in which the Department of Public Parks considers it advisable to lay sewers, application be made to the Common Council to pass an ordinance authorizing the Department to lay such sewer, and that no sewers be constructed until such ordinances have been obtained.

I am, sir,

Yours very respectfully,

E. DELAFIELD SMITH,

Counsel to the Corporation.

At the general election in 1873 votes were cast for a Justice of the Tenth District Court of the City of New York. Subsequently, a person was declared by the canvassers duly elected, and assumed the duties of the office. The Attorney General, at the instance of persons denying the validity of the election, instituted an action in the nature of *quo warranto* to test the question. Those persons then petitioned the Department of Police to provide the means of voting for a Justice in that District at the next general election. *Held*, that the application should not be complied with.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Sept. 7, 1874.

The Honorable the Commissioners of the Police Department:

GENTLEMEN—The letter of your Deputy Clerk, Mr. William H. Kipp, dated the 28th ultimo, incloses a demand upon the Board of Police to make provision for the conducting of an election within the Tenth Judicial District for the office of Justice of the District Court in that District at the approaching general election, to be held on the third day of November next, and asking my opinion thereon.

I do not think that the application of the petitioners should be complied with. At the general election held in the year 1873 votes were cast for a Justice of the Tenth District Court in this city, and subsequently John Flanagan was declared by the canvassers duly elected such Justice, and since the first day of January, 1874, the duties of the office have been continuously discharged by him. He is, therefore, at least *de facto* judge, holding the office under color of title; and the only method so far as I am aware, by which the question whether he rightfully holds the office can be raised is by an action in the nature of *quo warranto*, which action has already been brought by the Attorney General, and is now pending.

I do not understand that the Secretary of State has included this office in his notice, and I think it is clearly the duty of the Police Department to assume that the office is lawfully held by Judge Flanagan until it shall be otherwise decided by the Courts.

If the petitioners or their counsel think that I am wrong in my views as to the duty of the Police Department, they can easily apply for a mandamus to compel the Board to make provision for an election, and thus obtain a judicial determination of the matter.

I am, sir,

Yours, respectfully,

E. DELAFIELD SMITH,

Counsel to the Corporation.

Under the act of 1865 no greater proportion than one-half of the cost of opening a street more than a mile in length can be assessed upon the owners of property benefited.

Under the act of 1869 no more than one-half of the expense of opening any street therein referred to can be assessed upon the city.

Chapter 565, Laws of 1865, and chapter 920, Laws of 1869, relating to street openings, must be construed together.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Sept. 10, 1874.

*In the matter of the opening of
Eleventh avenue, north of
One Hundred and Fifty-fifth
street.*

GEORGE H. PURSER, Esq., Clerk:

SIR—A resolution of the Commissioners in the above-entitled matter, adopted September 2, 1874, requests my opinion whether the provisions of section 4 of chapter 565 of the Laws of 1865, or those of section 1 of chapter 920 of the Laws of 1869, relative to the proportion of the total cost of the improvement to be assessed upon the Mayor, etc., of the City of New York, are applicable to this proceeding.

These two statutes must be read together, and such interpretation put upon them as will give effect to both. It is plain that under the law of 1865, as to streets more than one mile in length, not more than one-half of the amount awarded for damages and expense could be assessed upon the owners of the property deemed to be benefited. This provision is not repealed by the Act of 1869, and is in full force. There may be some doubt whether under the act of 1865 more than one-half of the amount awarded for damage and expense could be assessed upon the City of New York, but I am clearly of opinion that under the Act of 1869, which, being the later law, must of course prevail, not more than one-half of said damage and expense can be assessed upon the city.

In my opinion, it is the duty of the Commissioners, under these two laws, to assess one-half of the amount awarded for damage and expense upon the property-owners deemed to be benefited thereby, and the other half upon the Mayor, Aldermen, and Commonalty of the City of New York.

I am, sir,

Yours, respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

A mere notice, served upon the Comptroller by a person claiming to be an assignee of a claim held by a contractor against the city, to the effect that such alleged assignee is entitled to the amount due the contractor, is not sufficient to justify withholding from the contractor the amount to which he may have become entitled.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Sept. 10, 1874.

ABRAHAM L. EARLE, Esq., Deputy Comptroller:

SIR—Your letter of the 7th instant, inclosing a copy of a notice given by Michael Cordial of a claim against Messrs. Gillespie & Bennett, amounting to \$121 25, and also a certificate of the Clerk of the Ninth District Court as to proceedings had therein in an action brought by the assignee of Cordial, requests my opinion whether the requirements of the contract between the city and Messrs. Gillespie & Bennett have been so far complied with as to relieve the city from all liability to Cordial or his assigns, in case the amount remaining in the hands of the Comptroller is paid to the contractors.

My opinion in regard to this matter is, that the notice of claim given by Mr. Cordial to the Comptroller did not create any legal obligation on the part of the city to withhold the money due under the contract from the contractors, and that, whether the record of the proceedings in the Ninth District Court is regarded as sufficient evidence that the requirements of the contract have been complied with or not, the balance due under the contract should be paid to the contractor, unless some reason, not apparent from the papers transmitted to me, exists for the non-payment of the same; otherwise the contractor will undoubtedly bring an action and recover the amount, with interest and costs.

The certificate of the Clerk of the Ninth District Court is herewith returned.

I am, sir,

Yours, respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

The provisions of chapter 112 of the Laws of 1873 abolished the Department of Public Instruction, then existing, and repealed all the provisions of section 7 of chapter 574 of the Laws of 1871. The Department of Public Instruction has not been restored by subsequent legislation.

Public education in the City of New York is entrusted, by chapter 112 of the Laws of 1873, to a Board of Educa-

tion, which is vested with all the powers and duties theretofore confided to the Department of Public Instruction.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Sept. 10, 1874.

GENERAL JOSEPH C. PINCKNEY,
Clerk to the Common Council:

SIR—A preamble and resolution, introduced by Alderman Gilon, and adopted by the Honorable the Board of Aldermen on September 3, 1874, refer to section 7 of chapter 574 of the Laws of 1871, which created the Department of Public Instruction; to chapter 112 of the Laws of 1873, which established the present Board of Education; and to section 119 of chapter 335 of the Laws of 1873, which contains certain repealing clauses. The resolution also recites that the exception of section 7 in the clause repealing chapter 574 of the Laws of 1871 seemingly re-creates and re-establishes the Department of Public Instruction as one of the departments of the municipal government of the City of New York, but that, as a contrary opinion exists, and the Board of Education claims to be independent of the corporate authorities, and the claim is admitted to be a valid one by some of the highest officers of the City Government, the Counsel to the Corporation be requested to give this question due consideration and report his opinion thereon to the Board at his earliest convenience.

