

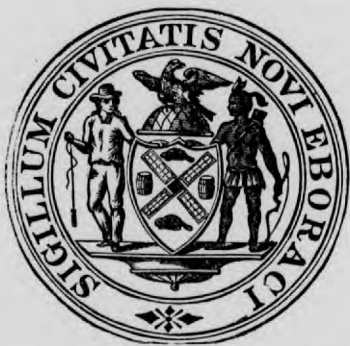
# THE CITY RECORD.

## OFFICIAL JOURNAL.

Vol. VIII.

NEW YORK, WEDNESDAY, JANUARY 14, 1880.

NUMBER 2,008.



### LEGISLATIVE DEPARTMENT.

#### BOARD OF ALDERMEN.

##### STATED SESSION.

TUESDAY, January 13, 1880,  
12 o'clock, M.

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

##### PRESENT:

Hon. John J. Morris, President;

##### ALDERMEN

Matthew J. Coggey,  
Frederick Finck,  
Robert Foster,  
Bernard Goodwin,  
Henry Hafton,  
Robert Hall,  
Nicholas Haughton,

Frederick Helbig,  
Patrick Keenan,  
Bernard Kenney,  
William P. Kirk,  
Charles H. Marshall,  
John McClave,  
Jeremiah Murphy,

Henry C. Perley,  
William Sauer,  
Thomas Sheils,  
James J. Slevin,  
Joseph P. Strack,  
William Wade.

The minutes of the last meeting were read and approved.

##### INVITATIONS.

An invitation was received from the John Sullivan Association to attend their annual ball at Germania Assembly Rooms, on Tuesday evening, January 20, 1880.  
Which was accepted.

##### PETITIONS.

By Alderman Perley—

Petition for paving Ninety-fourth street, from Third to Lexington avenue, with Belgian pavement.

To the Honorable the Common Council:

GENTLEMEN—The undersigned respectfully request your Honorable Body that Ninety-fourth street, from Third avenue to westerly side of Lexington avenue, be paved with Belgian or trap-block pavement, the sidewalks be flagged where not already done, and that at the several intersecting streets and avenues, crosswalks be laid where not now laid, and relaid where those now laid are, in the opinion of the Commissioner of Public Works, not in good repair, or are not upon a grade adapted to the grade of the proposed new pavement, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Francis B. Baldwin by Henry J. Carr.

William S. Patten.

Edwin S. Raynor by Henry J. Carr.

J. H. Thayer.

George Fox by Henry J. Carr.

George H. Haggerty.

Which was referred to the Committee on Public Works.

By Alderman Jacobus—

Petition of S. A. Smith for authority to furnish files of Legislative documents to the Board.  
Which was referred to the Committee on Salaries and Offices.

By Alderman Haughton—

Petition of property-owners for the repaving of Second avenue, between Nineteenth and Twenty-third streets.

NEW YORK, December 18, 1879.

Hon. ALLAN CAMPBELL, Commissioner of Public Works:

DEAR SIR—We, the undersigned property owners and residents on Second avenue, between Nineteenth and Twenty-third streets, respectfully represent that said avenue is now paved with cobble stones and is in a wretched condition, both as to wagon traffic and in a sanitary point of view. The avenue below Nineteenth street and above Twenty-third street are trap-blocked, and those four blocks from Nineteenth to Twenty-third street remain as a blot to the avenue, to gather the filth which necessarily accumulates through the unevenness of the rough pavement or cobble stones, making it highly dangerous to the public health.

We therefore earnestly request that you may include Second avenue in the list of streets to be repaved during the coming year.

Very respectfully,

Hamilton Fish, Jr., 315 2d avenue.  
R. L. Burtzell, D. D. of Church of the Epiphany  
on 2d avenue.

Abraham Worms, 377 2d avenue.

Geo. P. Lees & Co., 356 to 360 2d avenue.

Robert Edwards, 354 2d avenue.

George Leonhard, 342 2d avenue.

James Moore, 338 2d avenue.

Mary C. Ross, 338 2d avenue.

Terence Brady, 383 2d avenue.

August Muller, 385 2d avenue.

Herrmann Frohmann, 385 2d avenue.

William Riedell, 387 2d avenue.

John Hardwick, 389 2d avenue.

John Foley, 385 2d avenue.

Friedrick Matz, 380 2d avenue.

Haines Brothers, 179 feet on 2d avenue.

Which was referred to the Committee on Streets.

By the same—

Petition of property-owners for the repaving of Twenty-first street, from Third to First avenue.

NEW YORK, December 12, 1879.

Hon. ALLAN CAMPBELL, Commissioner of Public Works:

SIR—The undersigned property-owners and residents on Twenty-first street, between Third and First avenues, respectfully represent, that said street is now paved with cobble-stones and is in a wretched condition, both as to wagon traffic and in a sanitary point of view. It is a densely populated district, and the filth that necessarily accumulates on the rough pavement is highly dangerous to the public health.

We, therefore, earnestly request that you may include Twenty-first street in the list of streets to be repaved during the coming year.

Very respectfully,

R. L. Burtzell, D. D., 239 E. 21st st.  
James McGovern, 241, 243, 245, 247, 249 21st st.  
Michael Moore, 225 E. 21st st.  
John Mullane, 237 E. 21st st.  
Catharine Schubkegel, 247 E. 21st st.  
Edward Willis, 229, 231 E. 21st st.  
Haines Bros., 111 feet on S. side, 100 ft. on E. side.  
Mary Hanekamp, 304 E. 21st st.  
John Maatz, 248 E. 21st st.  
James Holmstrom, 233, 235 E. 21st st.  
Meta Plump, 227 E. 21st st.  
Chas. E. Munson, 203 and 205 E. 21st st.  
Schuackenberg & Muller, 227 E. 21st st.  
John L. Murtha, 238 E. 21st st.  
S. F. Alexander, 242 E. 21st st.  
J. P. Kearney, 244 E. 21st st.  
Kedian & Bro., 21st st. and 3d ave.  
James Kedian, 308 E. 21st st.  
E. Block, 303 E. 21st st.  
James Moran, 336 E. 21st st.  
Charles Kaulmann, 340 E. 21st st.  
Reinhard Pfeiff, 207 E. 21st st.

G. W. Terry, Grocer, 201 E. 21st st.  
C. T. Schwarz, 202 E. 21st st.  
William Appkorn, 204 E. 21st st.  
Philip Kallmann, 206 E. 21st st.  
John L. Stroub, 210 E. 21st st.  
Mary B. Moffet, 228 E. 21st st.  
H. W. Harris, 224, 226, 230 E. 21st st.  
John Cahill, 200 E. 21st st.  
Henry Hajman, 209 E. 21st st.  
Chas. A. Hoff, 215 E. 21st st.  
Betty Baer, 1208 E. 21st st.  
Mrs. O'Neill, 217 E. 21st st.  
E. C. Pintz, 310 E. 21st st.  
Wm. H. Adams, 249 E. 21st st.  
Wm. Humes, cor. 21st st. and 1st ave.  
Jacob Bookman, 200 and 202 E. 21st st.  
Michael Cregier, 242 E. 21st st.  
Lamartine Whiting, 241 E. 21st st.  
John M. Carroll, 339 E. 18th st., 312 Twenty-first st.  
James Carr, 219, 221, and 223 E. 21st st.  
Chas. B. Cornell, 222 E. 21st st., per Fred. M. Cornell.

Which was referred to the Committee on Streets.

By the President—

Petition of Edwin West, M. D., asking for the adoption of an ordinance relative to the manner of laying of railroad tracks throughout the city, and substitution of groove for T rails.

Which was referred to the Committee on Railroads.

By the President—

Petition of the United States Heating and Power Co. to lay mains and pipes in the streets of the city.

NEW YORK, January 13, 1880.

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

The undersigned, the President of the "United States Heating and Power Company," duly incorporated under the laws of the State of New York, humbly petition your Honorable Body to grant to the said company the right to lay mains and pipes in the streets of the City of New York, for the purpose of supplying to the inhabitants thereof, hot water for furnishing heat and power for use in the streets and houses of the city, under such conditions as your Honorable Body may see fit to impose; and your petitioners ever pray.

Most respectfully,

W. B. HOTCHKISS, President.

Which was referred to the Committee on Ferries and Franchises.

##### MOTIONS AND RESOLUTIONS.

By Alderman Perley—

Resolved, That Rule XXXIII. of the Rules and Orders of the Board shall be as follows: XXXIII. Standing Committees, consisting of three members each, except the Finance Committee, the Committee on County Affairs, the Committee on Public Works, and Police and Fire Departments, which shall consist of five members, shall be appointed on the following subjects:

- |  |                                   |
|--|-----------------------------------|
| 1. Bridges and Tunnels.                  | 8. Law Department.                |
| 2. County Affairs.                       | 9. Markets.                       |
| 3. Docks.                                | 10. Police and Fire Departments.  |
| 4. Ferries and Franchises.               | 11. Public Works.                 |
| 5. Finance.                              | 12. Railroads.                    |
| 6. Health and Building Departments.      | 13. Salaries and Offices.         |
| 7. Lands and Places and Park Department. | 14. Streets and Street Pavements. |

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

Which was decided in the affirmative.

The President here announced the following as the Standing Committees of the Board for the year 1880:

Bridges and Tunnels—Aldermen Hafton, Helbig, and Finck.  
County Affairs—Aldermen Sauer, Perley, Keenan, Wade, and Murphy.  
Docks—Aldermen Slevin, Wade, and Strack.  
Ferries and Franchises—Aldermen Sheils, Jacobus, and Marshall.  
Finance—Aldermen Keenan, McClave, Slevin, Jacobus, and Marshall.  
Health and Building Departments—Aldermen McClave, Sauer, and Coggey.  
Lands and Places and Park Department—Aldermen Helbig, Finck, and Murphy.  
Law Department—Aldermen Wade, Helbig, and Marshall.  
Markets—Aldermen Finck, Foster, and Haughton.  
Police and Fire Departments—Aldermen Jacobus, Goodwin, Finck, Kirk, and Slevin.  
Public Works—Aldermen Perley, Sheils, McClave, Hafton, and Kenney.  
Railroads—Aldermen Kirk, Finck, and Hall.  
Salaries and Offices—Aldermen Foster, Wade, and Hall.  
Streets and Street Pavements—Aldermen Goodwin, Perley, and Kenney.

(G. O. I.)

By Alderman Goodwin—

Whereas, The establishment of a "country market" or stand for the occupation of market gardeners' wagons, and the sale of produce of farmers and gardeners, on the Gansevoort property, has been productive of many beneficial results; it has relieved the heavy pressure on vehicle travel in the narrow streets in the lower part of the city; it saves time and money to nine-tenths of our citizens who make purchases at the "new market"; it is easy of access, convenient to the ferries on the North river, and is the first step towards diffusing the market trade of the city, so as to locate it nearest the purchaser and consumer; and

Whereas, These great advantages have resulted in locating, within a period of a few months, a large and constantly augmenting trade at the new market, and to such a degree that additional land will be needed in a very short time, to meet the demands of our citizens for more enlarged business facilities at this market; and in recognition of this fact a bill has been introduced in the Assembly of this State by Mr. Deane, authorizing the city authorities to acquire more land in the vicinity of the present country market, in order to extend the benefits conferred upon our citizens by the establishment of this new market; be it therefore

Resolved, That the Legislature of the State be and is hereby requested to pass the bill introduced by Mr. Deane, making provisions for the purchase of additional property by the City of New York for the purpose of increasing the size and capacity of the Fort Gansevoort garden produce market, and the members of the Legislature from this city are hereby requested to use every honorable means to secure the passage of said bill; and be it further

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

Which was laid over.

By Alderman Sauer—

Whereas, It is known that artists have been permitted to make copies from some of the original paintings in the Governor's room in the City Hall, without the knowledge or consent of the Common Council, and that in the process of copying, one at least, of the paintings has been injured; be it therefore

Resolved, That the Commissioner of Public Works be and he is hereby directed to prevent any person from taking copies from any of the paintings owned by the city, in the City Hall, or any other of the public buildings, unless specially authorized to do so by resolution of the Common Council.

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

Which was decided in the affirmative.



By the President—

Resolved, That a ferry be and is hereby established from Hunter's Point, Long Island, to a point at or near Pavonia avenue, Jersey City, New Jersey, with the right to make intermediate landings at South Sixth street, and Jewell's wharf, Brooklyn, Long Island, Pier No. 17, East river, New York, and Communipaw avenue, Jersey City, New Jersey, and the Commissioners of the Sinking Fund are hereby authorized and directed to sell at public auction, to the highest responsible bidder or bidders, the right to operate the ferry hereby established on such terms and conditions and subject to such restrictions and regulations as may be prescribed by said Commissioners.

Which was referred to the Committee on Ferries and Franchises.

By Alderman Sheils—

Resolved, That Charles J. Nehrbas be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Daniel Leamy, whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—20.

By Alderman Finck—

Resolved, That Frank Schaeffler be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Frank Schaeffler, whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—20.

By Alderman Foster—

Resolved, That permission be and the same is hereby given to Mark Bache to retain stand for the sale of fruit on the southeast corner of Exchange place and Broad street, said stand not to be more than six feet long and two feet wide, he having obtained the consent of occupants of said premises; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Perley—

Resolved, That a free drinking-hydrant be placed on the south side of Sixtieth street, ninety feet east of Tenth avenue, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Public Works.

By Alderman Haughton—

Resolved, That permission be and the same is hereby given to M. J. Treacy to erect and retain a sign across the sidewalk in front of his coal yard, in Twenty-third street, corner of First avenue; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Kenney—

Resolved, That permission be and the same is hereby given to Christian D. Demermann to retain meat rack and two awning posts in front of No. 79 Livingston street; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Jacobus—

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

Which was referred to the Committee on Salaries and Offices.

(G. O. 2.)

By Alderman Keenan—

Resolved, That the Comptroller be and he is hereby authorized and directed to set apart from the appropriation for "City Contingencies," a sum not exceeding seventy dollars, to pay postage for the CITY RECORD to the residences of the members of the Common Council for 1880, and pay the same monthly, upon the presentation of proper vouchers, from the sum hereby set apart for that purpose, when certified to be correct by the Clerk of the Common Council.

Which was laid over.

By the President—

AN ORDINANCE to amend an ordinance entitled "An ordinance to amend sections 43 and 45 of article 4 of chapter 42 of the Ordinances of 1859, entitled 'Of pawnbrokers, dealers in second-hand articles, and keepers of junk-shops,' as amended by an ordinance passed December 31, 1863, entitled 'An ordinance to amend sections 33, 43, and 45 of article 4 of chapter 42 of the Revised Ordinances,'" approved June 9, 1879.

Section 1. Section 43 of article 4 of chapter 42 of the Ordinances of 1859, entitled "Of pawnbrokers, dealers in second-hand articles, and keepers of junk-shops," is hereby amended to read as follows:

§ 43. Every licensed keeper of a junk-shop, for the purchase and sale of rags, old rope, old iron, brass, copper, empty bottles, tin, slush or lead, shall be entitled to keep one or more carts, wagons or other vehicles, and one or more boats or other vessels, for the purpose of collecting old junk, rags, old rope, old iron, brass, copper, empty bottles, tin, slush or lead, in the City of New York, provided he or she shall, before using such carts, wagons, boats or other vessels, or causing the same to be used, cause to be painted on the outer side of such handcars, wheelbarrows, or other carts or vehicles, boats or vessels, his name at length, the street and number of his place of business, the number of his license, in plain letters and figures, put on with paint, of not less than two and a half inches in length. The Mayor shall, from time to time, grant licenses to such persons as he shall think proper, to keep one or more carts, wagons or other vehicles, or one boat or other vessel, for the purpose of collecting old junk, rags, old rope, old iron, brass, copper, empty bottles, tin, slush or lead, in the City of New York, providing the person receiving such license shall, before using such cart, wagon, boat or other vessel, cause to be painted on the outer side of such handcars, wheelbarrows, or other carts or vehicles, boats or vessels, his name at length, the street and number of his place of residence, the number of his license, in plain letters and figures, put on with paint, of not less than two and a half inches in length. The Mayor shall also from time to time grant licenses to such persons, citizens of this State, not less than twenty-one years of age, as he may think proper, to be engaged or employed as drivers, boatmen, assistants or attendants in any capacity upon or in attendance on any cart, wagon or other vehicle, or any boat or other vessel for which a license shall have been granted as aforesaid to the person keeping the same. No person not so licensed shall be engaged or employed upon or in attendance on any such cart, wagon or other vehicle or any boat or other vessel. The Mayor may at any time revoke any license granted as aforesaid. Every person so licensed and employed in collecting old junk shall wear a badge, conspicuously displayed, which shall contain the words "junk-cart" or "junk-boat," as the case may be, in letters not less than one inch long, and a number thereon corresponding with the number on his cart or other vehicle, boat or other vessel. Any person who may lose his badge shall report the fact, within twenty-four hours, to the Mayor and Superintendent of Police. No person other than those licensed as aforesaid shall display or use any badge of a collector of junk, or, if licensed, shall wear or display a badge differing from the number of his cart or other vehicle, boat or other vessel. Any person violating any of the provisions of this section shall be subject to a penalty of twenty dollars for each offense, or in lieu thereof, shall be deemed guilty of a misdemeanor.