The second section of chapter 112 of the Laws of 1873, above referred to, provides as follows: "There shall be in the City of New York a Board of Education, which shall, under that designation, have all the powers and discharge all the duties which are now vested in the Department of Public Instruction in said city when such Board is duly organized under this section: the terms of office of the present Commissioners of the Department of Public Instruction shall end, and their official functions cease, and such Department of Public Instruction be abolished, at the expiration of fifteen days from the passage of this act."

Section 10 is as follows: "All acts and parts of acts inconsistent with this act are hereby repealed."

In my opinion, it does not admit of question that these provisions of chapter 112 of the Laws of 1873 entirely abolished the Department of Public Instruction, which then existed, and entirely and fully repealed all the provisions of section 7 of chapter 574 of the Laws of 1871. This being the case, the exception of said section 7 in the repealing clauses of section 119 of the Charter of 1873 could not possibly have the effect to restore such Department of Public Instruction. Section 119 repeals many laws; among others, the act entitled "An act to amend an act to reorganize the local government of the City of New York, passed April 5, 1870," passed April 18, 1871, save so much of section 5 thereof as relates to the establishment of a scale of water rents and sections 6 and 7 of said act. When the Charter of 1873 became a law on the 30th of April in that year, sections 5 and 6 of chapter 574 of the Laws of 1871 were in full force, but, as above stated, section 7 had been wholly repealed by chapter 112 of the Laws of 1873. The effect, therefore, of this exception was merely to save intact said sections 5 and 6, and to leave section 7, as it then stood, wholly repealed. The reasons for excepting sections 5 and 6 were, manifestly, entirely opposite to the reason for excepting section 7. The Legislature desired to preserve the provisions of law contained in sections 5 and 6, and therefore excepted those sections; but section 7 having been already repealed, there was no occasion for repealing it a second time, as would have been the case if it had not been excepted.

I have no doubt whatever that the Department of Public Instruction created by section 7 of chapter 574 of the Laws of 1871 was abolished and the section itself repealed by chapter 112 of the Laws of 1873; and I am also clearly of the opinion that the exception of said section 7 in the repealing clauses of section 119 of the new charter, did not restore or re-establish said department.

I am, sir,

Yours, very respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

Where a department of the city government advertised for proposals to erect a building similar to one referred to as already constructed and in use, the advertisement providing that the work should be done and completed in accordance with specifications on file in the department which proposers were invited to examine; held, that a difference having been discovered between the pattern building, and that described in the specifications, the obligations of the contractor were to be measured by the specifications themselves, and not by the pattern building.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Sept. 10, 1874.

Hon. WILLIAM LAMBEER,
President of the Department of
Public Charities and Correction:

SIR—I received your letter of the 8th instant, inclosing a printed advertisement of proposals for

the erection of two pavilions on Blackwell's Island, and one on Randall's Island, and I yesterday received the proposal of Bartholomew Watter for erecting the same. You state that by the advertisement it is declared that the pavilions are to be similar in all respects to the one of the same dimensions on Blackwell's Island. You add that Mr. Watter objects to perform certain work, such as putting in ventilators, which are in the pattern building on Blackwell's Island, upon the ground that his estimate was according to the specifications, in which ventilators are not mentioned; and you request my opinion as to the course to be pursued by the Board in determining the case, and awarding the contract.

In my judgment this matter is to be decided by the specifications on file in the Department, and not by the advertisement in the CITY RECORD. The advertisement, it is true, is for the erection of pavilions similar to the one of the same dimensions in Blackwell's Island, but the advertisement also states that all information can be obtained by parties desiring to bid, on application at the Office of the Commissioners. I presume, from your letter, that Mr. Watter applied at the office of the Commissioners, and was furnished with a printed copy of the specifications attached to his proposal. He certainly had a right to rely upon the correctness of the specifications thus furnished to him by the Department, and was not bound to examine the pavilion already erected on Blackwell's Island, for the purpose of ascertaining what sort of structures he would be expected to erect.

There is nothing in the specification attached to Mr. Watter's proposal and transmitted to me referring to the matter of the ventilators. I observe, however, that the heading of the specification is as follows: "Specification for building pavilions on Blackwell's and Randall's Islands, subject to plans and specifications." What plans and specifications, other than the printed specification attached to the contract, there may have been, I have no means of knowing. If there were plans and specifications other than the one transmitted to me, and those plans and specifications provided for ventilators, and other work, to the doing of which Mr. Watter objected, his proposal would, of course, be made subject to all the provisions of such plans and specifications, and he would be bound to do all the work therein provided for. If, however, there were no plans or specifications other than the one transmitted to me, or if such other plans and specifications, if any, contained no different provisions from that contained in the specification attached to the contract, then of course, the specification attached to the contract is conclusive in the matter.

I herewith return Mr. Watter's proposal.

I am, sir,

Yours respectfully,

E. DELAFIELD SMITH,
Counsel to the Corporation.

Under late adjudications a Board of Supervisors has power to reconsider its action auditing a claim at any time before payment has been actually made.

LAW DEPARTMENT—OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, September 19, 1874.

Hon. ANDREW H. GREEN, Comptroller:

SIR—I have received your letter reciting the audit and allowance of the claim of Jacob Weber by the Board of Supervisors on June 16, 1873, and the rescission of the auditing resolution on the 6th March, 1874, and inquiring whether the Board of Supervisors had power so to reconsider their action, and whether the Finance Department is now bound by the original audit of the claim.

The decisions upon the power of the Board of Supervisors to reaudit a claim once audited seem to be diverse.

A number of earlier cases hold that a Board of Supervisors has no power to reconsider a decision made by them. (*People v. Supervisors of Schenectady*, 35 Barbour, 408. *People v. Ames*, 17 Howard, 551.)

A later case, however, holds that until the claim has been finally settled by payment, the Board has power to reconsider and correct their action upon it. (*People v. Stocking*, 50 Barbour, 573.) In the case last cited, former decisions are criticised and disapproved.

I think the rule laid down in the later case should be preferred. I therefore advise you, that you may reaudit the claim, if such reaudit be deemed advisable, without regard to the amount allowed by the original audit of the Board of Supervisors.

I am, sir,

Very respectfully, yours,

E. DELAFIELD SMITH,
Counsel to the Corporation.

FIRE DEPARTMENT.

HEADQUARTERS FIRE DEPARTMENT,
CITY OF NEW YORK,
Saturday, September 26, 1874.

Meeting to receive proposals for furnishing frage, in pursuance of an advertisement published in the CITY RECORD.

Present—Commissioner Cornelius Van Cott and Comptroller Andrew H. Green.

Adjourned to Wednesday, September 30, 1874, at 4 o'clock, P. M.

W. B. WHITE,
Secretary.

HEADQUARTERS FIRE DEPARTMENT,
CITY OF NEW YORK,
Wednesday, September 30, 1874.

The Board of Commissioners and the Comptroller met this day to receive proposals for furnishing forage to this Department, in conformity to an advertisement published in the CITY RECORD inviting the same.

Present—Commissioner Roswell D. Hatch, in the chair, Commissioner Cornelius Van Cott, and Comptroller Andrew H. Green.

The Chairman submitted the affidavit of the Supervisor of the CITY RECORD as to the publication of the advertisement according to law, and the blank form of contract as approved by the Counsel to the Corporation.

Which were filed.

Proposals

Were received, and on motion disposed of as follows:

No. 1—From E. A. Fitch & Son—
335,000 lbs. hay, at \$1.15 per cwt. \$3,852 50
74,000 lbs. straw, at 90 cts. per cwt. 666 00
2,900 bags oats, at \$1.82 per bag. 5,278 00
1,800 bags fine feed, at 95 cts. per bag. 1,710 00

Total. \$11,506 50

Which was ordered to be transmitted to the Comptroller for approval of sureties.

No. 2—From P. Gleason and James Snodgrass—
335,000 lbs. hay, at \$1.25. \$4,187 50
74,000 lbs. straw, at 85 cts. 629 00
2,900 bags oats, at \$1.85. 5,365 00
1,800 bags fine feed, at \$1. 1,800 00

Total. \$11,981 50

Which was filed.

On motion, adjourned.

W. B. WHITE,
Secretary.

HEADQUARTERS FIRE DEPARTMENT,
CITY OF NEW YORK,
Thursday, October 1, 1874.

The Board of Commissioners met as above.

Present—Commissioner Roswell D. Hatch in the chair, and Commissioner Cornelius Van Cott.

The minutes of the last meeting were read and approved.

Communications

were received and disposed of as follows:

From The Chief of Department, reporting receipt and assignment of four self-propelling steam fire-engines. Filed.

The same, applying for a leave of absence. Granted and filed.

The Inspector of Combustibles' reports for the three weeks ending respectively on the 12th, 19th, and 26th ult. Filed.

The Superintendent of Telegraph, reporting completion of gong and talking circuits to quarters of Chemical Engine Companies Nos. 3 and 4. Filed.

Fireman Thomas L. Gooderson, Engine Company No. 35, applying for promotion. Referred to the Examining Board.

Hoseman John G. Schuhmann, Engine Company No. 41, tendering resignation to take effect 6th inst. Accepted and filed.

The Mayor, requiring quarterly report of operations, etc., to September 30, 1874. Filed and compliance directed.

The Comptroller, returning bill of Jas. Nickell, amounting to \$509.50. Filed.

The same, acknowledging receipt of notice to attend at opening of proposals. Filed.

The same, relative to prevailing practice of assignment of salaries before they are due, by the employees of the Department. Filed.

The Deputy Comptroller, statements of condition of appropriation for two weeks ending respectively 19th and 26th ult. Filed.

The same, returning proposal of F. W. Powers for hose, with approval of sureties. Filed.

G. D. Braisted, applying for appointment as Oil Collector. Filed.

Certain Freeholders and Citizens, recommending John H. Martens, Ladderman, Hook and Ladder Company No. 18, for promotion. Filed.

Terance King, complaining of Assistant Engineer of Steamer of Engine Company No. 3, for non-payment of indebtedness, etc. Filed.

Hiram Tarbox, offering to re-lease the premises occupied by Chemical Engine No. 4, at the rate of \$250 per annum. Filed.

Wood, Dialogue & Co., accepting award of contract for building Fire Steamer. Filed.

Reports

were received and disposed of as follows:

From the Examining Board, on the applications for promotion of the following members of the Department:

Fireman Francis Casey, Engine Co. No. 23.
do Robert Olmstead, do do 26.
do Michael Neubauer, do do 36.
do John Bradley, Hook and Ladder Co. No. 3.
do James Commiskey, Hook and Ladder Co. No. 6.

Which were filed.

RESOLUTIONS ADOPTED.

On motion of Commissioner Van Cott—
Resolved, That the contract for furnishing this Department with fifteen thousand feet of fire hose, with couplings attached, be and the same is hereby awarded to Franklin W. Powers.

On motion of Commissioner Hatch—
Resolved, That John E. Serrell, City Surveyor, be and he is hereby authorized and requested to survey the lots Nos. 130 and 132 Amity street, on which is to be erected a building for this Department.

On motion of Commissioner Hatch—
Resolved, That the Secretary be and he is hereby directed to prepare an advertisement for insertion in the CITY RECORD, inviting proposals for building and furnishing this Department with four trucks and ladders attached, known as the aerial ladder, as per plans and specifications on file in this Department.

On motion of Commissioner Van Cott—
Resolved, That on and after this date any member of the Department assigning his salary, or incurring liabilities which he refuses or neglects to honorably discharge, will be considered as violating the rules of the Department, and subject himself to such penalty as the Commissioners may deem advisable.

Fines Imposed

For loss of telegraph key:

Fireman Henry Campbell, Hook and Ladder 12, \$5.

On the recommendation of the Committee on Discipline:

Engineer of Steamer John Hutton, Engine 7, 3 days.

Fireman Wm. Hughes, Engine 20, 2 days.

Fireman John McKowen, Hook and Ladder 12, 2 days.

Fireman Charles H. Cottrell, Hook and Ladder 4, 2 days.

Fireman John Falvey, Engine 3, 5 days.

Fireman John F. Algeo, Engine 4, 5 days.

Fireman John McDowell, Engine 19, 5 days.

Fireman George L. Cox, Engine 41, 5 days.

Fireman John Smith, Engine 8, 10 days.

Fireman Thomas E. Schiel, Hook and Ladder 11, 10 days.

Fireman Henry Campbell, Hook and Ladder 12, 12 days.

Hoseman Ed. J. Goubleman, Engine 41, 2 days.

Hoseman Abraham Storm, Engine 42, 2 days.

Hoseman Charles Romer, Engine 42, 2 days.

Appointments.

George Quirk, as laborer, at \$2.50 per day—5th instant.

Patrick G. Byrnes, as Assistant Engineer of Steamer, Engine Company No. 27—5th instant (relieved from duty as machinist).

Philip J. Mans, as Fireman.

Transfers.

To take effect on the 5th instant:

Engineer of Steamer John Hutton, Engine Company No. 15 to Engine Company No. 7.

Engineer of Steamer Michael Purcell, Engine Company No. 7 to Engine Company No. 15.

Assistant Engineer of Steamer Chas. E. Bensel, Engine Company No. 38 to Engine Company No. 22.

Assistant Engineer of Steamer Adam Feit, Engine Company No. 22 to Engine Company No. 38.

Fireman Michael Brady, Engine Company No. 24 to Engine Company No. 19.

Fireman John McKowen, Hook and Ladder Company No. 12 to Hook and Ladder Company No. 8.