Sec. 2. All ordinances or parts of ordinances inconsistent or conflicting with the provisions of this ordinance are hereby repealed.

Sec. 3. This ordinance shall take effect immediately.

Which was referred to the Committee on Law Department.

By Alderman Sheils—

Resolved, That John J. Finnegan be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Michael F. Finnegan, whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—20.

By Alderman Sauer—

Resolved, That William R. Farrell be and he is hereby reappointed a Commissioner of Deeds in and for the City and County of New York.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—20.

By Alderman Haughton—

Resolved, That the Commissioner of Public Works be and he is hereby authorized to lay a twenty-inch Croton-main from Ninety-seventh street, through Ninth avenue, Eighty-first street,

Transverse road, Fifth avenue, and Seventy-eighth street, to Fourth avenue, with the necessary connections, hydrants, and stop-cocks, pursuant to chapter 381, Laws of 1879.

Which was referred to the Committee on Public Works.

By Alderman McClave—

Resolved, That Nicholas Seagrist be and he is hereby reappointed a Commissioner of Deeds in and for the City and County of New York.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—19.

By Alderman Strack—

Resolved, That the Comptroller of the City of New York be and he is hereby authorized and directed to execute a lease, on behalf of the Mayor, Aldermen, and Commonalty of the City of New York, with David L. Einstein and Edwin Einstein, of the premises in the building situate at the northeast corner of Second avenue and First street in said city, consisting of the rooms on the second floor of said building, as shown in annexed diagram, viz.: One room fronting on First street, twenty feet and five inches in length by nine feet two and one-quarter inches in width, and one room fronting on First street and Second avenue, about fifty-nine feet four and three-quarter inches in length by twenty-six feet three and one-half inches in width, and also the rooms adjoining the entrance, on the first floor of said building, fronting on First street, twenty-one feet eight and one-half inches in length by twenty-five feet and eight inches in width at the rear; fifteen feet seven and three-quarter inches in length at the rear; fifteen feet and ten inches in width at the entrance, and nine feet and four inches in width at the end of the extension, with an entrance to said rooms from First street; the said lease to be for a period of five years from the first day of May, 1879, at an annual rent of two thousand and five hundred dollars, payable quarterly, and containing a provision that the owners of said property shall put the said premises in good and proper condition for the use of the Fourth District Civil Court in the City of New York, and keep the same in good and proper condition during the term of this lease, under the direction of the Commissioner of Public Works, at their own cost and expense, and the Comptroller of the City of New York is hereby authorized and directed to pay said rent quarterly when due, and to charge the same to the proper appropriation; the said above-mentioned and described premises when so leased is hereby designated as the place for holding the District Court of the City of New York for the Fourth Judicial District, and the Justice and Clerk of said court are hereby directed to occupy said premises for the purposes aforesaid, said premises being the premises shown in the annexed diagrams.

Which was referred to the Committee on County Affairs.

By Alderman Hall—

Resolved, That permission be and the same is hereby given to Charles S. King to erect a post and sign in front of No. 797 Second avenue, the post to be 4 by 4 and 12 feet long, the sign to be not more than 3 feet by 2 feet, the work done at his own expense; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Goodwin—

Resolved, That permission be and the same is hereby given to George Bardin to remove the lamp-post and lamp now within the stoop-line in front of his place of business No. 37 West Twenty-eighth street, to the curb-stone in front of said premises, the work done and gas supplied at his own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Kenney—

Resolved, That the Commissioner of Public Works be and he is hereby authorized to lay Croton mains in Riverside avenue, between Eighty-seventh and Ninety-sixth streets, and in Ninety-sixth street, between Riverside avenue and Boulevard, pursuant to chapter 381, Laws of 1879.

Which was referred to the Committee on Public Works.

By Alderman Sheils—

Resolved, That Michael H. McCarthy be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Robert Lyon, Jr., whose term of office has expired.

Which was referred to the Committee on Salaries and Offices.

By Alderman Perley—

Resolved, That a lamp-post be erected and a boulevard lamp placed and lighted on the corner of Fifty-fifth street and Sixth avenue, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Public Works.

By the President—

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

Which was referred to the Committee on Public Works.

By Alderman Perley—

Resolved, That additional lamp-posts be erected, and street lamps placed and lighted thereon, in Forty-seventh street, between First avenue and the East river, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Public Works.

By Alderman McClave—

Resolved, That One Hundred and Twenty-sixth street, from Seventh avenue to St. Nicholas avenue, be paved with granite or trap-block pavement, and that at the several intersecting streets and avenues crosswalks be laid where not now laid, and relaid where those now laid are, in the opinion of the Commissioner of Public Works, not in good repair, or are not upon a grade adapted to the grade of the proposed new pavement, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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

By Alderman Perley—

Resolved, That crosswalks be laid at the intersection of Tenth avenue and One Hundred and Thirtieth street, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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

By Alderman Finck—

Resolved, That the resolution approved by the Mayor January 7, 1880, appointing sundry persons Commissioners of Deeds, be and is hereby amended by striking out the name of Jacob Hayman, and inserting in lieu thereof the name of James Hyland.

Which was referred to the Committee on Salaries and Offices.

Subsequently, on motion of Alderman Finck, the above reference was reconsidered and the resolution adopted.

By Alderman Helbig—

Resolved, That Patrick J. Scully be and is hereby reappointed a Commissioner of Deeds in and for the City and County of New York, his term of office having expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—20.

By the President—

Resolved, That Edward J. Halligan be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Edward J. Halligan, whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—20.

By Alderman Murphy—

Resolved, That Joseph F. Moss be and is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of John J. Brody, who has failed to qualify.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, McClave, Murphy, Perley, Sauer, Sheils, Strack, and Wade—19.



By Alderman Coggey—

Resolved, That the Commissioner of Public Works be and he is authorized and directed to lay Croton water-pipes in Prospect place, between One Hundred and Sixty-fifth street and Westchester avenue, and in Westchester avenue, between Prospect place and Concord avenue, pursuant to chapter 381, Laws of 1879.

Which was referred to the Committee on Public Works.

By Alderman Slevin—

Resolved, That boulevard lamps be substituted for the ordinary street-lamps now on the lamp-posts in Lexington avenue, from Seventy-fifth to Seventy-ninth street, under the direction of the Commissioner of Public Works.

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

By Alderman Keenan—

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

Which was referred to the Committee on Salaries and Offices.

By the President—

Resolved, That the Clerk of the Common Council be and he is hereby authorized and directed to lease the second, third, and fourth floors of the building No. 2 Fourth avenue, for the use and occupation of the Department of Buildings (being the premises now occupied by said Department), for a term of five years from the first day of May, 1879, at an annual rental of three thousand dollars, payable quarterly by the Comptroller from the proper appropriation.

Which was referred to the Committee on County Affairs.

By Alderman Sheils—

Resolved, That in selecting the streets to be repaved during the present year, pursuant to the provisions of chapter 476, Laws of 1875, the Commissioner of Public Works be and he is hereby respectfully requested to give preference to the streets south of Grand street, as it must be conceded that seven-tenths of all the heavy vehicle travel in the city is centred in the district named, and it is certainly both advantageous and desirable that every facility possible should be afforded for the transaction of the heavy wholesale business transacted within the locality named.

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

Which was decided in the affirmative.

By Alderman Foster—

Resolved, That permission be and the same is hereby given to Thomas Kirk to retain an awning in front of his premises, No. 245 Avenue A; such permission to continue only during the pleasure of the Common Council.

Alderman Marshall moved to refer to the Committee on Public Works.

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

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

Affirmative—Aldermen Coggey, Hall, Haughton, Kenney, Marshall, Murphy, and Strack—7.

Negative—The President, Aldermen Finck, Foster, Goodwin, Haffen, Helbig, Keenan, Kirk, McClave, Perley, Sauer, Sheils, and Wade—13.

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

Which was decided in the affirmative.

By Alderman Hall—

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

Which was referred to the Committee on Salaries and Offices.

By Alderman Perley—

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

Which was referred to the Committee on Salaries and Offices.

By Alderman Sauer—

Resolved, That permission be and the same is hereby given to P. J. Burke to retain the fence now erected in front of his property on Ninth avenue, east side, between Fifty-ninth and Sixtieth streets; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Keenan—

Resolved, That Cornelius J. Kane be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Cornelius J. Kane, whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Sauer, Slevin, Strack, and Wade—19.

By Alderman Kenney—

Resolved, That permission be and the same is hereby given to Frederick Harnisch to retain the meat-rack now in front of No. 88 Stanton street, corner of Orchard street; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Jacobus—

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

Which was referred to the Committee on Salaries and Offices.

By the President—

Resolved, That Eleventh avenue, from Seventy-second to One Hundred and Sixth street, be hereafter known and designated as West End avenue.

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

By Alderman Perley—

Resolved, That the sidewalks on both sides of Seventy-sixth street, between Third and Fourth avenues, be flagged a space four feet wide, and that the curb and gutter stones be set where not already done, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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

By Alderman Keenan—

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

Which was referred to the Committee on Salaries and Offices.

By Alderman Perley—

Resolved, That William Adams be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Horace Secor, Jr., whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Slevin, Strack, and Wade—20.

By Alderman Kenney—

Resolved, That permission be and the same is hereby given to George F. Bates to place and maintain a pole and banner sign over the sidewalk in front of premises No. 325 Grand street, in this city; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman Perley—

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

Which was referred to the Committee on Salaries and Offices.

By the same—

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

Which was referred to the Committee on Salaries and Offices.

By Alderman Finck—

Resolved, That permission be and the same is hereby given to James W. Johnston to keep a metal and glass circular sign, with gas connections, in front of his premises, No. 260 Grand street, such sign not to exceed three and one-half feet in diameter, the work done and gas supplied at his own expense; such permission to continue only during the pleasure of the Common Council.

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

Which was decided in the affirmative.

By Alderman McClave—

Resolved, That lamp-posts be erected and street-lamps placed and lighted in One Hundred and Twenty-sixth street, from Eighth avenue to St. Nicholas avenue, under the direction of the Commissioner of Public Works.

Which was referred to the Committee on Public Works.

By the President—

Resolved, That the vacant lots on the north and south sides of Seventy-second street, between the Ninth and Tenth avenues, and on Tenth avenue, between Seventy-second and Seventy-third streets, be fenced in, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was referred to the Committee on Public Works.

By Alderman Perley—

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

Which was referred to the Committee on Public Works.

(G. O. 3.)

By Alderman Keenan—

Resolved, That lamp-posts be erected and street-lamps lighted in Seventy-sixth street, from Third to Lexington avenue, under the direction of the Commissioner of Public Works.

Which was laid over.

By Alderman Foster—

Resolved, That Joseph P. McDonough be and he is hereby appointed a Commissioner of Deeds in the place of Thomas F. Bronnell, who has failed to qualify.

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

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

Affirmative—The President, Aldermen Finck, Foster, Goodwin, Haffen, Hall, Helbig, Keenan, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Slevin, Strack, and Wade—18.

By Alderman Sheils—

Resolved, That a crosswalk be laid across Park row, from No. 39 to the north sidewalk of Mail street, under the direction of the Commissioner of Public Works, and that he charge the same to the appropriation of "Repairs and Renewal of Pavements."

Which was referred to the Committee on Public Works.

By Alderman Perley—

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

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

By Alderman Finck—

Resolved, That Jacob Wallerstein be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Horace Secor, Jr., whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Slevin, Strack, and Wade—20.

By Alderman Sheils—

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

Which was referred to the Committee on Salaries and Offices.

By Alderman Perley—

Resolved, That the resolution to lay Croton-mains in the River road, from Inwood street to the Hudson River Railroad, which was approved by the Mayor January 5, 1880, be amended by striking out the figures "391" after the word "chapter," and inserting in lieu thereof the figures "381."

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

Which was decided in the affirmative.

By the same—

Resolved, That hereafter no special meeting of this Board shall be called unless twenty-four hours' notice be first given to all the members, nor until the day following the day the call is signed; and be it further

Resolved, That should any emergency arise that may necessitate a special meeting of the Board within a less period of time than twenty-four hours, such meeting may be called at any time designated in a call therefor, only when signed by three-fourths of all the members elected to the Board; and the Clerk is hereby required to issue notices to the members immediately after the signing of the call.

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

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

Affirmative—The President, Aldermen Finck, Foster, Goodwin, Haffen, Hall, Helbig, Keenan, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Slevin, Strack, and Wade—18.

Negative—Alderman Coggey—1.

By the President—

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

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

By Alderman Slevin—

Resolved, That Bernard O'Hara be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York.

Which was referred to the Committee on Salaries and Offices.

By Alderman Hall—

Resolved, That the vacant lots on the west side of Eighth avenue, from One Hundred and Seventh to One Hundred and Fifteenth street, be fenced in where not already done, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was referred to the Committee on Public Works.

By the same—

Resolved, That the vacant lots on the southwest corner of One Hundred and Twenty-fifth street and Fifth avenue be fenced in, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was referred to the Committee on Public Works.

By the same—

Resolved, That the vacant lots on the east side of Eighth avenue, from One Hundred and Tenth to One Hundred and Fifteenth street, be fenced in, where not already done, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was referred to the Committee on Public Works.

By the same—

Resolved, That the vacant lots in One Hundred and Tenth street, on the north side, from Seventh to New avenue, and on the south side, from Eighth to Ninth avenue, be fenced in, where not already done, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

Which was referred to the Committee on Public Works.

By Alderman Sauer—

Resolved, That Robert Lyon, Jr., be and is reappointed a Commissioner of Deeds in and for the City and County of New York, in place of Robert Lyon, Jr., whose term of office has expired.

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

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

Affirmative—The President, Aldermen Coggey, Finck, Foster, Goodwin, Haffen, Hall, Haughton, Helbig, Keenan, Kenney, Kirk, Marshall, McClave, Murphy, Perley, Sauer, Sheils, Slevin, Strack, and Wade—21.



## COMMUNICATIONS.

NEW YORK, January 6, 1880.

*To the Honorable the Common Council:*

GENTLEMEN—That in the progress of the city, the monument or index stones placed by authority of the Legislature, under the act of 3d April, 1807, indicating the lines of the avenues and streets, in many instances have been removed or covered by the process of grading the streets and avenues.

That new monuments have been set under the direction of the Commissioner of Public Works, on lines differing from the original authority, and the case in point is now at Tenth avenue, from Seventy-first street to Seventy-fifth street. A large building owned by Mr. Leach is in progress, between Seventy-second and Seventy-third streets, and the lines vary about three to eight inches between these points.

That these facts have been presented to the Commissioner of Public Works at various times since May, 1877, and up to within the past few weeks, and refer to the CITY RECORD, 17th August, 1877, setting forth these facts.

That it is important that the improper location of the avenues and streets should be rectified; and having exhausted the efforts to have this matter adjusted, now apply to your Honorable Body to cause the original authority to be sustained.