Fireman Joseph R. Harway, Hook and Ladder Company No. 8 to Hook and Ladder Company No. 12.

Fireman Thomas E. Schiel, Engine Company No. 25 to Engine Company No. 11.

Fireman John Falvey, Engine Company No. 3 to Engine Company No. 26.

Fireman Maurice Stack, Engine Company No. 26 to Engine Company No. 3.

Fireman John McDowell, Engine Company No. 19 to Engine Company No. 24.

Fireman Jeremiah Kelley, Engine Company No. 36 to Hook and Ladder Company No. 13.

Fireman John J. Murphy, Hook and Ladder Company No. 13 to Engine Company No. 36.

Fireman Joseph McGowan, Engine Company No. 6 to Engine Company No. 12.

Fireman Daniel O'Keefe, Engine Company No. 12 to Engine Company No. 6.

Fireman John McCarthy, Engine Company No. 6 to Engine Company No. 25.

Fireman James McManus, Engine Company No. 25 to Engine Company No. 30.

Fireman George Moore, Engine Company No. 12 to Engine Company No. 9.

Fireman Edward Curley, Engine Company No. 34 to Engine Company No. 40.

Fireman Owen Hart, Engine Company No. 40 to Engine Company No. 34.

To take effect on the 6th instant:

Fireman Dennis Daley, Hook and Ladder Company No. 16 to Engine Company No. 8.

Fireman Daniel Mannix, Engine Company No. 8 to Hook and Ladder Company No. 16.

Bills Audited

and ordered to be sent to the Comptroller for payment:

H. S. Ward & Co., buildings..... \$3 70

Blair & Ferrier, "..... 194 71

P. H. Egan, "..... 926 17

Composite Iron Works Co., buildings..... 82 80

John C. Baxter & Son, buildings..... 40 00

John Merry & Co., "..... 17 14

T. B. Coddington & Co., buildings..... 72 12

M. Feigel & Bro., buildings..... \$13 60

machine shop..... 38 40

52 00

POLICE DEPARTMENT.

Applicants for Appointment on the Police Force, examined and passed by the Surgeons on Tuesday, October 6, 1874:

NAMES.	OCCUPATION.	RESIDENCE.	PETITIONERS FOR APPLICANT.
Patrick Brennan....	Boilermaker	726 9th ave.....	Francis Murray, 296 7th st. Patrick Keenan, 219 Lewis st. Patrick Moore, 70 Avenue C. Thomas Avery, 746 E. 9th st. James Mason, 749 E. 9th st. Hughes & Keenan, 142 Avenue C.
Bernard Cahill....	Carpenter	677 11th ave.....	Martin Buckley, 787 11th ave. S. N. Simonson, 305 W. 48th st. H. Higgins, W. 43d st., N. R. Thomas A. Campbell, 608 W. 44th st. Henry Murray, 442 W. 44th st.
Ernest Lindeman...	Grocer	546 E. 13th st....	Jacob A. Gross, 51 7th st. A. Cropsey, 3 Chambers st. Dr. Philip Mukle, 80 2d ave. George Wolf, 546 E. 13th st. John Dohse, 546 E. 13th st. J. H. Mangle, 109 Clinton st. Frederick Lange, 157 Rivington st. D. Siedenbueg, 553 E. 13th st.
Stephan M. Grace...	Carman	194 Franklin st....	John Connelly, 396 Greenwich st. James Healey, 52 North Moore st. T. Duffy, 117 Hudson st. A. J. Connell, 38 Laight st. John Hawer, 368 Greenwich st.
Thos. Sheridan....	Plasterer	217 W. 17th st....	Chas. S. Spencer, 447 W. 23d st. William Wade, 144 W. 21st st. Charles Blackie, 446 W. 24th st. Thomas McCabe, 263 W. 17th st. Edward Reilly, 24 W. 17th st.
Patrick H. Tierney...	Wire roller	334 E. 34th st....	Sheridan Shook. James O'Brien, 144 E. 34th st. Lewis Frey, 589 1st ave. F. W. Nolte, 549 1st ave.
John J. Kane.....	Coachman	212 E. 28th st....	Wm. S. Corwin, 114 E. 26th st. John Gowan, 103 Lexington ave. Daniel Harnett, 17 E. 30th st. E. T. Draper, 238 3d ave. C. F. Heywood, 149 Lexington ave.
Robert Halfpenny... (passed Sept. 29)	Morocco dresser.	31 Roosevelt st....	George V. Hudson, 93 Madison st. J. R. Kelsey, 5 Madison st. Henry Hughes, 26 New Bowery. Chas. A. Tonak, 401 Pearl st. Gilbert Lloyd, 111 William st.

Chase Manufacturing Co., machine shop.....	146 00
Amoskeag Manufacturing Co., machine shop.....	700 00
apparatus.....	10,000 00
R. J. Wright, horse feed and straw..	918 60
Wrecking and Fire Steamer John Fuller, contingencies.....	200 00
Isaac H. Dahlman, horses.....	27 50
Isaac Mehrbach, horses.....	675 00
G. Furman, horses.....	10 00
Westchester Gas-light Co., gas.....	34 30
Howard Watch and Clock Co., general supplies.....	40 00
Wm. H. Lee, general supplies.....	123 00
Pearce & Jones, telegraph supplies...	78 15
Otto Schlee, telegraph supplies.....	126 00
L. G. Tillotson & Co., telegraph supplies.....	28 46
John Itner, rents.....	10 00
Amelia Adamson, rents.....	66 67
John H. Emerick, telegraph supplies...	30 75
New York Gas-light Co., gas.....	107 60
Wm. B. White, contingencies.....	57 66

Adjourned.

WM. B. WHITE,
Secretary.

BOARD OF EXAMINERS.

The Board of Examiners met at the office of the Department of Buildings, No. 2 Fourth avenue, Tuesday, October 6, 1874, at 3 P. M., upon call of the Superintendent of Buildings.

Present—W. W. Adams (Chairman), E. Dobbs, H. Dudley, J. Banta, and J. McLean.

The minutes of the previous meeting were read for information.

The Chairman presented a communication from the President of New York, New Haven, and Hartford Railroad Company, requesting a hearing upon an application for the erection of a freight-house upon Piers Nos. 50 and 51, East river.

Also, application of Pacific Mail Steamship Company for permission to erect a freight-house upon Pier No. 42, North river.

Also, a communication from the Executive Committee of the New York Board of Fire Underwriters, relative to the erection of frame sheds on piers, and the placing of iron shutters upon the fronts of stores, warehouses, etc., which was read and ordered on file.

Mr. Bishop, President New York, New Haven, and Hartford Railroad Company, Mr. Hatch, Managing Director of the Pacific Mail Steamship Company, and Mr. Forrest, representing the Panama Railroad Company, addressed the Board, requesting a favorable consideration of the applications submitted by them.

On motion, the following resolution was adopted:

Resolved, That the application of the New York, New Haven, and Hartford Railroad Company be granted, provided that they cover the exterior of shed with metal, and the frame on inside to be also lined with metal; the rafters and under side of roof to be coated with asbestos or some fire-proof material.

On motion, the following resolution was adopted:

Resolved, That the application of the Pacific Mail Steamship Company be granted, provided that they cover the whole exterior, also the interior lining of boards, including the frame, with metal; the under side of roof and all rafters to be coated with asbestos or other fire-proof material.

Mr. McLean moved that when the Board adjourn it adjourn to meet on Tuesday, October 13, 1874, at 3 P. M.

Which motion was carried.

On motion, the Board was declared adjourned.

THOS. DONALDSON,
Clerk Board of Examiners.

ORDINANCES, RESOLUTIONS,

&c., &c.,

PASSED BY BOTH BRANCHES OF THE

COMMON COUNCIL

AND

APPROVED BY THE MAYOR,

DURING THE WEEK ENDING OCTOBER 3, 1874.

Resolved, That permission be and is hereby given to the Law Telegraph Company to place telegraph instruments in the New Court-house and in the building occupied by the Marine Court, and in the Register's office, the same to occupy a space not to exceed four feet square on each of the floors in the hall-ways of the two first-named buildings, nor more than four feet square in the said Register's office, under the direction and supervision of the Commissioner of Public Works; provided such instruments and the wires connected therewith shall not obstruct or interfere with the regular business of the courts, nor injure or deface the walls; at an annual rent not exceeding two thousand dollars, to be placed to the credit of the General Fund; and that the permission hereby given shall continue only during the pleasure of the proper authorities.

Adopted by the Board of Aldermen, October 1, 1874.

Approved by the Mayor, October 2, 1874.

J. C. PINCKNEY,
Clerk C. C.

DIRECTORY!

OF THE

COMMON COUNCIL

BOARD OF ALDERMEN.

- Samuel B. H. Vance, 206 West 23d street.
- Oliver P. C. Billings, 143 East 34th street.
- Jenkins Van Schaick, 1 University place.
- Stephen V. R. Cooper, 318 West 51st street.
- John Falconer, 308 East 15th street.
- George Koch, 638 Lexington avenue.
- Peter Kehr, 50 Seventh street.
- Robert McCafferty, 840 Lexington avenue.
- Oswald Ottendorfer, 7 East 17th street.
- Edward Gilon, 557 Hudson street.
- Patrick Lysaght, 27 City Hall place.
- Richard Flanagan, 312 West 22d street.
- John Reilly, 314 East 14th street.
- John J. Morris, 117 West 21st street.
- Joseph A. Monheimer, 233 East 31st street.

SAMUEL B. H. VANCE, President.
JOSEPH C. PINCKNEY, Clerk, 27 Stuyvesant street.

STANDING COMMITTEES.

ARTS AND SCIENCES, INCLUDING PUBLIC INSTRUCTION.—Aldermen Billings, Monheimer, and Reilly.
FERRIES.—Aldermen Falconer, Cooper, and Lysaght.
FINANCE.—Aldermen Van Schaick, Gilon, Kehr, Morris, and Ottendorfer.
LANDS AND PLACES.—Aldermen McCafferty, Koch, and Gilon.
LAW DEPARTMENT.—Aldermen Cooper, Billings, and Flanagan.
MARKETS.—Aldermen Morris, Kehr, and Lysaght.
PRINTING AND ADVERTISING.—Aldermen Kehr, Ottendorfer, and Falconer.
PUBLIC WORKS.—Aldermen Koch, Morris, and Gilon.
RAILROADS.—Aldermen Billings, Van Schaick, and Ottendorfer.
REPAIRS AND SUPPLIES.—Aldermen Kehr, Cooper, and Flanagan.
ROADS.—Aldermen Cooper, Gilon, and Reilly.
SALARIES AND OFFICES.—Aldermen Ottendorfer, Koch, and McCafferty.
STREETS.—Aldermen Monheimer, Billings, and McCafferty.
STREET PAVEMENTS.—Aldermen Falconer, Monheimer, and Van Schaick.

BOARD ASSISTANT ALDERMEN.

- Thomas Foley, 18 West street.
- Jeremiah Murphy, 45 Cherry street.
- Charles M. Clancy, 167 Mott street.
- John C. Keating, 333 Cherry street.
- Henry Wisser, 151 Prince street.
- Michael Healy, 19 Ridge street.
- Thos. L. Thornell, 169 West 12th street.
- John Theiss, 223 Bowery.
- George F. Coddington, 62 P rry street.
- Joseph P. Strack, 179 Third street.
- William S. Kreps, 354 West 27th street.
- Patrick Keenan, 217 Lewis street.
- William Wade, 144 West 21st street.
- John J. Kehoe, 138 First avenue.
- Edward Brucks, 422 West 30th street.
- George Kelly, 318 West 20th street.
- Stephen N. Simonson, 305 West 48th street.
- Philip Cumisky, 552 First avenue.
- Henry A. Linden, 68th st., bet. 10th and 11th aves.
- Isaac Sommers, 165 East 62d street.
- Benjamin Beyea, 131st street near 4th avenue.

JOSEPH P. STRACK, President.
W. H. MOLONEY, Clerk.

STANDING COMMITTEES.

ARTS AND SCIENCES.—Assistant Aldermen Cumisky, Murphy, and Coddington.
DONATIONS.—Assistant Aldermen Sommers, Wisser, and Wade.
FERRIES.—Assistant Aldermen Healy, Kehoe, and Theiss.
FINANCE.—Assistant Aldermen Clancy, Sommers, and Wade.
LANDS AND GAS.—Assistant Aldermen Foley, Beyea, and Brucks.
LAW DEPARTMENT.—Assistant Aldermen Clancy, Keenan, and Thornell.
MARKETS.—Assistant Aldermen Kelly, Kehoe, Keating, cley, and Beyea.
NATIONAL AFFAIRS.—Assistant Aldermen Theiss, Murphy, Cumisky, Simonson, and Coddington.
ORDINANCES.—Assistant Aldermen Wisser, Kehoe, and Sommers.
PRINTING AND ADVERTISING.—Assistant Aldermen Keating, Kreps, Beyea, Sommers, and Theiss.
PUBLIC HEALTH.—Assistant Aldermen Theiss, Wisser, and Cumisky.
PUBLIC BUILDINGS.—Assistant Aldermen Keenan, Murphy, and Wisser.
PUBLIC WORKS.—Assistant Aldermen Sommers, Keating, and Kreps.
RAILROADS.—Assistant Aldermen Healy, Keenan, Linden, Cumisky, and Theiss.
ROADS.—Assistant Aldermen Cumisky, Thornell, and Brucks.
SALARIES AND OFFICES.—Assistant Aldermen Brucks, Kehoe, and Wisser.
SEWERS.—Assistant Aldermen Kelly, Wade, and Wisser.
STREETS.—Assistant Aldermen Brucks, Theiss, and Linden.
STREET PAVEMENTS.—Assistant Aldermen Foley, Sommers, and Simonson.
JOINT COMMITTEE ON ACCOUNTS.—Assistant Aldermen Sommers, Keenan, and Linden.