That similar troubles existed in the past, as will be seen by reference to the Common Council proceedings dated July 8, 1869, and after that time the errors then complained of were in many instances corrected, or the re-set monuments marked as incorrect or disregarded by those laying out lots for building purposes.

Respectfully presented, yours truly,

JAMES E. SERRELL, City Surveyor,

No. 310 W. 51st street.

Which was referred to the Committee on Lands, Places, and Park Department.

## COMMUNICATIONS FROM THE DEPARTMENTS AND CORPORATION OFFICERS.

The President laid before the Board the following communication from the Department of Public Parks:

CITY OF NEW YORK—DEPARTMENT OF PUBLIC PARKS,  
36 UNION SQUARE, January 10, 1880. }

*To the Honorable the Board of Aldermen:*

At a meeting of the Board governing the Department of Public Parks, held on 7th instant, a copy of a resolution of the Board of Aldermen, adopted December 23, 1879, directing this Department to furnish the Board of Aldermen "with a copy of all the proceedings had or taken by said Department in relation to the use of a portion of the Battery Park by any of the elevated railroad companies, together with a copy of any and every lease, agreement or contract entered into between the said Park Department, for itself or on behalf of the Corporation of the City of New York, with any or either or all of said railroad companies," was received, and I was directed to furnish such information.

Herewith I have the honor of transmitting a complete abstract of the minutes of the Department of Public Parks, showing all the action taken in relation to the occupancy of a portion of the Battery Park by said elevated railroad companies, as well as a copy of each of the agreements as called for by the resolution, and am,

Very respectfully,

E. P. BARKER, Secretary, D. P. P.

*Copy of proceedings of the Board governing the Department of Public Parks, from November 12, 1875, to January 7, 1880, having reference to licenses granted to the New York Elevated Railroad Company.*

NOVEMBER 12, 1875.

From Mr. M. Courtwright, President of the New York Elevated Railroad Company, stating that said company is desirous of extending its railroad from Battery Place along and through Battery Park, to connect with the South, Hamilton Avenue, and Staten Island Ferries, and asking an interview with the Board for the purpose of determining its location.

Commissioner O'Donohue moved that the President be requested to notify Mr. Courtwright that the Commissioners of this Department will meet him, and the directors of said company, at their office, No. 7 Broadway, on Monday, the 15th instant, at 3:30 o'clock P. M.

Adopted.

NOVEMBER 19, 1875.

The President stated, that in view of the meeting with the Commissioners of this Department had with the directors of the New York Elevated Railroad Company, it was necessary that some action should be taken by the Board on the subject.

Commissioner O'Donohue then moved that the subject be referred to the President and Commissioner Martin, with the request that they consult the Counsel to the Corporation in regard to the matter, and report.

Adopted.

NOVEMBER 24, 1875.

The President then stated that Mr. W. L. Scott, a director of the New York Elevated Railroad Company, was in attendance, and desired to be heard before the Board, and he moved that he be now received.

Adopted.

Mr. W. L. Scott was then received, and he explained the route through the Battery Park, which the New York Elevated Railroad Company desired to occupy by their road. He also urged on the Commissioners to take some immediate action in the matter.

Commissioner Martin then presented the following report, upon the application of the said railroad company for permission to construct its line through the Battery Park, viz.:

Commissioner Martin, from the Committee to whom was referred the application of the New York Elevated Railroad Company for the designation of a route across the Battery, on his own behalf, reports as follows:

Under the route designated by the Commissioners of Rapid Transit, appointed under the Act of 1875, chap. 606, this railroad company apply to the Department for permission to construct their road from the southerly end of Greenwich street, diagonally across the corner of the Battery to State street, about 200 feet southerly from Battery place, and then, after passing along State street and the edge of the Battery till within about 200 feet northerly from Whitehall street, to enter upon the Battery, and cross it diagonally to a point opposite to and on a line with Front street.

Reference is made to their map, which shows with precision the lines they propose.

This Department has the power to comply with their application.

I.—The jurisdiction of the Department over the Central Park is defined in section 4 of chapter 771 of the Laws of 1857. Their powers are full and exclusive to "govern, manage, and direct;" and they possess generally "all the power and authority now by law conferred on or possessed by the Common Council of said city, in respect to the public squares and places in said city."

By section 16 of chapter 383, Laws of 1870, all the parks and public grounds south of Canal street, including the Battery, were placed under their "control and management." Those above Canal street had been placed there by section 94 of chapter 137 of 1870. By section 6 of chapter 290, Laws of 1871, the Department are vested, in respect to all these parks, with the power and authority theretofore possessed by the Mayor, Aldermen, and Commonalty of the City of New York, in language which follows the original section in the law of 1857, above quoted. They have, therefore, the like powers in respect to all the city parks. The exercise of these powers in the Central Park furnishes illustrations apposite to the present case.

These powers may be regarded as those of ownership, with this exception, that they cannot alienate the property, or permit acts out of which adverse rights can arise in favor of any other party (Milhau vs. Sharp, 27 N. Y., 611). Within this restriction, they have complete power to hold and manage the parks, for the public use in its broadest sense, and to permit any structure or erections for such use thereon.

II.—The next question is whether the power of the Department in regard to the construction of the road is affected by anything in the Rapid Transit Act. The last clause of subdivision 5 of section 26 of that act (chap. 606, Laws of 1875) is quoted in that light. It provides that no railway corporation created under that act "shall have the right to acquire the use or occupancy of public parks or squares," etc., "except such as may have been designated for the route or routes of such railway." This provision can be read affirmatively, that such corporation shall have the right to acquire the use and occupancy of such public parks as may be designated for the route or routes of such railways.

The provision of the 4th section of the act, that the Commissioners shall fix and determine the route, and shall have exclusive power to locate it, over the lands in any county, except such as are contained in public parks, should not be brought into conflict with the 26th section, by construction, for the 26th section gives the power which the 4th section omits to give.

The 4th section, after the general direction to fix and determine the route, makes the power of the Commissioners to locate it exclusive of all other authority over all lands except public parks and other excepted sites and areas.

Sub. 5 of the 26th section three times recognizes the fact that a public place may be designated for the route. But such designation cannot be made by the Commissioners solely. They have not exclusive power to locate a route over a public place or park. The designation or location must receive the concurrence of the authority over the public place or park.

The Commissioners have exercised their power by a general and duplicate or alternative designation, "along the edge of the Battery and State street," leaving it to this Department to concur

and to fix the precise line of construction, within the breadth of the designated route, according to their power and their judgment of the public interests.

III.—The route laid out for the company by the Rapid Transit Commissioners is in the following words:

"Beginning at the intersection of Greenwich street and Battery place, to, over and across Battery place to the edge of the Battery and State street, thence over, through and along the edge of the Battery and State street to Whitehall street, thence over, through and along Whitehall street, to and connecting with the South Ferry, Hamilton Avenue Ferry and Staten Island Ferry, and from the intersection of State street and Whitehall street over and across Whitehall street to Front street" (minutes of the Commissioners, 2d September, 1875, p. 166). The description of their route is followed by a general resolution (p. 169):

"Resolved, That whenever either of the routes hereinbefore fixed and determined, crosses a street, avenue, place or lands, such route includes, and is intended to include, and shall be deemed to include such crossing, and so much of said street, avenue, place or lands, as is there crossed, so as to allow and enable the construction of continuous and connected lines of railway along the route so crossing."

The language of the description and the resolution indicates the distinction between the general designation of the route, and the line of actual railroad construction, to be fixed within the limits of the route, i. e., the row of posts may be placed at points on a line (within the area of the street, avenue or park designated as the route), which is left to be determined by the engineers of the railroad corporation, or such other authorities as have cognizance of the subject. The designation of the route does not give the precise limitation of the engineer's line of construction, but the breadth of surface within which it may be laid down.

IV.—The designated route includes the border of the Battery, and permits the adoption of the proposed line. The words of the description are, "to the edge of the Battery and State street," and also "over, through, and along the edge of the Battery and State street." The question is, what signification is to be given to the phrase "edge of the Battery." Obviously, it does not mean the Battery sidewalk along State street, east of the boundary of the Battery, for that is a part of, and is included in the term "State street." Neither does it mean the lineal edge of the Battery, because a railroad cannot be built upon a mathematical line. Necessarily, therefore, it must mean the breadth of land along the interior border or belt of the Battery contiguous to State street. This view is supported by a definition which Webster gives of the word "edge," viz.: "The border, a part adjacent to the line of division, especially that which is nearest or approaching."

The Department have, therefore, power to permit the construction of a road over the area of the Battery on a line within a reasonable distance from State street, and this is to be determined by subjecting the line of favorable construction for the railroad to the controlling considerations of the public use to which the Battery is held. The terms of the permission must be those of a revocable license. No estate in the land should be granted, and the public should be protected from the creation or growth of any adverse right by possession, contract, or legal implication.

VI.—The use to which the Department holds the Battery is for the public as a pleasure-ground. This involves the preservation of greensward, foliage, and paths for the public travel. A street railroad, and even a steam railroad, upon a street, have been declared by the courts of last resort to be consistent with, and in furtherance of, the uses for which streets and avenues are held by the public. The use of lands for the purposes of this railroad, in the act (subdivision 5 of section 26, chapter 606), is "declared to be a public use, consistent with the uses for which the roads, streets, avenues, and public places are publicly held." There is, therefore, not any conflict between the use of the Battery as a pleasure-ground, and the uses of it by the public for such a railroad. The utilitarian use may be regarded as in accordance with the aesthetic use. The enjoyments of its natural beauties will be of the same nature when the people ride through it on the road as when they walk along its paths. The uses are of the same character, and supplement each other without interference.

There are many reasons why the use of the Battery as an ornamental pleasure-ground will be interfered with less by a road a few yards within its boundary than by a road on its exact boundary or on State street.

The rows of trees on that boundary and street, which are as fine as any on its whole surface, will not be destroyed; and the line can be laid over the greensward without injury to any tree of notable value. The railroad structure can be planted out where requisite, and it will not become the most prominent object, and wholly unrelieved, that strikes the attention of the visitor as he approaches the Battery at any of its entrances.

VII.—The general power of the Rapid Transit Commissioners to designate a route is exclusive over all lands except public parks. There this Department has power to approve and concur. Without this approval the designation is ineffectual. The Commissioners have designated a route under which the railroad will be built along the edge of the Battery, or along the street which borders it. Since this is inevitable, and since, in view of the public uses for which the Battery is held, there may be a choice, it is the obvious duty of this Department to exercise its power, and to control the precise line of construction.

I therefore recommend that the precise line be determined by the Landscape Architect, and that an agreement with the company be prepared in accordance with this report.

Commissioner Williamson moved that said report be received and referred to the President and Commissioner Martin, the Committee appointed to consult with the Counsel to the Corporation on the subject.

(Minutes, November 19, 1875, p. 408.)

Adopted.

DECEMBER 3, 1875.

From the Counsel to the Corporation, with relation to the question of the construction of the line of the New York Elevated Company through the Battery Park, in which he states as follows, viz.:

"It so happens that the whole matter" "is entirely within your disposal. By chapter 290 of the Laws of 1871, it is provided that the Park Commissioners 'shall possess all the powers and authority heretofore possessed by the Mayor, Aldermen, and Commonalty of said city;' and the power has been continued by the Charter of 1873 to the present time, so that all the authority of the city over the Battery resides in the Park Department. Under its earliest charter the city acquired an absolute ownership in fee simple in a strip of land all round the island between high and low water-mark—an ownership without limitation of any kind, nor coupled with any trust. For the most part, this strip of land has been sold by the city, and is built upon and owned now by private persons. This ownership is an entirely different title from any which the city gets by authority of the State, and by exercising the right of eminent domain. In all these latter cases it may be questionable whether the land so assigned is not always held as a public trust for limited purposes and uses, but in the case of this strip of land, it is owned by the city absolutely, with all the powers of disposition that a private individual has over his property. This strip of land at the Battery covers the entire width of Greenwich street at its junction with Battery place, and runs through the Battery to the edge of the Battery and State street, in about the line indicated as the most desirable to be pursued in this case."

(Minutes, November 24, 1875, p. 412.)

Filed.

Commissioner Martin then offered the following resolution:

Resolved, That it be referred to the Landscape Architect to examine and report forthwith on the best route for the construction of the line of the New York Elevated Railway Company from the corner of Battery place and Greenwich street to Whitehall street, in view of the purposes for which the Battery is now held.

Adopted.

Commissioner Martin then offered the following resolution:

Resolved, That the Counsel to the Corporation be requested to prepare and submit to the Board such agreement between this Department and the New York Elevated Railroad Company in respect to their route between Battery place and Whitehall street, or such preambles and resolutions as he may recommend, with his opinion on any points that may arise.

Adopted.

The President then offered the following preamble and resolution:

Whereas, The Counsel to the Corporation states in his opinion to the Department, dated December 1, 1875, when referring to public parks, the ownership of which the city gets by authority of the State, that "in all these" "cases it may be questionable whether the land so acquired is not always held as a public trust for limited purposes and uses."

Resolved, That he be and hereby is requested to inform this Board whether, in his judgment, the Commissioners appointed under chapter 606 of the Laws of 1875, have the legal right to designate a route for a railroad over or through the Battery Park, or any portion of it.

And whether the Commissioners governing this Department have the legal right to allow the New York Elevated Railroad Company to construct its line over or through said Battery Park, or any portion of it.

Adopted.

JANUARY 7, 1876.

From the Counsel to the Corporation, submitting an agreement between the Department and the New York Elevated Railroad Company, in the form of a revocable license, authorizing said company to construct and operate its railroad over the Battery Park, and recommending that the same be executed.

Also from the Landscape Architect, reporting on the best route for the construction of the line of the New York Elevated Railway Company, from Greenwich street to Whitehall street, presenting a map showing said route, and recommending that if a license be granted to said company, that certain stipulations and restrictions be inserted in it.

(Minutes, December 3, 1875, p. 446.)

Commissioner Martin offered the following resolutions, viz.:

1. Resolved, That the license prepared for the New York Elevated Railroad Company, by the Counsel to the Corporation, be adopted.



2. Resolved, That the map now reported by Mr. Olmsted, the Landscape Architect, dated "January 7th, 1876," and signed "John Bogart, Supt. Engineer," be adopted.

3. Resolved, That the license be engrossed for execution and the map prepared for filing, and the President be authorized and empowered to execute the license and certify the map.

Commissioner Williamson moved that said license be amended so as to reserve to the city an annual rent.

Commissioner Martin then moved that the first recommendation of the Landscape Architect be adopted, and a provision therefor be inserted in the license.

Also the same motion as regards the second of said recommendations.

Also the same motion as regards the third of said recommendations.

Also the same motion as regards the fifth of said recommendations.

And also the same motion as regards the sixth of said recommendations.

The President then offered the following preamble and resolution, as a substitute for the resolutions offered by Commissioner Martin:

Whereas, An application has been made to the Board governing this Department by the New York Elevated Railway Company, for permission to extend their railroad across the Battery grounds, from Greenwich street to the South Ferry, in the form of a license revocable after giving six months' notice to said company;

And Whereas, Said license has been prepared by the Counsel to the Corporation as an instrument within the power of this Department to legally execute, thereby implying that the power to grant licenses to railroads and other corporations to enter upon and use any portion of the public parks or places of the city, including the Central Park, is by law vested in this Department;

And Whereas, In the opinion of the Board governing this Department, doubts exist as to the wisdom of granting such a license, in view of the objects for which the public parks have been laid out and established, and which objects are fully understood and recognized by the public at large;

And Whereas, The public parks of this city are for the use and enjoyment of the people and should not be curtailed, nor should any other use be made of them except that which secures the freedom of popular recreation and pleasure, for which they were created;

And Whereas, The precedent sought to be established is one that would jeopardize the integrity of all the parks of the city, not excepting Central Park; it is therefore

Resolved, That the whole subject be laid on the table, and that the New York Elevated Railway Company be notified that this Department does not deem it advantageous to the public nor within the legitimate use of the powers of the Department to grant permission to the said railway company to construct its railroad over any part of the Battery grounds.