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.

EXECUTIVE DEPARTMENT.

Mayor's Office, No. 6, City Hall, 10 A. M. to 3 P. M.
Mayor's Marshal, No. 5, City Hall, 10 A. M. to 3 P. M.
Permit Bureau, No. 1, City Hall, 10 A. M. to 2 P. M.
License Bureau, No. 1, City Hall, 10 A. M. to 2 P. M.

LEGISLATIVE DEPARTMENT.

Clerk of the Common Council and of Board of per-
isors, 7 and 8, City Hall, 9 A. M. to 4 P. M.
Clerk of Board of Assistant Aldermen, 9½ City Hall, 9
A. M. to 4 P. M.

FINANCE DEPARTMENT.

NEW COUNTY COURT-HOUSE, OFFICE HOURS 9 A. M. TO 5 P. M.
Comptroller's Office, West end.
1. Bureau for the collection of the revenue accruing from rents and interest on bonds and mortgages, and revenue arising from the use or sale of property belonging to or managed by the city; Ground floor, west end.
2. Bureau for the Collection of Taxes; Brown stone building, City Hall Park.
3. Bureau for the Collection of Arrears of Taxes and Assessments and Water Rents; Ground floor, west end.
4. Auditing Bureau; Main floor, west end.

SUPREME COURT.

In the matter of the application of the Department of Public Parks, for and on behalf of the Mayor, Aldermen, and Commonality of the City of New York, relative to the opening of Brook avenue, from tide-water to the Harlem railroad at One Hundred and Sixty-fifth street, in the City of New York.

PURSUANT TO THE STATUTES OF THE STATE of New York, in such case made and provided, the Department of Public Parks, for and on behalf of the Mayor, Aldermen, and Commonality of the City of New York, hereby give notice that the Counsel to the Corporation of said City will apply to the Supreme Court in the First Judicial District of the State of New York, at a Special Term of said Court, to be held at the Chambers thereof, in the New Court-house, in the City of New York, on Monday, the second day of November, A. D. 1874, at eleven o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate and Assessment in the above-entitled proceeding.

The nature and extent of the improvement hereby intended, is the opening of Brook avenue, from tide-water to the Harlem railroad at One Hundred and Sixty-fifth street, as laid out on a certain map of the Commissioners appointed by an act of the Legislature of the State of New York, entitled "An act for the laying out, opening, and closing of streets, roads, and avenues, in the Town of Morrisania, in the County of Westchester," passed May 19, 1868, and filed in the office of the Register of Westchester County, on the sixth day of January, A. D. 1871.

Dated New York, October 7, 1874.
E. DELAFIELD SMITH,
Counsel to the Corporation.
No. 2 Tryon Row.

POLICE DEPARTMENT.

CENTRAL DEPARTMENT OF THE MUNICIPAL POLICE,
No. 300 MULBERRY STREET,
PROPERTY CLERK'S OFFICE, ROOM 39,
NEW YORK, September 24, 1874.

OWNERS WANTED BY THE PROPERTY CLERK, 300 Mulberry street, Room 39, for the following property, now in his custody without claimants: Eight cans salad oil; three black bags and contents; case sugar-paper; two trunks and contents; lot furniture; rope; locket; thirty-six pair shoes; two skiffs; thirteen revolvers, etc.

C. A. ST. JOHN,
Property Clerk.

POLICE DEPARTMENT NEW YORK CITY,
No. 300 MULBERRY STREET,
PROPERTY CLERK'S OFFICE, ROOM 39,
NEW YORK, Sept. 2, 1874.

OWNERS WANTED BY THE PROPERTY CLERK, 300 Mulberry street, for the following property, now in his custody, without claimants: Seven revolvers, two silver and one gold watch, male and female clothing, two loads furniture, segars, mats, child's carriage trunk and contents, and small amount of money.

C. A. ST. JOHN,
Property Clerk.

POLICE DEPARTMENT—CITY OF NEW YORK,
PROPERTY CLERK'S OFFICE,
300 MULBERRY STREET,
NEW YORK, September 10, 1874.

OWNER WANTED BY THE PROPERTY CLERK, room 39, 300 Mulberry street, for two cases of cloth, found in front of No. 174 Church street, by officer of Fifth Precinct. Said cloth, unless claimed, will be sold at the next auction sale of Unclaimed Property, according to law.

C. A. ST. JOHN,
Property Clerk.

DEPARTMENT PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE,
ROOM 19, CITY HALL,
NEW YORK, October 1, 1874.

PUBLIC NOTICE IS HEREBY GIVEN THAT A petition of the property owners, with map and plan, for the change of grade in One Hundred and Fifty-third street, between Tenth avenue and Boulevard, is now pending before the Common Council.

All persons interested in the above-mentioned change of grade, and having objections thereto, are requested to present the same, in writing, to the undersigned, at his office, on or before the 14th instant.

GEO. M. VAN NORT,
Commissioner of Public Works.

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE, 19 City Hall.

CONSUMERS OF CROTON WATER ARE hereby notified that the water rents for 1874 are now due, and are payable at the office of the Water Register, Room No. 10, City Hall, from 10 A. M. to 4 P. M. each day. A penalty will be added to all water rents remaining unpaid on the 1st of August.

GEO. M. VAN NORT,
Commissioner of Public Works.

LEGISLATIVE DEPARTMENT.

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

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

JOSEPH C. PINCKNEY,
Clerk.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, October 8, 1874.

IN ACCORDANCE WITH THE ORDINANCE of the Common Council "In relation to the burial of strangers and 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 the Morgue, September 29, 1874.—An unknown man committed suicide, by drowning himself from Bulkhead at Bellevue Hospital, aged about 40 years; 5 feet 8 inches high; black hair; bald on top of head; black side-whiskers and moustache. Had on black frock-coat; black vest; dark-gray checked pants; white knit undershirt; black silk hat, and shoes.

Found on his person, 25 cents, three pocket-books, photographs and letters addressed, "F. K. Welowski, 57 West Houston street."

By Order.

JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, Oct. 9, 1874.

PROPOSALS FOR CODFISH, COARSE AND FINE MEAL, STRAW, MEN'S KNIT UNDERSHIRTS.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, until 10 o'clock A. M., of the twenty-second day of October, 1874, at which time they will be publicly opened, for furnishing and delivering, at the foot of East Twenty-sixth street, free of all expense—

100 quintals codfish,
200 bags coarse meal,
100 bags fine meal,
250 bales straw,
20 dozen men's knit undershirts,
2 bales red flannel.