Commissioner O'Donohue then moved that the consideration of the whole subject, and the resolutions offered, be laid over until the next meeting of the Board.

Adopted.

JANUARY 13, 1876.

Commissioner Martin moved that the subject of the application of the New York Elevated Railway Company, to extend its line across the Battery Park, be now taken up.

Commissioner O'Donohue moved that the consideration of said subject be further laid over until the next meeting of the Board.

Adopted.

JANUARY 18, 1876.

Mr. Matthew Byrnes, a property-owner, was then received and heard in opposition to the application of the New York Elevated Railway Company for permission to construct its line across the Battery Park. He stated that an association of property-owners, of whom he was one, had employed counsel to present their views to the Commissioners, but that he was unable to attend to-day, and therefore asked an adjournment of the subject to allow counsel to be heard.

(Minutes, January 13, 1876, p. 529.)

Commissioner Martin then moved that the subject be laid over until Thursday, the 20th instant, at 4 o'clock P. M., at which time it be taken up and counsel heard.

Adopted.

Mr. Byrnes then retired.

JANUARY 20, 1876.

On motion of Commissioner Martin, the order of business was suspended, and the meeting was opened to the public for the purpose of hearing the arguments of counsel and of citizens on the subject of granting permission to the New York Elevated Railway Company to construct its line across the Battery Park.

(Minutes, January 18, 1876, p. 531.)

There were present his Honor the Mayor, Mr. B. N. Harrison, his Secretary and Counsel for the Rapid Transit Commissioners; Mr. M. Courtwright, President, and W. L. Scott, Director of the New York Elevated Railway Company, Mr. John E. Parsons, counsel for citizens, and others.

Mr. Parsons stated that he had only been retained by his clients the day before and was not prepared to proceed with his argument at this meeting, and asked for a short adjournment.

The President then, after consultation with the other Commissioners, announced that the meeting would be adjourned, as requested by Mr. Parsons, until 3 o'clock P. M. on Saturday, the 22d inst., but that the Commissioners would now hear any counsel or citizen who was prepared to proceed.

The following then addressed the Commissioners and opposed the granting of the permission asked, viz., Mr. Luke F. Cozans, counsel for Mr. J. D. Crimmins and other citizens, Mr. Matthew Kaine and Mr. Matthew Byrnes.

Mr. Simeon E. Church spoke in favor of granting the permission.

JANUARY 22, 1876.

The order of business was then suspended, and the meeting was opened to the public for the purpose of hearing counsel on the subject of allowing the New York Elevated Railway Company to construct its line across the Battery Park.

There were present his Honor the Mayor, Mr. B. N. Harrison, his Secretary and Counsel for the Rapid Transit Commissioners; Hon. Wm. C. Whitney, Counsel to the Corporation; Hon. James Emott, counsel for the New York Elevated Railway Company; Messrs. John E. Parsons, W. H. Peckham, and L. F. Cozans, counsel for citizens; Mr. M. Courtwright, President, and W. L. Scott, Director of the New York Elevated Railway Company; Mr. O. Vandenberg and others.

Mr. Vandenberg presented and read a protest from Messrs. Sheldon & Brown, counsel for Mr. L. Redfield, the Receiver of the New York City Central Underground Railway Company, against granting any right of way to the New York Elevated Railway Company through the Battery Park, on the ground that it would interfere with the right of way of the New York City Central Underground Railway Company.

Mr. John E. Parsons and Mr. L. F. Cozans then spoke in opposition to the granting of the permission applied for, and Hon. James Emott and Mr. W. L. Scott in favor of it.

The President then explained the position of the Department and the steps which the Commissioners had taken to ascertain their rights and powers in the matter.

FEBRUARY 2, 1876.

From the Counsel to the Corporation, stating that after considering the arguments presented to this Board by Mr. John E. Parsons, counsel for citizens, in opposition to the application of the New York Elevated Railway Company, for permission to construct their road across the Battery Park, as follows:

"I am unable to change the opinion I have heretofore expressed in my communication of December 1, 1875. Of course, if any error is made in this matter, it will be a subject of congratulation that you are able to rectify it at any time, inasmuch as it is not proposed, as I understand, to give anything but a revocable license to this company."

(Minutes, January 20 and 22, 1876, pp. 555 and 561.)

Filed.

FEBRUARY 10, 1876.

On motion of Commissioner O'Donohue, the reading of the minutes of the previous meeting was suspended, and the subject of the application of the New York Elevated Railway Company for permission to construct its road across the Battery Park, was taken up.

(Minutes, February 2, 1876, p. 574.)

The President then stated that the resolutions, amendments, and the substitute preamble and resolutions offered at the meeting held on the 7th January, 1876, and printed on pages 500 and 501 of the minutes, were now in order.

The President then offered the following preamble and resolution offered by him on January 7, 1876, namely:

Whereas, An application has been made to the Board governing this Department by the New York Elevated Railway Company, for permission to extend their railroad across the Battery grounds, from Greenwich street to the South Ferry, in the form of a license revocable after giving six months' notice to said company; and

Whereas, Said license has been prepared by the Counsel to the Corporation as an instrument within the power of this Department to legally execute, thereby implying that the power to grant licenses to railroads and other corporations to enter upon and use any portion of the public parks or places of the city, including the Central Park, is by law vested in this Department;

And Whereas, In the opinion of the Board governing this Department, doubts exist as to the

wisdom of granting such a license, in view of the objects for which the public parks have been laid out and established, and which objects are fully understood and recognized by the public at large;

And Whereas, The public parks of this city are for the use and enjoyment of the people and should not be curtailed, nor should any other use be made of them except that which secures the freedom of popular recreation and pleasure for which they were created;

And Whereas, The precedent sought to be established is one that would jeopardize the integrity of all the parks of the city, not excepting Central Park; it is therefore

Resolved, That the whole subject be laid on the table, and that the New York Elevated Railway Company be notified that this Department does not deem it advantageous to the public nor within the legitimate use of the powers of the Department to grant permission to the said railway company to construct its railroad over any part of the Battery grounds.

The President put the question whether the Board would agree to said preamble and resolution, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows:

Aye—Commissioner Stebbins—1.

Noes—Commissioners Martin, Williamson, O'Donohue—3.

Commissioner Martin then offered the resolution amending the license for said elevated railway company prepared by the Counsel to the Corporation, as follows:

Resolved, That the license prepared for the New York Elevated Railway Company by the Counsel to the Corporation be amended so as to include provisions for carrying into effect the 1st, 2d, 3d, 5th, and 6th recommendations of the Landscape Architect, as follows, namely:

1st. That within a vertical distance of ten feet from the ground no part of the railroad, its appliances or appurtenances, shall be allowed, except only the necessary supporting piers and the necessary stairways of the passenger station, and that all parts of any pier above the surface of the ground and within a distance of ten feet therefrom shall be at least eighteen inches within the line defining the space colored red on the map, and indicating the limits for the foundation of piers.

2d. That the piers and all other constructions of the railroad shall be designed and constructed with a view to the avoidance of any greater conspicuousness or injury in any respect to the Battery as a pleasure-ground than is absolutely necessary, and that they shall be of tasteful design and made in all respects to the satisfaction of the Department.

3d. That whenever required by the Department, substantial lattice or trellis work shall be placed by the company, attached to its piers, stringers, sleepers or other constructions, and that the agents of the Department shall, so far as consistent with safety, be allowed to fix ladders and enter upon and occupy the premises of the company for the purpose of training vines or for other duties required for the improvement or maintenance of means of public gratification appropriate to the Battery as a pleasure-ground.

5th. That the company shall prevent the exhibition or distribution upon or from its road or any of its constructions within the Battery, of any signs, posters, handbills or other forms of advertising, except within or on the walls of its station-house, and then only of such signs, time-tables, and posters as are necessary to give information of the orders and regulations for the use of the road.

6th. That the necessary expense of any alterations or improvements of the Battery, which in consequence of the introduction of the railroad the Board shall think fit to order, shall be made at the expense of the company.

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows:

Ayes—Commissioners Stebbins, Martin, Williamson, O'Donohue—4.

Commissioner Williamson moved that in view of the fact, which he had recently ascertained, that the New York Elevated Railway Company is obliged by its charter to pay a percentage of its net earnings to the city, he be allowed to withdraw his motion to amend said license by reserving an annual rent.

(Minutes, January 7, 1876, p. 500.)

Adopted.

The President then offered the following resolution:

Resolved, That any license which may be granted to the New York Elevated Railway Company, to construct its road across the Battery Park, shall include a provision reserving an annual rent, payable to the city; the amount of which shall be fixed by the Commissioners of the Sinking Fund.

The President put the question whether the Board would agree to said resolution, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows:

Aye—Commissioner Stebbins—1.

Noes—Commissioners Martin, Williamson, O'Donohue—3.

Commissioner Martin then presented the following opinion, upon the questions argued at the meeting on the 22d January, 1876, on the subject of the application of the New York Elevated Railway Company, which was ordered to be printed in the minutes, namely:

The application of the New York Elevated Railway Company to the Department of Parks presents the point, whether we shall take action in regard to the route designated for them by the Rapid Transit Commissioners, under the act of 1875 (chap. 606), from the southern end of Greenwich street to the South Ferry, and within the breadth of that route, determine the precise line of construction, and permit it to cross the area of the Battery.

The Rapid Transit Commissioners have assumed that this company came within the provisions of the 36th section of that act, and have given them a route of connection with the South Ferry.

We find at the outset a designation by the Commissioners of a route "along State street, or the edge of the Battery," for the whole length of State street, on the east side of the Battery. Under this designation the road will be constructed along State street, unless we take some action to bring the line within the Battery. The general or duplicate route designated may be regarded as a strip of land 100 feet broad, including the width of State street, say 50 feet, and the edge or border of the Battery, say 50 feet, and the question for us is, where within this breadth it is best to fix the precise line of construction, in view solely of park purposes. The applicants prefer the line within the Battery, because it is more direct and gives curves of greater radius.

The questions for us to consider, therefore, are:

1st. Whether upon this designation of the route by the Commissioners it is not proper for us, in view solely of the purposes for which we hold the Battery, to determine its precise line?

2d. If we consider, in this view, that it should cross the Battery, have we power so to determine it?

In approaching the first question, we are brought face to face with the only project for rapid transit which, after the agitation and discussion of twenty years, has justified its claims by building a successful road. This is a result that has stood the test of legislation, the criticism of engineers and the demands of capitalists. As a successful and actual work, which meets the public necessity, it is therefore entitled to recognition. In contrast with other projects it must be adjudged a good and practicable plan, which fulfills the requirements and conditions. In the conflict between them this plan has proved practicable where the others have not. It is no denial of the success of this one to assert that there are others which have not succeeded.

The hopes of rapid transit for the city rest now upon this law. Those who attempt to excuse their opposition to the plan before us by an advocacy of other plans, which they assume to be better, but which nobody will build, present an argument which tends to destroy the only chance of rapid transit the people have. To oppose the road which men of money are building, and to present nothing in its place except schemes which men of money have condemned, is to set at naught the real and only test, and to destroy rapid transit wholly.

The presumptions, therefore, being in favor of this plan, we find that, upon the route designated for it, it becomes inevitable that, if the road is built, it must either go over the sidewalks or the carriageway of State street, the exterior walk of the Battery along State street, or a few feet within the area of the Battery over the greensward. In deciding the question of the best line of construction, from the point of view solely of the purposes of the public use and enjoyment for which the Battery is held, we must consider the advantages and disadvantages of the several locations. If goes over State street or along the exterior Battery sidewalk, it will destroy many of the most valuable old trees that remain there; it will become a conspicuous object to every visitor who approaches the Battery, and it will obstruct all its entrances, without any relief or mitigation of its ungainly effect. If, on the contrary, it is placed within the boundary of the Battery, over the greensward, it can be planted out and concealed to a great extent; all valuable trees can be saved; and it will not obstruct or disfigure the entrances, nor pass lengthways over the walks that are frequented by the people. These considerations have been examined by the Landscape Architect and Engineers of the Department, and the lines laid down upon their map indicate what, in their judgment and ours, is the best line, in view of park purposes, in case the road shall be built.

Secondly, we consider the question of power:

On the argument before us, the sources of the title of the city to the Battery have been examined. The opponents of the road have exhibited them from the familiar pages of Hoffman's Treatise. From the facts there stated, the charters, the grants from the State, and the acts of the Legislature, it appears that the city, from whatever sources its title is derived, is now the owner in fee of the Battery, subject to certain restrictions, stated by Hoffman, which may apply to the whole or to some portion of its surface. The origin of these restrictions is the grants by the State or the acts of the Legislature. The nature of these restrictions is, as to the use of the Battery, for a public walk or for public buildings, or for works of defense, and against any other use or purpose. Similar restrictions have been created by covenants in the deeds from the city of property on the east side of State street, viz.: that the Battery in front should never be appropriated to private uses. On all the facts of the case, it is clear that the proposed use of the Battery by this company is not a private use within the meaning of these covenants. The Legislature has declared it expressly to be a public use.

The portion of the area of the Battery, over which the proposed railway line is laid down, is within one hundred, and in most places within thirty feet of State street. From Battery place to Pearl street it passes over the area which was anciently between high and low water-mark; and from Pearl street to Whitehall street it passes outside of the low water-mark.

In any view of the facts as to the derivation of the title, the city holds its title to the lands in ques-



tion in fee, either subject to the restrictions which the State, by its grants, or the acts of its Legislature have imposed upon it; or by an absolute title, free from any such restrictions.

In either case the result is the same. If the city's title is absolute and free from restrictions, the city holds these lands for the public use in the sense in which the Courts and the Legislature have defined that term, and however absolute our power it is by these lights that we are to be guided in exercising it. On the other hand, if the title is subject to these restrictions, the argument that sustains them must go to the extent of upholding power in the State to discharge, change, and release them, and thus to uphold the force of the act of 1875, as superior to the restrictions. The sovereign power which imposed these conditions and restrictions, whether by grant or legislative act, may also release them or adapt them to new and unforeseen public uses.

This brings us immediately to the consideration of the act of 1875. This act asserts that this railway is a public use, consistent with the public uses to which the Battery is held, and authorizes us to assent to this designation of route. The power of the Legislature to define public uses has been sanctioned by the Courts. The use, therefore, proposed by this railway is not in conflict with the restrictions heretofore imposed upon the land by the State, and is in accordance with the public uses to which, in any aspect, the city holds the property.

It is not contested in the discussions before us that the whole power of the City Corporation in respect to this subject is vested in this Department.

These powers were given in respect to the Central Park, by chapter 771 of Laws of 1857, section 4; powers of control and management in respect to the other parks above Canal street, were given by chapter 137 of 1870, section 94; in respect to the parks south of Canal street, including the Battery, by chapter 383 of 1870, section 16, and full powers by chapter 290 of 1871, section 6.

The act of 1875 must be examined in view of its general scope and of all its provisions, and not of any fragment of a section; particularly, the fourth section and the fifth clause of the twenty-sixth section must be read together. They provide that no such railway company shall have the right to acquire the use and occupancy of streets, avenues or public parks, except such as may be designated by the Commissioners for their route. Assuming that this prohibition goes beyond the adverse proceedings to acquire title, provided for in the 17th section, and affects also voluntary designations of the route, it brings us to the question whether a route across the Battery has been designated by the Commissioners. The fourth section declares that the Commissioners shall fix and determine the railway routes, and then gives them exclusive power over all lands in the county in which they act, with some exceptions, among which are public parks. In respect, therefore, to these excepted places their power is not exclusive, but the designation becomes effectual when it is concurred in by the authority over the excepted place.

The word "place" has been used for "park" uniformly, in all the acts relating to this Department, since the Central Park Act, chapter 616, of 1853. Its use in the 4th section, and three times in the 5th clause of the 26th section of the act of 1875, indicates the intention of the Legislature not to make an absolute prohibition of the public parks, but to exclude their use unless they are designated as the route; and, in respect to such designation, to limit the power of the Commissioners, in other respects exclusive, and to make it dependent on the concurrence of the local authority over the park. They have designated a route which may cross the Battery, which becomes effectual when we concur in it, and we have power to do so.

The reasonableness of this view is illustrated by the case before us; for it is better for the public good to have the road cross the greensward, where it can be ornamented and planted out, than to have it skirt the border of the Park and its sidewalk and obstruct its entrances. Of the two possible lines we prefer the former. Streets bordering on parks are essential features of park treatment, and often the most important. The Legislature has forced the determination of such questions upon us, and has wisely left us power to meet them.

It is clear, therefore, that when the exercise of our judgment leads us to prefer the line which crosses the Battery, and when the Legislature has declared this road to be a public use, it is better for us to exercise the power which the Legislature has left to us; to act upon the route designated by the Commissioners, and, within its breadth, to determine the precise line of construction.

We should, therefore, concur in the route designated by the Rapid Transit Commissioners, adopt the line determined by the Landscape Architect, and laid down upon the map, and adopt the agreement prepared for us by the Counsel to the Corporation.

(Minutes, November 24, 1875, p. 413.)

Commissioner Martin then offered the first resolution which he offered at the meeting held on the 7th January, 1876, amended as follows, namely:

Resolved that the licence prepared for the New York Elevated Railway Company by the Counsel to the Corporation be and hereby is adopted as amended.

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows:

Ayes—Commissioners Martin, Williamson, O'Donohue—3.

No—Commissioner Stebbins—1.

Commissioner Martin then offered the second resolution which he offered at the meeting held on the 7th January, 1876, as follows:

Resolved, That the map now reported by Mr. Olmsted, the Landscape Architect, dated "January 7, 1876," and signed "John Bogart, Sup'ng Engineer," be adopted.

The President offered the following preamble and resolution as a substitute for said resolution offered by Commissioner Martin:

Whereas, The Board, at its meeting held on the 3d of December, 1875, adopted the following preamble and resolution:

Whereas, The Counsel to the Corporation states, in his opinion to the Department, dated December 1, 1875, when referring to public parks, the ownership of which the city gets by authority of the State, that "in all these" "cases it may be questionable whether the land so acquired is not always held as a public trust for limited purposes and uses;"

Resolved, That he be and hereby is requested to inform this Board whether, in his judgment, the Commissioners appointed under chapter 606 of the Laws of 1875, have the legal right to designate a route for a railroad over or through the Battery Park or any portion of it.

And whether the Commissioners governing this Department have the legal right to allow the New York Elevated Railroad Company to construct its line over or through said Battery Park or any portion of it;

And Whereas, The President of the Department addressed the following communication to the Counsel to the Corporation, viz.:

DEPARTMENT OF PUBLIC PARKS,  
36 UNION SQUARE,  
25th January, 1876.

Hon. WILLIAM C. WHITNEY, Counsel to the Corporation:

DEAR SIR—I am in receipt of yours of yesterday relative to the power of this Department to allow a line of railway to be constructed through the Battery Park. Your opinion, as therein expressed, does not extend to any portion of the Battery other than that included in the strip of land between high and low water lines, mentioned in your former communication of December 1, 1875.

The line of route on which this Department is asked to allow the construction of the railroad of the New York Elevated Railway Company extends, nearly entirely, outside of this strip of land.

At a meeting of the Commissioners of this Department, held on the 3d ulto., I therefore offered a preamble and resolution, asking you for your advice concerning the remaining portion of the Battery.

This preamble and resolution you will find in the communication of this Department to you, dated December 4, 1875.

I will feel much obliged by your giving me an answer to it as soon as possible, so that the Commissioners may have a clear understanding of their rights and powers in the matter when it next comes before them for their action.

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

And Whereas, the Counsel to the Corporation has not yet given the Commissioners the advice requested as hereinbefore mentioned; therefore

Resolved, That the whole subject of the application of the New York Elevated Railway Company, for permission to construct its road across the Battery Park, be laid on the table until the advice of the Counsel to the Corporation on the questions hereinbefore mentioned is received.

The President put the question whether the Board would agree to said substitute preamble and resolution, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows:

Aye—Commissioner Stebbins—1.

Noes—Commissioners Martin, Williamson, O'Donohue—3.

The President put the question whether the Board would agree to said original resolution, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows:

Aye—Commissioner Martin—1.

Noes—Commissioners Stebbins, Williamson, O'Donohue—3.

Commissioner Williamson then offered the following preamble and resolutions:

Whereas, The Board of Commissioners, appointed in accordance with the provisions of chapter 606 of the Laws of 1875, have fixed the route along the edge of the Battery Park, which route, if used by the Elevated Railway Company would be far more detrimental to the Battery Park and disadvantageous to its uses than the one designated on the map now before the Board, amended as is hereinafter stated;

Resolved, That the map reported by Mr. Olmsted, the Landscape Architect, dated "January 7, 1876," and signed "John Bogart, Superintending Engineer," be and hereby is amended by striking off the Y and the projection for a station near Whitehall street, and that the map as so amended be and hereby is adopted;

Resolved, That under the license now granted to the New York Elevated Railway Company the said company be and hereby is required to construct its railroad on the lines prescribed on said map as amended.

The President put the question whether the Board would agree to said preamble and resolutions, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows:

Ayes—Commissioners Stebbins, Martin, Williamson, O'Donohue—4.

Commissioner Martin then offered the third resolution offered by him at the meeting held on January 7, 1876, amended as follows:

Resolved, That the license as amended be now engrossed for execution, and the map as amended be now prepared for filing, and the President be and hereby is authorized and directed to execute the license when so engrossed, and to certify the map for filing when prepared as amended, and that it be thereupon filed.

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows:

Ayes—Commissioners Martin, Williamson, O'Donohue—3.

No—Commissioner Stebbins—1.

The order of business was then resumed.

FEBRUARY 12, 1876.

Commissioner Williamson offered the following resolution:

Resolved, That the Corporation Counsel be instructed to insert a provision in the license granted to the New York Elevated Railway Co. to construct its road across the Battery Park, preventing said company allowing any of its engines or cars to remain stationery on any portion of its road which is over or on any portion of said park.

(Minutes, February 10, 1876, p. 609.)

Adopted.

FEBRUARY 18, 1876.

The President then presented to the Board duplicate copies of the license from this Department to the New York Elevated Railway Co., prepared by the Counsel to the Corporation, as amended by the directions of the Board on the 10th inst.; and also duplicate maps of the route prepared, as amended by the Board on said 10th inst.

(Minutes, February 10, 1876, p. 609.)

Commissioner Martin thereupon offered the following resolution:

Resolved, That the license between this Department and the New York Elevated Railway Co., dated the 10th day of February, 1876, as prepared and recommended by the Counsel to the Corporation, be approved; that the maps of the route of said railway across the Battery Park, dated January 7, 1876, prepared pursuant to a resolution of the 10th inst., be also approved, and that the President be and hereby is authorized and directed to execute the license and to certify the map, and that the map be thereupon filed.

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows:

Ayes—Commissioners Martin, Williamson, O'Donohue—3.

No—Commissioner Stebbins—1.

Commissioner Martin then moved that said license and map be printed as a document of the Board.

(See Document No. 69.)

The President put the question whether the Board would agree to said motion, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows:

Ayes—Commissioners Stebbins, Martin, Williamson, O'Donohue—4.

MARCH 18, 1876.

From the Clerk of the Assembly transmitting a copy of a preamble and resolution calling on this Department to furnish to the Assembly certain information regarding the granting of the license to the New York Elevated Railway Company to construct its line over the Battery Park.

(Minutes, February 18, 1876, p. 645.)

The President stated that in reply to said preamble and resolution he had forwarded to the Assembly copies of the following document, viz.:

1. The minutes of the Board which contain any reference to the subject from November 12, 1875, up to February 18, 1876.

2. Letter of Mr. M. Courtwright, President of the New York Elevated Railway Company, dated November 12, 1875.

3. Communications of the Counsel to the Corporation, dated respectively December 1 and 29, 1875, and January 24, 1876.

4. Report of the Landscape Architect on the route of said railroad.

5. The license granted to said railway company.

6. The map referred to in said license, and which indicates the line on which the railroad is to be constructed.

Commissioner Williamson moved that the action of the President be approved.

Adopted.

MARCH 30, 1876.

From Mr. C. E. Hill, President of the American Pier and Column Company, inviting the attention of this Department to the pier columns made by said company, as supports for the elevated railroad where it crosses the Battery Park.

(Minutes, February 18, 1876, p. 645.)

Referred to the Landscape Architect to report upon.

APRIL 8, 1876.

From the Landscape Architect, reporting upon the communication of Mr. C. E. Hill, inviting the attention of the Department to the columns made by the American Pier & Column Co., as supports for the elevated railway where it crosses the Battery, in which he recommends the Department not to assume any responsibility in the matter of the construction of said railway, by recommending any particular piers or columns.

(Minutes, March 30, 1876, p. 715.)

The President moved that said report be received and filed, and that a copy thereof be sent to Mr. C. E. Hill.

Adopted.

APRIL 21, 1876.

From the Clerk of the Common Council, forwarding a copy of a resolution adopted by the Board of Aldermen, requesting that copies of all papers and documents relating to the granting of the permission to the New York Elevated Railway Company to construct its road across the Battery Park, be transmitted to said Board of Aldermen.

The President stated that he had replied to said resolution by sending copies of the same documents, etc., as had been previously sent to the Assembly on the same subject, and moved that his action be approved and said communication filed.

(Minutes, March 18, 1876, p. 671.)

Adopted.

APRIL 17, 1878.

From Mr. W. T. Pelton, Vice-President of the New York Elevated Railroad Company, asking permission for said company to extend its lines over the south portion of the Battery Park, so as to connect with a dock or pier near the foot of Whitehall street.

(Minutes, February 18, 1876, p. 644.)

Commissioner Lane offered the following resolution:

Resolved, That the application of the New York Elevated Railroad Company be received and the same referred to the Treasurer to report upon.

Adopted.

APRIL 24, 1878.

The Treasurer, to whom was referred the application of the New York Elevated Railroad Company for permission to extend its lines over the south portion of the Battery Park, presented a report recommending that the license applied for be granted on the same terms, covenants, and conditions as the original grant.

(Minutes, April 17, 1878, p. 736.)

Commissioner Conover moved that said report be received and filed.

Adopted.



The President then offered the following resolution :  
Resolved, That the application of the New York Elevated Railroad Company for permission to extend its lines on the Battery park, be and hereby is refused.

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Conover—3.  
No—Commissioner Lane—1.

JUNE 26, 1878.

The President stated that the New York Elevated Railroad Company had renewed the application to extend its lines over the Battery Park, and to erect a platform station on the park.

Commissioner Wetmore then offered the following resolution :

Resolved, That the President be requested to obtain the opinion of the Counsel to the Corporation whether this Department has the power and legal right to grant permission to the New York Elevated Railroad Company to extend its lines and erect stations upon the Battery Park.

(Minutes, April 24, 1878, p. 754.)  
Adopted.

JULY 3, 1878.

Commissioner Lane presented a map, showing the proposed extended lines of the New York Elevated Railroad on the south portion of the Battery Park, and also a license, and he offered the following resolutions :

Resolved, That the license between this Department and the New York Elevated Railroad Company, dated 3d day of July, 1878, be adopted. That the map of the routes of said railway across the Battery be also adopted, and that the President be and hereby is authorized and directed to execute and deliver the said license, and to certify the map, and that the map be thereupon filed.

Resolved, That after said license shall have been duly executed and delivered, the same shall be printed, together with the map accompanying the same, as a document of this Board.

(Minutes, June 26, 1878, p. 113.)  
(See Document No. 80.)

The President put the question whether the Board would agree to said resolutions, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wetmore, Conover, Lane—3.  
No—Commissioner Wenman—1.

JULY 17, 1878.

From the Superintending Gardener, reporting that the tree on the Battery Park, which stands in the way of the proposed extension of the New York Elevated Railroad Company's track, is an American elm, with a trunk of twenty inches diameter, measured four feet from the ground, is over sixty feet in height and perfectly sound.

(Minutes July 3, 1878, p. 125.)  
Filed.

JULY 17, 1878.

Commissioner Lane presented an amended map of the proposed extended lines of the New York Elevated Railroad across the Battery, and offered the following resolution :

Resolved, That the map of the route of the extension of the New York Elevated Railroad Company across the Battery, this day presented, be adopted in the place and stead of the map adopted on the 3d day of July, 1878, and that said map be certified and filed ; and that the President be and he is hereby authorized and directed to annex a copy of this map to the license to the New York Elevated Railroad Company, and to execute the license on the part of the Department.

The President then offered the following resolution as a substitute therefor :

Resolved, That the map of the proposed extended lines of the New York Elevated Railroad Company across the Battery, this day presented by Commissioner Lane, be referred to Mr. F. A. Calkins, Assistant Engineer of the Department, to examine and report whether same is correct, and to show thereon the platform and stairs as proposed in the agreement.

(Minutes, July 3, 1878, p. 125.)

The President put the question whether the Board would agree to said substitute resolution, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Conover—2.  
Noes—Commissioners Wetmore, Lane—2.

The President then put the question whether the Board would agree to said original resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wetmore, Conover, Lane—3.  
No—Commissioner Wenman—1.

Commissioner Lane offered the following resolution :

Resolved, That authority be given to the New York Elevated Railroad Company to remove one tree standing in the way of the proposed extension of the track of said company across the Battery.

The President moved to amend said resolution by adding at the end thereof the following :

Said tree being an American elm, with a trunk of about 20 inches diameter, measured 4 feet above ground, 60 feet in height, and perfectly sound.

(Minutes, July 17, 1878, p. 136.)

The President put the question whether the Board would agree to said motion to amend said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Conover—3.  
No—Commissioner Lane—1.

The President then put the question whether the Board would agree to said resolution as amended, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wetmore, Conover, Lane—3.  
No—Commissioner Wenman—1.

JULY 24, 1878.

Commissioner Conover offered the following resolution :

Resolved, That it be referred to Commissioner Lane, with power to see that the terms of the two agreements between this Department and the New York Elevated Railroad Company, one dated the tenth day of February, 1876, and the other dated the third day of July, 1878, are from time to time complied with.

(Minutes, July 17, 1878, p. 145.)

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Conover, Lane—4.

OCTOBER 16, 1878.

From Mr. Walter Katté, Chief Engineer of the New York Elevated Railroad Company, submitting plans showing the location of the foundations and details of construction of the road of said company over the extended right of way on the Battery Park, granted by this Department on the 17th July, 1878.

(Minutes, July 24, 1878, p. 160.)  
Referred to Commissioner Lane.

OCTOBER 30, 1878.

Commissioner Lane, to whom was referred the communication of Mr. W. Katté, Chief Engineer of the New York Elevated Railroad Company, with the plans of said company for the foundations and construction of the extension of its road on the Battery Park, presented the following report :

DEPARTMENT OF PUBLIC PARKS,  
36 UNION SQUARE (EAST),  
NEW YORK, 30th October, 1878.

To the Commissioners of Public Parks :

The undersigned, to whom was referred the communication from Mr. Walter Katté, Chief Engineer of the New York Elevated Railroad Company, inclosing plans showing location of the foundations, and details of construction of said railroad over the south end of the Battery, in accordance with the license to said company, dated 3d day of July, 1878, reports favorably on said plans, and recommends for adoption the following resolution :

Resolved, That the plans for the extension of the New York Elevated Railroad Company across the Battery, this day presented, be adopted, and that said plans be certified and filed.

All which is respectfully submitted.

S. E. LANE, Commissioner.

(Minutes, October 16, 1878, p. 312.)

Commissioner Conover moved that said report be accepted, and the resolution therein recommended be adopted.

The President put the question whether the Board would agree to said motion, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Conover, Lane—4.

NOVEMBER 20, 1878.

From Mr. Walter Katté, Chief Engineer of the New York Elevated Railroad Company, informing the Department that the work of constructing the extension of the road of said company on the south portion of the Battery Park will be commenced on the 19th November, 1878.

(Minutes, October 30, 1878, p. 341.)  
Filed.