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

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

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

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

WILLIAM LAIMBEER,
JAMES BOWEN,
MYER STERN,
Commissioners.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, Oct. 6, 1874.

IN ACCORDANCE WITH THE ORDINANCE of the Common Council "In relation to the burial of strangers and unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Morgue, from bulkhead between Piers 50 and 51, North river, October 3, 1874.—Unknown man, aged 30 years, 5 feet 6 inches high; light brown hair, moustache, and full whiskers.

Had on dark cloth vest, black diagonal pants, white shirt, white and brown undershirt, cotton socks, blue necktie, elastic gaiters. No effects.

By Order.

JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, October 3, 1874.

IN ACCORDANCE WITH THE ORDINANCE of the Common Council "In relation to the burial of strangers and unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Morgue.—Unknown man, from pier No. 48, East river, October 1, 1874; aged about 35 years; 5 feet 6 inches high; light sandy hair and chin whiskers; blue eyes; had on green plaid woolen shirt, dark gray pants and slipper shoes. On his left hand, brass finger ring.

By Order.

JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH ST.,
NEW YORK, Oct. 7, 1874.

PROPOSALS FOR OATS.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, until 10 o'clock A. M., of the nineteenth day of October, 1874, at which time they will be publicly opened, for furnishing and delivering, free of all expense:

1,000 bushels Oats, with privilege to increase to 2,000 bushels, best quality, to weigh not less than thirty-two pounds to the bushel.

To be delivered at corner Eleventh street and Third avenue, and at Bellevue Hospital, foot of East Twenty-sixth street.

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

No proposal will be considered unless accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded under that proposal, they will, on its being so awarded, become bound as sureties, in the estimated amount of 50 per cent, for its faithful performance, which consent must be verified by the justification of each of the persons signing the same for double the amount of surety required. The sufficiency of such security to be approved by the Comptroller.

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

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

WM. LAIMBEER,
JAMES BOWEN,
MYER STERN,
Commissioners.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, October 1, 1874.

IN ACCORDANCE WITH THE ORDINANCE of the Common Council "In relation to the burial of strangers and unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Morgue, from Fifth Precinct Station-house, September 30, 1874.—Unknown man, aged about 55 years; 5 feet 8 inches high; dark brown hair and side whiskers; blue eyes; teeth much decayed. Had on brown coat, mixed with white; black vest; white shirt; white and brown undershirt; blue and white barred socks; shoes; black felt hat. No effects.

By Order.

JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
CORNER OF THIRD AVENUE AND ELEVENTH STREET,
NEW YORK, October 2, 1874.

PROPOSALS FOR ALCOHOL, COD LIVER OIL, WHISKEY, ALE, DRUGS, MEDICINES, ETC.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 10 o'clock A. M., of the 15th day of October, 1874, at which time they will be publicly opened, for furnishing and delivering, at the foot of East Twenty-sixth street, free of all expense, Alcohol, Cod Liver Oil, Whiskey, Ale, Drugs, Medicines, etc.

A list of articles and quantities required can be seen at his office.

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

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

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

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

WILLIAM LAIMBEER,
JAMES BOWEN,
MYER STERN,
Commissioners.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, September 29, 1874.

IN ACCORDANCE WITH AN ORDINANCE of the Common Council "In relation to the burial of strangers and 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, September 26, 1874.—Unknown man, aged 40 years; 5 feet 6½ inches high; light complexion; full sandy beard; gray eyes. His name is supposed to be John Clark, formerly a soldier in the United States army. Had a cross tattooed with India ink on the upper part of his left arm and a basket with flowers on upper part of his right arm. Had on brown jean jacket, dark brown vest, light pants with brown stripes, gray cotton shirt, leather gaiters. No information could be obtained of his name, residence or friends.

At Randall's Island Hospital, September 28, 1874.—Jerry Howe, transferred from School-ship Mercury, August 12, 1874. Father and mother unknown.

By Order.

JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, Sept. 30, 1874.

IN ACCORDANCE WITH THE ORDINANCE of the Common Council "In relation to the burial of strangers and 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 City Prison, September 29, 1874.—Mary Marten, born in Ireland; aged 33 years; poorly clad; no home. Committed for intoxication.

At New York City Asylum for the Insane, Ward's Island, September 25, 1874.—John Dunn, admitted June 27, 1874; born in Ireland; aged 57 years; 5 feet 6 inches high; mixed hair; gray eyes. There has been no person to see him, nor could any information be obtained of his friends or relatives. No effects.

By Order.

JOSHUA PHILLIPS,
Secretary.

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,
No. 66 Third Avenue,
NEW YORK, September 28, 1874.

IN ACCORDANCE WITH AN ORDINANCE of the Common Council "In relation to the burial of strangers and unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Morgue, from Pier 47, East river, September 26, 1874. Unknown man, aged about 40 years; 5 feet, 8 inches high; black hair; no beard. Had on dark coat, with white stripes (short skirts), black cloth pants, check shirt, brown cotton socks, brogan shoes. No effects.

At N. V. City Asylum for the Insane, Ward's Island, September 25, 1874.—Anton Bodnutt, aged 40 years, 5 feet 10 inches high; black hair; hazel eyes. Had on black sack coat, light mixed pants and vest, white shirt. No person has been to visit him nor could any information be obtained as to his relatives or friends. No effects.

By Order.

JOSHUA PHILLIPS,
Secretary.

CORPORATION NOTICES.

NOTICE IS HEREBY GIVEN THAT THE following Assessment Lists have been received by the Board of Assessors from the Commissioner of Public Works. Persons interested are requested to call and examine the same.

No. 1. Regulating, grading, setting curb and gutter stones, and flagging Fifty-sixth street, from Third avenue to East river.

No. 2. Regulating, grading, setting curb and gutter stones, and flagging Ninety-second street, between Eighth avenue and Boulevard.

No. 3. Regulating, grading, setting curb and gutter stones, and flagging One Hundred and Sixth street, from Third avenue to East river.

No. 4. Flagging Fifty-eighth street, between Fifth and Sixth avenues.

The limits to be assessed are embraced as follows, viz.:

No. 1. Both sides of Fifty-sixth street, from Third avenue to East river, to the extent of one-half the block at the intersecting streets.

No. 2. Both sides of Ninety-second street, between Eighth avenue and Boulevard, to the extent of one-half the block at intersection of Tenth avenue.

No. 3. Both sides of One Hundred and Sixth street, from Third avenue to East river, to the extent of one-half the block at intersections of First avenue and Avenue A.

No. 4. Both sides of Fifty-eighth street, between Fifth and Sixth avenues.