Commissioner Lane offered the following resolution :

Resolved, That the New York Elevated Railroad Company be permitted to change the location of the receiving-basin at the corner of the Battery, opposite Pier No. 1, East river, to a place ten feet north, on the edge of the sidewalk, and that the receiving-basin, on the said sidewalk, midway between said corner and State street, be moved twenty feet to the north, and the drinking-fountain also be removed ten feet north. Such removals to be made, and the said basins and fountain to be rebuilt and replaced, in all respects as they now are, and that proper connections be made with the sewer, at the expense of the said railroad company, and under the supervision of this Department, and that the Secretary be directed to prepare a written contract with the said railroad company to that effect. The said railroad company first to obtain the proper permits for the aforesaid removals from the Department of Public Works.

(Minutes, November 20, 1878, p. 371.)

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Conover, Lane—4.

NOVEMBER 27, 1878.

From Mr. Walter Katté, Chief Engineer of the New York Elevated Railroad Company, forwarding a copy of a permit granted by the Department of Public Works for the contemplated change of the positions of the receiving-basins on the Battery Park.

(Minutes, November 20, 1878, p. 377.)

The President moved that said communication be filed, and that the New York Elevated Railroad Company be requested to submit the original of said permit to this Department.

Adopted.

DECEMBER 4, 1878.

From Mr. Walter Katté, Chief Engineer of the New York Elevated Railroad Company, submitting the original permit granted by the Department of Public Works, for the removal of the two receiving basins on the Battery Park.

(Minutes, November 27, 1878, p. 383.)

The President moved that said communication be filed, and that said permit be returned to the New York Elevated Railroad Company.

Adopted.

As directed by the Board on the 20th day of November, 1878, the Secretary presented and read a draft of an agreement with the New York Elevated Railroad Company for the removal and rebuilding of the two receiving-basins and one drinking-fountain on the Battery Park.

(Minutes, November 20, 1878, p. 377.)

Commissioner Lane then offered the following resolution :

Resolved, That the draft agreement with the New York Elevated Railroad Company, for the removal and rebuilding of two receiving-basins and one drinking-fountain on the Battery Park, this day presented to the Board be and hereby is approved and that the President be and he hereby is, authorized to sign the same in duplicate, for and on behalf of this Department.

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Lane—3.

DECEMBER 11, 1878.

From the Clerk of the Common Council, forwarding a copy of the following resolution, which had been approved by his Honor the Mayor on the 5th December, 1878, namely :

Resolved, That the Department of Public Parks be and they are hereby directed to inform this Board, at its next meeting, whether they have given any authority to the New York Elevated Railroad Company to occupy any portion of the Battery Park other than that granted in the year 1876 ; and if so, by what authority.

The President stated that he had replied to said resolution by forwarding a copy of the document of the Board, No. 80, and the proceedings of the Department in relation thereto.

Commissioner Conover moved that the action of the President be approved.

(Minutes, November 20, 1878, p. 371.)

Adopted.

Commissioner Lane presented a sketch showing the position of two trees near the road of the New York Elevated Railroad Company on the Battery Park, and stated that in consequence of the company being about to place wider cars on their road, it would be necessary to move said trees, and he moved that said subject be referred to the President to examine and report.

(Minutes, December 4, 1878, p. 400.)

Adopted.

DECEMBER 18, 1878.

The President reported verbally that the two trees on the Battery Park, near the road of the New York Elevated Railroad Company, can be moved further from the road without injury to the trees, and he moved that permission be given to said New York Elevated Railroad Company to move said trees at its expense and under the supervision of the Superintendent of Parks.

(Minutes, December 11, 1878, p. 414.)

The President put the question whether the Board would agree to said motion, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows :

Ayes—Commissioners Wenman, Wetmore, Conover, Lane—4.

JANUARY 29, 1879.

From Mr. Walter Katté, Chief Engineer of the New York Elevated Railroad Company, submitting, for the acceptance and approval of the Department, a plan showing the proposed location on the sidewalks of the Battery Park, of the stairs for the South Ferry station of said railroad.

Commissioner Lane offered the following resolution :

Resolved, That the President of the Department be and he hereby is authorized to grant permission to the New York Elevated Railroad Company to erect the stairs to the South Ferry station of said railroad on the sidewalks of the Battery Park, at the southeast corner thereof, as shown on the plan this day submitted to the Board.

(Minutes, December 18, 1878, p. 425.)

The President put the question whether the Board would agree to said resolution, and it was determined in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows, viz. :

Ayes—Commissioners Wenman, Wetmore, Conover, Lane—4.

MAY 21, 1879.

Commissioner Lane, to whom was referred the subject of repairs to the Battery walks, reported verbally that, upon examination, he had concluded that it would be cheaper and more desirable in every respect for the Department to make the repairs on its own account, instead of in conjunction with the work to be done by the New York Elevated Railroad Company.

A communication was received from Walter Katté, Chief Engineer New York Elevated Railroad Company, to open a trench through the Battery, for the purpose of laying a water-pipe, to be used for furnishing a supply of water to the engines of the company.

Referred to Commissioner Lane to report upon.

JUNE 18, 1879.

Commissioner Lane presented the application of the New York Elevated Railroad Company of date of 16th May, 1879, for permission to open a trench in the Battery Park for the purpose of laying therein a water-pipe, as shown on a map submitted ; the said pipe to be then carried up along the side of the column, as indicated on said map, to the top of the railroad structure, for the purpose of supplying water to the engines at the South Ferry station, and reported adversely thereon, and moved the application be refused.

The president put the question whether the Board would agree to said motion, and it was determined in the affirmative.

SEPTEMBER 24, 1879.

Commissioner Lane presented a communication from Cyrus W. Field, President of the New York Elevated Railroad Company, desiring permission to erect houses on their track over the Battery for the use of office and switch-houses.



Commissioner Lane offered the following:  
Resolved, That the application of the New York Elevated Railroad Company, for leave to erect over their railway structure on the Battery Park, at each end where the Y intersects the main track, a building to cover and work the interlocking switch system about to be introduced, also a third building just below the junction of the Y, on the east side, for an office to be occupied for the dispatch of trains, be and the same is hereby granted.

Laid over.

OCTOBER 1, 1879.

Chief-Engineer Katté, Mr. Barney, and others from the New York Elevated Railroad Company, appeared before the Board in explanation of the application for permission to erect switch-houses on their tracks over the Battery.

OCTOBER 24, 1879.

Commissioner Wenman offered the following:  
Whereas, By an instrument dated 10th day of February, 1876, granting to the New York Elevated Railroad Company a revocable right of way through and along the Battery, and by a further instrument executed on the third day of July, 1878, granting an extension of the revocable right of way above referred to; and

Whereas, By the terms of the instruments above referred to, it is expressly understood that the company, its successors or assigns, shall not allow their cars or engines to be kept standing or to remain stationary upon any part of the road constructed over the Battery; that the said company were to plant and train vines around the piers and arches, and do other work; and

Whereas, The said New York Elevated Railroad Company have violated the terms of their agreement in making a storing and cleansing place for their cars and engines on the tracks over the Battery, committing nuisances, and neglecting to plant and paint as agreed upon, and, in consequence, rendering the Battery Park unsightly and disagreeable to visitors; and

Whereas, All and each of the City parks are pledged for the redemption of the bonds or stock issued for the improvement of the Central and City parks, and should be preserved for the redemption of the debt for which they are pledged, instead of being licensed away for the benefit of private corporations; therefore be it

Resolved, That the six months' notice called for in the instrument above cited, be served upon the New York Elevated Railroad Company, to remove from the Battery park their tracks, piers, and all other constructions and materials belonging to said company.

Commissioner Conover moved that the same be laid upon the table.  
The President put the question whether the Board would agree to said motion, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows:

Ayes—Commissioners Conover, Lane—2.

No—Commissioner Wenman—1.

The President put the question whether the Board would agree to said preamble and resolution, as offered, and it was determined in the negative, a majority of all the members of the Board not voting in favor thereof, as follows:

Aye—Commissioner Wenman—1.

Noes—Commissioners Conover, Lane—2.

#### DOCUMENT No. 69.

BOARD OF THE DEPARTMENT OF PUBLIC PARKS.

February 18, 1876.

*Agreement, granting the New York Elevated Railway Company a revocable right of way across the Battery Park.*

Ordered printed as a document by the Board.

WM. IRWIN, Secretary D. P. P.

[INDORSED.]

Dated February 10, 1876.

THE DEPARTMENT OF PUBLIC PARKS TO THE NEW YORK ELEVATED RAILROAD CO.

*Agreement, granting a revocable right of way across the Battery Park.*

Prepared and approved as to form by

(Signed)

WM. C. WHITNEY, Counsel to the Corporation.

This memorandum of an agreement by and between the Mayor, Aldermen, and Commonalty of the City of New York, party of the first part, herein represented and acting by the Department of Public Parks (which is hereinafter designated as the Department), and the New York Elevated Railroad Company (hereinafter designated as the Company), party of the second part:

Witnesseth, That, in consideration of the premises, it is hereby covenanted, stipulated, and agreed, as follows:

First—That the party of the first part has heretofore granted, and hereby grants to the Company, the successors and assigns thereof, a revocable right of way over, through, and across the Battery, along and upon the route indicated by a line colored red upon the map, heretofore by party of the first part by resolutions of the Board governing the Department adopted as amended, and this day filed in the office of the Department, and authenticated by the signature of the President of the Board governing the Department, and by the signature of the Secretary of the Company, this day thereupon made, and also a revocable license to construct, operate, and maintain the railway of the Company over, through, and across the Battery, upon and along such route, such right of way and such license to be always subject to revocation by party of the first part after six months' notice in writing to the Company, the successors or assigns thereof, to be by the Department, or the successor thereof, given of intention so to do.

Second—That the Company, and its successors or assigns, in using such right of way, and in exercising and enjoying such license under and pursuant to the terms hereof, shall neither claim, nor in any manner attempt to assert, by, under or by reason of the license hereby granted, or by, under or by reason of the possession hereby obtained, any estate, right, title or interest in the lands within the limits of the Battery, other than such as is herein expressed, or any estate, right, title, or interest adverse to the Department, or the successor thereof, or adverse to the Mayor, Aldermen, and Commonalty of the City of New York, or any right there other than a revocable right of way and a revocable right to the use and occupancy of the premises, for the purposes only aforesaid.

Third—That the Company, the successors and assigns thereof, shall so use such right of way and exercise such license as not to cause unnecessary damage to the grounds, trees or ornaments of the Battery, and shall keep in repair the railways, the columns, supports thereof, etc., to be there constructed according to the directions of party of the first part by and through the Department, or of the successor thereof, from time to time to be given; and that, in case of the neglect of the Company so to keep the said railways, etc., in repair, the Department, or the successor thereof, may do so at expense of the Company, which expense the Company shall, on demand, pay.

Fourth—That after six months' notice, in writing, by the Department, or the successor thereof, given of intention to revoke the right of way and license hereby granted, shall have been served upon the said Company, its successors or assigns, and after such revocation shall have been made, this license and all rights hereby conferred shall cease and determine, and the Company, its successors or assigns, shall no longer be authorized, by virtue of this agreement, to use such right of way or structure under this license, and party of the first part, by the Department, or the successor thereof, may require the Company, its successors or assigns, forthwith to remove from the limits of the Battery the railways, columns, supports, etc., and the materials thereof, which shall have been there constructed or placed pursuant to the license hereby granted, anything herein contained to the contrary notwithstanding.

It is, however, understood and agreed:

First—That within a vertical distance of ten feet from the ground no part of the railroad, its appliances or appurtenances, shall be allowed, except only the necessary supporting piers or columns; and that all parts of any pier or column, above the surface of the ground and within a distance of ten feet therefrom, shall be at least eighteen inches within the line defining the space colored red on the said map, and indicating the limits for the foundations of piers or columns.

Second—That the piers and all other constructions of the railroad shall be designed and constructed with a view to the avoidance of any greater conspicuousness or injury in any respect to the Battery as a pleasure-ground than is absolutely necessary; and that they shall be of tasteful design, and made in all respects to the satisfaction of the Department.

Third—That, whenever required by the Department, substantial lattice or trellis work shall be placed by the Company, attached to its piers, stringers, sleepers, or other constructions; and that the agents of the Department shall, so far as is consistent with safety, be allowed to fix ladders, and to enter upon and occupy the premises of the Company for the purpose of training vines, or for other duties required for the improvement or maintenance of means of public gratification appropriate to the Battery as a pleasure-ground.

Fourth—That the Company shall prevent the exhibition or distribution upon or from its road, or any of its constructions within the Battery, of any signs, posters, handbills or other forms of advertising.

Fifth—That the necessary expense of any alterations or improvement of the Battery, which, in consequence of the introduction of the railroad, the Board shall think fit to order, shall be made at the expense of the Company, the bills for such expenses to be paid by the Company, on demand, when and as presented and audited. And,

Sixth—That the Company, its successors or assigns, shall not allow the cars or engines to be kept standing or to remain stationary upon any part of that portion of the road which is to be constructed over or on the Battery, under or by authority of the license hereby granted.

In witness whereof, these presents are, this tenth day of February, 1876, signed and sealed by the New York Elevated Railroad Company, and are executed by the party of the first part, by the signature of the President of the Board governing the Department of Public Parks, made by authority and under direction of the resolution of said Board.

THE NEW YORK ELEVATED RAILROAD COMPANY, by

(Signed)  
Signed, sealed and delivered in the presence of  
(Signed) J. A. COWING.

M. COURTRIGHT, President. [SEAL.]

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

Signed by H. G. Stebbins, President of the Department of Public Parks, in presence of  
(Signed) WM. IRWIN, Secretary D. P. P.  
(Executed in duplicate.)

DOCUMENT No. 80.

BOARD OF THE DEPARTMENT OF PUBLIC PARKS.

JULY 3, 1878.

*Agreement, granting the New York Elevated Railroad Company an extension of the revocable right of way across the Battery Park.*

Ordered printed as a document of the Board.

WM. IRWIN, Secretary D. P. P.

This memorandum of an agreement by and between the Mayor, Aldermen, and Commonalty of the City of New York, party of the first part, herein represented and acting by the Department of Public Parks (which is hereinafter designated as the Department), and the New York Elevated Railroad Company (hereinafter designated as the Company), party of the second part:

Witnesseth, Whereas, by an agreement made on the 10th day of February, 1876, by and between the parties hereto, a revocable right of way and license was granted to the said Company by the said Department over the Battery, in the City of New York.

Therefore, in consideration of the premises, it is hereby further covenanted, stipulated, and agreed, as follows:

1. That the right of way and license aforesaid is hereby extended over, through, and across the Battery and Whitehall street, along and upon a route indicated by the part colored red upon a map authenticated by the signature of the President of the said Department and the signature of the said Company, and this day filed in the office of said Department, a copy of which is hereto annexed; and such right of way and license is hereby granted by the said Department to the said Company, its successors and assigns, with all the rights, privileges, and powers contained in the agreement aforesaid in respect to the grant therein made, and subject also to all the terms, provisions, and agreements therein contained, with the same effect as if this extension had been contained and granted in said agreement.

2. The said Company may, along the lines of the main route between the points of intersection with the extended route hereby granted, construct and support on the level of the upper portion of its superstructure, and at least ten feet above the surface of the ground, platforms and shelters for the accommodation of passengers, and may alter and use the existing stairway for approach thereto, to be made in all respects to the satisfaction of the Department as is provided in respect to the other constructions of the said railroad contained in the aforesaid agreement.

3. And it is further covenanted, stipulated, and agreed by the said Company that they will not take down or cut any tree without the express permission of the Department, and that they will forthwith cause all their iron and woodwork and structures upon the Battery to be painted, the sidewalks disturbed by them to be relaid, the grounds disturbed by them to be graded and planted, and vines to be planted and trained around the piers and arches in such color, style, manner, and materials as the Department shall direct, under its superintendence and to its satisfaction.

And also, that the said Company, as soon as the platform is erected and stairway altered, as hereby authorized, and open to the public use, will, within thirty days thereafter, wholly remove the present platform and station now over the Battery sidewalk and Whitehall street.

In witness whereof, the said Department have caused this agreement to be signed by their President, under a resolution of the Board of Commissioners of said Department, and the said Company have caused this agreement to be signed by their President, and their corporate seal to be hereto affixed on the third day of July, in the year one thousand eight hundred and seventy-eight.

(Signed) JAS. F. WENMAN, President Department of Public Parks.  
Signed by James F. Wenman, President of the Department of Public Parks, in presence of (the word "revocable" being first interlined on the first page)  
(Signed) WM. IRWIN,

Attest,

THE NEW YORK ELEVATED RAILROAD COMPANY, by  
CYRUS W. FIELD, President.

(Seal of the New York Elevated Railroad Co.) J. A. COWING, Secretary.

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

Before me, this 17th day of July, 1878, personally came Cyrus W. Field, to me personally known, and known to be the President of the New York Elevated Railroad Company, one of the parties to the foregoing instrument, who, being duly sworn, did depose and say, that he was the President of the said Company; that the seal affixed to this instrument was the seal of the said Company; that he affixed the said seal thereto by their authority, and that he also executed this instrument by the like authority.

(Signed) S. B. CHITTENDEN, JR.,  
Notary Public, Kings County.

(Certificate filed in N. Y. Co.)  
Which was referred to the Committee on Lands, Places, and Park Department, and ordered to be printed in full in the CITY RECORD.

#### MESSAGES FROM HIS HONOR THE MAYOR.

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

MAYOR'S OFFICE, NEW YORK, January 12, 1880.

To the Honorable the Board of Aldermen:

I return, without my approval, the resolution of the Board of Aldermen, adopted December 31, 1879, giving permission to Henry Buehler to place a show-case inside the curb-line in front of No. 355 Broome street.

The resolution would permit the placing of the show-case on the sidewalk near the curb. I think all such obstructions to the free use of the streets for passage illegal and detrimental to the public.

EDWARD COOPER, Mayor.

Resolved, That permission be and the same is hereby given to Henry Buehler to place and keep a show-case inside the curb-line in front of No. 355 Broome street, to be 30 inches wide and 18 inches deep, the work done at his own expense; such permission to continue only during the pleasure of the Common Council.

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

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

MAYOR'S OFFICE, NEW YORK, January 13, 1880.

To the Honorable the Board of Aldermen:

I herewith transmit an account of the expenses and receipts of the Mayor's Office and Bureau of Permits during the three months ending December 31, 1879, together with a statement in detail of the amounts paid for salaries to clerks and subordinates in said office and bureau, and the general nature of their duties in the same period.

EDWARD COOPER, Mayor.

*Statement of Receipts and Payments of the Mayor's Office for the Three Months ending December 31, 1879.*

#### RECEIPTS.

For Fees, Licenses, and Fines collected in the office of the Mayor's Marshal:

For account of the City Treasury	\$15,059 00
" " Sinking Fund	1,628 00
	<u>\$16,687 00</u>

For License Fees of Places of Amusement—

Steinway & Sons	\$150 00
Folly Theatre	250 00
Bohemian Lodge Hall	150 00
Wood's Theatre	150 00
New York Circus	150 00
National Garden	150 00
Concordia Music Hall	150 00
Van Amburgh's Museum	150 00
Turner Hall	150 00



E. Maren.....	150 00
Henry Schrader.....	150 00
Parepa Hall.....	150 00
Young Mens' Hebrew Association, Harlem.....	150 00
Aberle's Theatre.....	250 00
Volk's Garden.....	150 00
Bowery Garden.....	150 00
Niblo's Garden.....	250 00
	<u>\$2,850 00</u>

## PAYMENTS.

By the Mayor's Marshal to the Chamberlain—	
For account of the City Treasury.....	\$15,059 00
“ “ “ Sinking Fund.....	1,628 00
	<u>\$16,687 00</u>

License Fees for Places of Amusement paid to the Treasurer of the Society for the Reformation of Juvenile Delinquents, as provided by chapter 836 of the Laws of 1872..... \$2,850 00

Statement of Receipts and Payments of the Bureau of Permits during the Three Months ending December 31, 1879.

## RECEIPTS.

For Stands, Signs, and other Privileges.....	\$2,330 00
“ Dog Licenses.....	90 00
	<u>\$2,420 00</u>

## PAYMENTS.

To the Chamberlain.....	<u>\$2,420 00</u>
-------------------------	-------------------

Statement of Receipts and Payments in the Mayor's Office for account of the Dog Pound, for the Three Months ending December 31, 1878.

## RECEIPTS.

Received from the Comptroller.....	<u>\$176 43</u>
------------------------------------	-----------------

## PAYMENTS.

Paid John McMahon, Keeper, for the expenses of the Dog Pound (inclusive of balance from former receipts from the Comptroller), and to close the account.....	<u>\$189 43</u>
--	-----------------

Statement in detail of the Amounts paid for Salaries to Clerks and Subordinates in the Mayor's Office and Bureau of Permits for the Three Months ending December 31, 1879.

James E. Morrison, Secretary.....	\$94 08
John Tracey, Chief Clerk.....	875 00
Wm. A. Marshall, Clerk.....	250 00
Charles P. Chipp, Clerk.....	250 00
David S. White, Stenographer.....	375 00
Wm. V. I. Mercer, Temporary Clerk.....	250 00
Michael W. Brown, Messenger.....	200 00
Marshal's Office—	
John Tyler Kelly, First Marshal.....	625 00
Hermann Schroeter, Second Marshal.....	375 00
Freeman M. Melville, Temporary Clerk.....	250 00
Lloyd Milnor, Temporary Clerk.....	72 58
Wm. R. Swift, Temporary Clerk.....	180 11
A. M. Petshaw, Clerk.....	250 00
	<u>\$4,046 77</u>

Bureau of Permits—	
D. S. Hart, Registrar.....	\$600 00
Robert Prati, Interpreter and Clerk.....	300 00
P. N. Ganlon, Clerk.....	250 03
C. M. Roth, Clerk.....	200 06
E. L. Waterbury, Clerk.....	200 06
W. H. Megie, Temporary Inspector.....	200 06
Nich. J. Hayes, Temporary Clerk.....	200 02
J. P. Burns, Inspector.....	200 06
Bernard Neis.....	200 06
	<u>2,350 35</u>

Total amount paid for salaries..... \$6,397 12

Which was ordered on file.

## MOTIONS AND RESOLUTIONS RESUMED.

Alderman Sheils moved that the Board do now adjourn.  
The President put the question whether the Board would agree with said motion.  
Which was decided in the affirmative.  
And the President announced that the Board stood adjourned until Tuesday next, the 20th inst., at 12 o'clock M.

FRANCIS J. TWOMEY, Clerk.

## LAW DEPARTMENT.

The following schedules form a report of the transactions of the office of the Counsel to the Corporation for the week ending January 10, 1880.

The Mayor, Aldermen, and Commonalty of the City of New York are defendants unless otherwise mentioned.

## SCHEDULE "A."

## SUITS AND SPECIAL PROCEEDINGS INSTITUTED.

## SUPREME COURT.

Richard J. Tallon agst. John T. Clark—Summons served.  
Michael Burns—Salary for November, 1879, as Alderman, \$333.33.  
Joseph P. Strack—Salary for November, 1879, as Alderman, \$333.33.  
Bernard Kenney—Salary for November, 1879, as Alderman, \$333.33.  
Terence Kiernan—Salary for November, 1879, as Alderman, \$333.33.  
Thomas Carroll—Salary for November, 1879, as Alderman, \$333.33.  
In the matter of the petition of Ella E. Wynkoop to vacate assessment for regulating, etc., One Hundred and Twenty-third street, from west line of New avenue, west of Mt. Morris square, to east line of Eighth avenue.  
John F. Cassidy—Salary as Fireman, from December 10, 1874, to April 6, 1877, at \$1,200 per annum, \$2,654.  
John F. Beechinor—Summons served and notice for \$2,924.28.  
John Brown—Summons served and notice for \$2,904.28.  
John T. Craft—Summons served and notice for \$2,784.28.  
Daniel Dempsey—Summons served and notice for \$2,781.  
Patrick V. Doyle—Summons served and notice for \$2,781.08.  
James Goodall—Summons served and notice for \$2,904.28.  
George Lake—Summons served and notice for \$2,920.  
James H. Shute—Summons served and notice for \$2,871.  
John H. Ward—Summons served and notice for \$2,985.60.  
George K. Whiteheart—Summons served and notice for \$2,904.28.  
William Wogan—Summons served and notice for \$2,654.  
Richard Croker—Balance of fees as Coroner during October, November, and December, 1879; \$2,336.  
Richard Flanagan—Balance of fees as Coroner during October, November, and December, 1879; \$1,274.59.  
Henry Wolman—Balance of fees as Coroner during October, November, and December, 1879; \$1,856.  
In the matter of the petition of Townsend Wandell to vacate a sale for non-payment of assessment for opening of Avenue St. Nicholas and Morningside Park.  
In the matter of the petition of Townsend Wandell to vacate a sale for non-payment of assessment for a road or public drive.  
In the matter of the petition of Michael Tracey to vacate a sale for non-payment of assessment for the Seventy-sixth street sewer.  
In the matter of the petition of the Equitable Life Assurance Society of the United States to vacate a sale for non-payment of assessment for the Second avenue sewer, Seventy-fourth street and Third avenue.

In the matter of the petition of Adolph Ausbacher to vacate an assessment for sewer in One Hundred and Tenth street, with branches from Fifth avenue to Harlem river.  
In the matter of the petition of Edward S. Parsells to vacate assessment for sewer in One Hundred and Tenth street, with branches from Fifth avenue to Harlem river.  
In the matter of the petition of Nellie Sanger, Clara Sanger, Mannin Sanger, and Sarah Sanger to vacate assessment for sewer in One Hundred and Tenth street, with branches from Fifth avenue to Harlem river.  
In the matter of the petition of Daniel H. Gilman, administrator, etc., to vacate assessment for sewer in One Hundred and Tenth street, with branches from Fifth avenue to Harlem river.  
In the matter of the petition of Josephine Wilson to vacate assessment for sewer in One Hundred and Tenth street, with branches from Fifth avenue to Harlem river.  
In the matter of the petition of Josiah Jex to vacate an assessment for regulating, etc., of Broadway, from Thirty-second to Fifty-ninth street.  
In the matter of the petition of John Murphy to vacate assessment for regulating, etc., of Broadway, from Thirty-second to Fifty-ninth street.  
In the matter of the petition of George W. Poillon, Eleanor S. Poillon, Mary A. Jordon, Eleanor P. Gage, Mary A. Leveridge, George P. Leveridge, Cornelius A. Leveridge, Thomas I. Knight, Martha V. Knight, and Eleanor E. Knight to vacate assessment for regulating, etc., of Broadway, from Thirty-second to Fifty-ninth street.  
Benjamin F. Cushman—To foreclose lien for labor under contract of John M. C. Scully, for cobble, rip-rap, and broken stone, \$144.50.  
In the matter of the petition of Louis Herzog to vacate the assessment for sewer in One Hundred and Tenth street, with branches from Fifth avenue to Harlem river.  
In the matter of the petition of Robert C. Ferguson to vacate assessment for One Hundred and Tenth street outlet sewer, from Fifth avenue to Harlem river.  
People, ex rel. Thomas Horan agst. The Board of Police Commissioners—Certiorari to review proceedings to remove relator from the force.  
In the matter of the petition of Edward Roberts, et al., executors, to vacate assessment for First avenue sewer, between Ninety-second and One Hundred and Tenth streets; and Second avenue sewer, between Ninety-fifth and One Hundred and Ninth streets, with branches.  
In the matter of the petition of the estate of Henry Elsworth to vacate assessment for regulating, etc., and superstructure of the Eastern Boulevard, One Hundred and Sixteenth street from Avenue A to Sixth avenue.  
In the matter of the petition of Aaron W. Schermerhorn to vacate assessment for regulating, etc., and superstructure of the Eastern Boulevard, One Hundred and Sixteenth street from Avenue A to Sixth avenue.  
In the matter of the petition of Esther Gordon to vacate assessment for regulating, etc., and superstructure of the Eastern Boulevard, One Hundred and Sixteenth street, from Avenue A to Sixth avenue.  
In the matter of the petition of William H. Jackson to vacate assessment for regulating, etc., and superstructure of the Eastern Boulevard, One Hundred and Sixteenth street, from Avenue A to Sixth avenue.  
In the matter of the petition of John P. Hunt to vacate assessment for regulating, etc., and superstructure of the Eastern Boulevard, One Hundred and Sixteenth street, from Avenue A to Sixth avenue.  
In the matter of the petition of the First United Presbyterian Church of Harlem to vacate assessment for regulating, etc., and superstructure of the Eastern Boulevard, One Hundred and Sixteenth street, from Avenue A to Sixth avenue.

## SUPERIOR COURT.

Lucy E. White, individually and as executrix of John H. White, deceased—For an award made to "unknown owners," Fourth avenue change of grade, \$300.  
James Lenox—To reform deeds made in 1858 of lands between Sixty-eighth and Seventy-fourth streets.  
The Knickerbocker Ice Company—Damages for falling of horse into excavation in West street, \$400.

## COMMON PLEAS.

In the matter of the petition of the Mechanics and Traders' Bank to vacate a sale for an unpaid assessment.  
George Smith—Rent of premises east side of Third avenue, north of One Hundred and Fortieth street, \$100.

## SCHEDULE "B."

## JUDGMENTS ENTERED AND ORDERS OF THE GENERAL AND SPECIAL TERMS.

In re Edward Colegrove—Order of affirmance entered at General Term.  
In re Henry J. Newton—Order of affirmance entered at General Term.  
People, ex rel. Alexander T. Van Nest, agst. Commissioners of Taxes—Judgment entered in favor of Commissioners for \$70.89 costs.  
Careleton M. Herrick et al.—Judgment entered at General Term in favor of the plaintiffs.  
Mayor, etc., vs. Broadway and Seventh Avenue Railroad Co.—Order entered restoring cause to Calendar.  
John A. Shea—Order entered denying motion to resettle case.  
The Mayor, etc., against Jonathan G. Davenport—Docketed judgment against Davenport for deficiency, \$2,457.33.  
Charles O'Leary against The Board of Education—Entered order of affirmance in favor of the Board of Education.  
People, ex rel. Owen O'Neill against the Board of Police—Ordered entered in favor of Board of Police, quashing writ with costs.  
Robert H. Arkenburgh—Judgment entered in favor of plaintiff upon a compromise for \$929.85.  
In re Patrick F. Conway—Order entered to vacate assessment.  
In re estate of E. W. W. Van Vorhes et al.—Order entered to vacate assessment.  
Eighty-first street opening—Order entered adjourning taxation of costs to January 27, at 10 A. M.  
One Hundred and Fifth street opening—Order entered adjourning motion to confirm report to January 19, at 10 A. M.  
Bronx River Road opening—Order entered adjourning taxation of costs to January 14, at 10 A. M.  
The Mayor, etc., against The Tenth National Bank—Order entered to refer issues to James Matthews, Referee.  
Thomas W. Mather—Order of discontinuance of suit entered.  
Charles Hawkins No. 1—Order of discontinuance of suit entered.  
Charles Hawkins No. 2—Order of discontinuance of suit entered.  
People, ex rel. Elizabeth P. Robbins vs. The Board of Revision and Correction—Order entered that return be filed on third Monday of January.  
David Henry Jones—Judgment entered in favor of the plaintiff for \$664.24.  
In re Horace K. Thurber—Judgment entered in favor of petitioner for \$47.94.  
In re Louisiana St. John—Judgment entered in favor of petitioner for \$62.94.  
In re Ruth Ann Wallace—Judgment entered in favor of petitioner for \$62.94.  
In re Theodore Foulke—Judgment entered in favor of petitioner for \$62.94.  
In re Thomas Gearty—Judgment entered in favor of petitioner for \$47.94.  
In re Catherine L. Case—Judgment entered in favor of petitioner for \$62.69.  
In re Mary T. Foulke—Judgment entered in favor of petitioner for \$62.94.  
In re Julius Sornborn—Judgment entered in favor of petitioner for \$62.69.  
In re The North Presbyterian Church—Judgment entered in favor of petitioner for \$62.69.  
In re George C. Scott—Judgment entered in favor of petitioner for \$62.69.  
In re Wm. P. Tyson—Judgment entered in favor of petitioner for \$31.94.  
In re James Van Etten—Judgment entered in favor of petitioner for \$47.94.  
In re Thomas P. Gardner—Judgment entered in favor of petitioner for \$62.69.  
Henry W. Wiggins—Order of discontinuance of suit entered.  
Joseph Spears—Order entered exempting property from lien of judgment.  
In re Esther Moses—Order entered at General Term in favor of petitioner.  
In re Thomas H. Walters—Order entered at General Term in favor of petitioner with costs.  
In re John Eichron—Order entered at General Term in the above entitled proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re Eleanor A. Petit—Order entered at General Term in the above entitled proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re Ann C. Malley—Order entered at General Term in the above entitled proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re John Chapman—Order entered at General Term in the above entitled proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re Anton Liebler—Order entered at General Term in the above entitled proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re Eliza T. Weldon—Order entered at General Term in the above entitled Proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re Engelbret Bried—Order entered at General Term in the above entitled proceedings, affirming order of Special Term in favor of petitioner, but without costs.  
In re Daniel R. Kendall, regulating, etc., Fourth avenue—Order entered at General Term, affirming order of Special Term in favor of petitioner, and with costs.  
In re Laurentini Snowden—Order entered at General Term, dismissing appeal without costs.  
In re Richard C. Combes—Order entered at General Term affirming order of Special Term in favor of petitioner, with costs.