THOMAS B. ASTEN,
Chairman.

OFFICE OF THE BOARD OF ASSESSORS,
No. 19 CHATHAM STREET,
NEW YORK, Sept. 10, 1874.

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

No. 1. For building sewers in Seventh avenue, between One Hundred and Twenty-first and One Hundred and Thirty-seventh streets, with branches.

No. 2. For building sewer in Eleventh avenue, between Fifth and Fifty-first streets, and in Fifth street, between Tenth and Eleventh avenues.

No. 3. For building underground drains between Sixty-second and Sixty-ninth streets, and between Boulevard and Hudson river.

No. 4. For regulating, grading, curb, gutter, and flagging Twenty-fourth street, from Eleventh avenue to Hudson river.

No. 5. For regulating, grading, curb, gutter, and flagging Eighty-fourth street, from Boulevard to River Drive.

No. 6. For curbing and flagging, west side, Tenth avenue, between Forty-sixth and Forty-seventh streets.

No. 7. For flagging Fifty-fifth street, south side, between Ninth and Tenth avenues.

No. 8. For laying Belgian pavement in Sixty-fifth street, from Third to Fifth avenue.

No. 9. For fencing vacant lots on Madison avenue, from Sixty-ninth to Seventieth street, and on Sixty-ninth and Seventieth streets, from Fourth to Fifth avenue.

No. 10. For fencing vacant lots on west side of Boulevard, between Sixtieth and Sixty-first streets, and on north side of Sixtieth street, one hundred and twenty-five feet west of Boulevard, and south side of Sixty-first street, one hundred feet west of Boulevard.

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

No. 1. Both sides of Seventh avenue, between One Hundred and Twenty-first and One Hundred and Thirty-seventh streets, and portions of both sides of the intersecting streets, from One Hundred and Twenty-first to One Hundred and Thirty-seventh street, between Sixth and Eighth avenues.

No. 2. Both sides of Fifty-fifth street, between Tenth and Eleventh avenues, and east side of Eleventh avenue, between Fifth and Fifty-first streets.

No. 3. The blocks bounded by Sixty-sixth and Sixty-ninth streets, and Eleventh avenue and Hudson River Railroad; the block bounded by Sixty-fourth and Sixty-fifth streets and Tenth and Eleventh avenues; the blocks bounded by Sixty-third and Sixty-fourth streets, and Ninth and Tenth avenues; and the block bounded by Sixty-second and Sixty-third streets, and Broadway and Ninth avenue.

No. 4. Both sides of Twenty-fourth street, from Eleventh avenue to Hudson river, to the extent of half the block at intersections of Eleventh and Thirteenth avenues.

No. 5. Both sides of Eighty-fourth street, from Boulevard to River Drive, to the extent of one-half the block at intersections of Eleventh avenue and River Drive.

No. 6. The property known as Ward No. 32.

No. 7. The property known as Ward Nos. 36, 41 to 43, and 49 to 59 inclusive.

No. 8. Both sides of Sixty-fifth street, from Third to Fifth avenue, to the extent of one-half the block at intersections of Lexington, Fourth and Madison avenues.

No. 9. The block bounded by Sixty-ninth and Seventieth streets and Fourth and Madison avenues; and the property known as Ward Nos. 8 to 10, 12 to 14, 16, 17, 57 to 61, and 63 to 65, inclusive.

No. 10. The property known as Ward Nos. 18 to 21, 46 to 49, and 51.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to Thomas B. Asten, Chairman of the Board of Assessors, at their office, No. 19 Chatham street, within thirty days from the date of this notice.

THOMAS B. ASTEN,
JOHN MCHARG,
MUNSON H. TREADWELL,
VALENTINE S. WOODRUFF,
Board of Assessors.

OFFICE, BOARD OF ASSESSORS,
NEW YORK, Sept. 10, 1874.

NOTICE IS HEREBY GIVEN THAT THE following Assessment Lists have been received by the Board of Assessors from the Commissioner of Public Works. Persons interested are requested to call and examine the same.

No. 1. For regulating, grading, curb and gutter, and flagging Madison avenue, from One Hundred and Twenty-fourth street to the Harlem river.

No. 2. For sewer in Madison street, between Gouverneur and Scamell streets.

No. 3. For sewer in Twelfth street, between Fourth avenue and Broadway.

No. 4. For curb, gutter and flagging East-side Thirteenth or Exterior avenue, between Twenty-third and Twenty-fourth streets.

No. 5. For receiving-basin on northeast corner Tenth street and Broadway.

No. 6. For curb, gutter and flagging East Eleventh street, between Dry Dock street and East river.

No. 7. For flagging sidewalks on the south side of Thirty-fourth street, between Lexington and Fourth avenues.

No. 8. For sewer in Cannon street, between Broome and Delancy streets.

The limits to be assessed are embraced as follows, viz.:

No. 1. Both sides of Madison avenue, from One Hundred and Twenty-fourth street to Harlem river, to the extent of half the block at the intersecting streets.

No. 2. Both sides of Madison street, from Gouverneur to Scamell street.

No. 3. Both sides of Twelfth street, from Fourth avenue to Broadway, except lot on northeast corner of Broadway and Twelfth street.

No. 4. The property known as Ward Nos. 61 to 64 inclusive.

No. 5. The property known as Ward Nos. 1,078 and 1,079, 1,803 and 1,804, and 1,810 to 1,819 inclusive.

No. 6. Both sides of Eleventh street, from Avenue D East river.

No. 7. Southside of Thirty-fourth street, between Lexington and Fourth avenues.

No. 8. Both sides of Cannon street, between Broome and Delancy streets.

THOMAS B. ASTEN,
Chairman.

OFFICE BOARD OF ASSESSORS,
19 CHATHAM STREET,
NEW YORK, October 1, 1874.

DEPARTMENT PUBLIC PARKS.

DEPARTMENT OF PUBLIC PARKS,
36 UNION SQUARE,
NEW YORK, Oct. 5, 1874.

NOTICE TO PROPERTY-OWNERS, TWENTY-THIRD WARD.

THE CHANGES IN THE MAP OF THE Twenty-third Ward (Morrisania) mentioned below being under consideration of the Commissioners of Public Parks, all persons interested therein are hereby requested to file such objections, if any, as they may have thereto at the above address on or before Tuesday, October the 20th, 1874.

College avenue, extending and widening of.
One Hundred and Forty-third street, widening of.
Lincoln avenue, extending of.
Morris avenue, widening of.
Morris avenue, discontinuing of between College and Third avenues.

Approach to the grade crossing over Harlem Rai road, widening of.
Maps and plans showing the above contemplated changes can be seen at the office of the Civil and Topographical Engineer, at Mount St. Vincent, in the Central Park.

H. G. STEBBINS,
President D. P. P.

WM. IRWIN,
Secretary D. P. P.