In re Meyer Rosenthal—Order entered dismissing the appeal, with costs.  
 In re Mary Frances Phyfe—do do do do  
 In re Philippine Levey—do do do do  
 In re Isaac Bernstein—do do do do  
 In re Henry Maillard—do do do do  
 In re Bernhard Ackerman—do do do do  
 In re Malcolm Meyer—do do do do  
 In re German Methodist Episcopal Church—Order entered dismissing the appeal, with costs.  
 People, ex rel. John O. Carpenter, agst. Commissioners of Charities and Correction—Order entered denying motion for mandamus, with costs.  
 In re Michael Kane—Order of affirmance entered at General Term in favor of petitioner, with costs.  
 In re Norton S. Collin—do do do do  
 In re Philip J. Seiter—do do do do  
 The Mechanics and Traders' Bank—Order entered to vacate sales.  
 In re Alfred Wagstaff, ex'r, etc.—Order entered to vacate assessment.  
 In re Louis Lowenstein—do do do do  
 In re James Lane—do do do do  
 In re John Early—do do do do  
 In re George Brandon—do do do do  
 In re Philip Rice—do do do do  
 In re Joseph Freedman—do do do do  
 In re Richard W. Buckley—do do do do  
 In re Murray Hill Bank—do do do do  
 Joseph F. Darling—Judgment entered in favor of plaintiff for \$8,899.17.

## SCHEDULE "C."

## SUITS AND SPECIAL PROCEEDINGS TRIED OR ARGUED.

Henry A. Smalley, Receiver—Motion to dismiss argued and denied.  
 People, ex rel. Owen O'Neil vs. The Board of Police—Argued before Lawrence, J.; writ quashed.  
 Charles O'Leary agst. The Board of Education—Affirmed at General Term by default of plaintiff.  
 John Griffen agst. Louis Flock—Motion to resettle order argued.  
 People, ex rel. Elizabeth P. Robbins agst. The Board of Revision and Correction—Motion to quash made; Court directed the return first to be filed.  
 People, ex rel. John O. Carpenter agst. Commissioners of Charities, etc.—Submitted to Donohue, J.  
 People, ex rel. Charles E. Shedd agst. Commissioners of Charities, etc.—do do  
 People, ex rel. Charles E. Shedd agst. Allan Campbell, Commissioner of Public Works—Submitted to Donohue, J.  
 David H. Jones—Motion for extra allowance made and denied.  
 People, ex rel. Sophia G. Vandervoort agst. Edward Cooper, Mayor—Argued before Donohue, J.  
 In re A. V. Stout—Submitted to Donohue, J., on motion to vacate assessments.  
 In re Asel Lundy—do do do do  
 In re Catherine Lowe—do do do do  
 In re Charles Hubner—do do do do  
 In re Simon Wormser—do do do do  
 James M. Tytler—do do do do  
 A. M. Coffin—do do do do  
 In re Anna M. Tytler—do do do do  
 In re Philip Rice—do do do do  
 In re James Lane—do do do do  
 In re John Early—do do do do  
 In re Geo. Brandon—do do do do  
 In re Murray Hill Bank—do do do do  
 In re Richard W. Buckley, ex'r.—do do do do  
 In re Joseph Freedman—do do do do  
 In re Louis Lowenstein—do do do do  
 In re Alfred Wagstaff, ex'r.—do do do do  
 In re Richard Tobin—Submitted to Donohue, J., on motion to vacate sales.  
 In re Richard Tobin—do do do do  
 In re Richard Tobin—do do do do  
 In re Patrick Sheehy—do do do do  
 In re Jos. L. Striker—do do do do  
 In re Jos. L. Striker—do do do do  
 In re Elsworth L. Striker—do do do do  
 In re New York Protestant Episcopal Public School—Submitted to Donohue, J., on motion to vacate assessment.  
 In re John H. Heckman—Submitted to Donohue, J., on motion to vacate assessment.  
 In re D. R. Kendall—do do do do  
 In re Jennett Martin—do do do do  
 In re James Wood—do do do do  
 In re Henry J. Beers—do do do do  
 In re Bernard Peyser—do do do do  
 In re Catharine A. Grube—Argued at General Term.

W. C. WHITNEY, Counsel to the Corporation.

## DEPARTMENT OF TAXES AND ASSESSMENTS.

COMMISSIONERS' OFFICE, 32 CHAMBERS STREET,  
 NEW YORK, December 17, 1880.

Present—All the Commissioners.  
 The following writ of certiorari was received by the Commissioners, and ordered to be transmitted to the Counsel to the Corporation.  
 At a Special Term of the Supreme Court, held at the Court-house, in the City of New York, on the 15th day of December, 1879.  
 Present—The Hon. Abraham R. Lawrence, Justice.  
 The People of the State of New York, to John Wheeler, John N. Hayward, and George B. Vanderpoel, Esquires, Commissioners of Taxes and Assessments of the City and County of New York:  
 Whereas, A duly verified petition of the Merchants' Steamboat Company has been presented to our Supreme Court, praying for a review on the merits of your decision and action, whereby you, between the first Monday of September, 1878, and the second Monday of January, 1879, assessed said petitioner for personal property at a valuation of \$43,600, which petition sets forth:  
 I.—That said petitioner is a corporation duly organized and existing under the provisions of an act of the Legislature of the State of New York, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February 17, 1848, and subsequent acts amendatory thereof, and is exclusively employed in running and operating a line of steamboats engaged in the coasting trade, and running from the City of New York to the village of Red Bank, Monmouth County, New Jersey, landing at each trip at various villages and stations on the Shrewsbury river.  
 II.—That said petitioner is not the owner of any real estate in the City of New York, and that the only personal property belonging to said petitioner, or in which it has any interest, or had any interest at any time since the first day of January, 1878, is two steamers, known respectively by the names "Sea Bird" and "Helen," and their furniture, appurtenances, and belongings. That said steamers are of the burden of about four hundred and eighty-nine and three hundred and twenty-one tons respectively, and are vessels enrolled and licensed under and pursuant to the Laws of the United States, and engaged in the coast trade; and that both of said steamers have been engaged in the coasting trade and so enrolled and licensed for about ten years past.  
 III.—That said petitioner alleges that it does not own and did not own at the times next herein-after mentioned any property of any sort or description subject to taxation by the Commissioners of Taxes and Assessments of the City and County of New York.  
 IV.—That, nevertheless, the Deputy Tax Commissioners in the City of New York, under the direction of the Commissioners of Taxes and Assessments of the City and County of New York, between the first Monday of September, 1878, and the second Monday of January, 1879, assessed said petitioner for personal property at a valuation of \$43,600, and entered in the books called "The Annual Record of the Assessed Valuation of Real and Personal Estate," and kept in the Office of the Commissioners of Taxes and Assessments, as the assessed valuation of the personal estate of said petitioner, the said sum of \$43,600, and assessed said petitioner accordingly.  
 V.—That said petitioner thereupon claimed not to be liable to be taxed in respect of any property whatever, and before the 30th day of April, 1879, and while said books were open for public inspection, said petitioner, aggrieved by said taxation and assessment, made application to the Tax and Assessment Commissioners to have the same corrected, stating the ground of objection thereto, and that you petitioner has no property liable to taxation. That, nevertheless, said Commissioners declined and refused to correct the said taxation and assessment; that said Commissioners have made their decision, as said petitioner is informed and believes, that said petitioner is liable to be assessed in the sum of \$43,600, and have included such assessment in the assessment rolls.  
 VI.—That thereupon said petitioner presented to the said Commissioners a statement and petition in writing, a copy of which is annexed to the petition presented to our Supreme Court, marked Sched-

ule A, and to which were annexed duly certified copies of the enrollments and licenses granted to said Steamers "Sea Bird" and "Helen" by the Collector of the Port of New York, forming in all respects a part thereof, praying that the said Commissioners, by virtue of the power and authority in them vested, would remit the said tax; but that said Commissioners have refused so to do.

And whereas, an order of said court has been made, directing that a certiorari issue, and we being willing for certain reasons to be certified of the said proceedings, and of all books and papers, documents, and things in anywise relating thereto, do command you that you certify and return under your hands, and as amply as the same remain before you, those proceedings, with that part of the record of valuation and assessment relating to the same, and with all things appertaining thereto, into our Supreme Court, at a General Term thereof, to be held at the Court-house in the City of New York, on the first Monday of January, 1880, at the opening of the court on that day, or as soon thereafter as counsel can be heard, so that our Justices may further cause to be done thereupon what of right and according to law ought to be done; and have you then and there this writ.

Witness the Honorable Noah Davis, Presiding Justice of our said Supreme Court, at the Court-[L. s.] house in the City of New York, on the 15th day of December, 1879.

By the Court.

HUBERT O. THOMPSON, Clerk.

Designation of Salary.

January 2.—W. C. Rogers, Temporary Clerk, \$125 per month.  
 By order of the Board.

A. STORER, Secretary.

## OFFICIAL DIRECTORY.

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

## EXECUTIVE DEPARTMENT.

## Mayor's Office.

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

## Mayor's Marshal's Office.

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

## Permit and License Bureau Office.

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

## Sealers and Inspectors of Weights and Measures.

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

## LEGISLATIVE DEPARTMENT.

## Office of Clerk of Common Council.

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

## DEPARTMENT OF PUBLIC WORKS

## Commissioner's Office.

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

## Bureau of Water Register.

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

## Bureau of Incumbrances.

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

## Bureau of Sewers.

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

## Bureau of Chief Engineer.

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

## Bureau of Street Improvements.

No. 11 City Hall, 9 A. M. to 4 P. M.  
 GEORGE A. JEREMIAH, Superintendent.

## Bureau of Repairs and Supplies.

No. 18 City Hall, 9 A. M. to 4 P. M.  
 THOMAS KEECH, Superintendent.

## Bureau of Water Purveyor.

No. 4 City Hall, 9 A. M. to 4 P. M.  
 DANIEL O'REILLY, Water Purveyor.

## Keeper of Buildings in City Hall Park.

JOHN F. SLOPER, City Hall.

## Bureau of Lamps and Gas.

No. 21 City Hall, 9 A. M. to 4 P. M.  
 STEPHEN MCCORMICK, Superintendent.

## Bureau of Streets.

No. 19 City Hall, 9 A. M. to 4 P. M.  
 JAMES J. MOONEY, Superintendent.

## FINANCE DEPARTMENT.

## Comptroller's Office.

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

## Bureau for the Collection of Taxes.

First floor Brown-stone Building, City Hall Park.  
 MARTIN T. McMAHON, Receiver of Taxes; ALFRED VREDENBURG, Deputy Receiver of Taxes.

## Bureau of the City Chamberlain.

No. 18 New County Court-house, 9 A. M. to 4 P. M.  
 J. NELSON TAPPAN, City Chamberlain.

## Auditing Bureau.

No. 19 New County Court-house, 9 A. M. to 4 P. M.  
 DANIEL JACKSON, Auditor of Accounts.

## Bureau of Arrears.

No. 5 New County Court-house, 9 A. M. to 4 P. M.  
 ARTEMAS CADY, Clerk of Arrears.

## Bureau for the Collection of Assessments.

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

## Bureau of City Revenue.

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

## Bureau of Markets.

No. 6 New County Court-house, 9 A. M. to 4 P. M.  
 JOSHUA M. VARIAN, Superintendent of Markets.

## LAW DEPARTMENT.

## Office of the Counsel to the Corporation.

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

## Office of the Public Administrator.

No. 49 Beekman street, 9 A. M. to 4 P. M.  
 ALGERNON S. SULLIVAN, Public Administrator.

## Office of the Corporation Attorney.

No. 49 Beekman street, 9 A. M. to 4 P. M.  
 WILLIAM A. BOYD, Corporation Attorney.

## Attorney to Department of Buildings' Office.

Corner Cortlandt and Church streets.  
 JOHN A. FOLEY, Attorney.

## POLICE DEPARTMENT.

## Central Office.

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

## DEPARTMENT OF CHARITIES AND CORRECTION.

## Central Office.

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

## FIRE DEPARTMENT.

## Headquarters.

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

## HEALTH DEPARTMENT.

No. 301 Mott street, 9 A. M. to 4 P. M.  
 CHARLES F. CHANDLER, President; EMMONS CLARK, Secretary.

## DEPARTMENT OF PUBLIC PARKS.

No. 36 Union square, 9 A. M. to 4 P. M.  
 JAMES F. WENMAN, President; EDWARD P. BARKER, Secretary.

## Civil and Topographical Office.

Arsenal, 64th street a d 5th avenue, 9 A. M. to 5 P. M.  
 Office of Superintendent of 23d and 24th Wards.  
 Fordham 9 A. M. to 5 P. M.

## DEPARTMENT OF DOCKS.

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

## DEPARTMENT OF TAXES AND ASSESSMENTS

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

## BOARD OF ASSESSORS.

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

## DEPARTMENT OF BUILDINGS.

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

## BOARD OF EXCISE.

Corner Mulberry and Houston streets, 9 A. M. to 4 P. M.  
 RICHARD J. MORRISON, President; J. B. ADAMSON, Chief Clerk.

## SHERIFF'S OFFICE.

Nos. 3 and 4 New County Court-house, 9 A. M. to 4 P. M.  
 PETER BOWE, Sheriff; JOEL O. STEVENS, Under Sheriff.

## COMMISSION FOR THE COMPLETION OF THE NEW COUNTY COURT-HOUSE.

No. 28 New County Court-house, 9 A. M. to 5 P. M.  
 WYLLIS BLACKSTONE, President; ISAAC EVANS, Secretary.

## REGISTER'S OFFICE.

East side City Hall Park, 9 A. M. to 4 P. M.  
 FREDERICK W. LOWE, Register; AUGUSTUS T. DOCHARTY, Deputy Register.

## COMMISSIONERS OF ACCOUNTS.

No. 27 Chambers street, 9 A. M. to 4 P. M.  
 WM. PITT SHEARMAN, JOHN W. BARROW,

## COMMISSIONER OF JURORS.

No. 17 New County Court-house, 9 A. M. to 4 P. M.  
 THOMAS DUNLAP, Commissioner; ALFRED J. KEEGAN, Deputy Commissioner.

## COUNTY CLERK'S OFFICE.

Nos. 7 and 8 New County Court-house, 9 A. M. to 4 P. M.  
 WILLIAM A. BUTLER, County Clerk;  
 Deputy County Clerk.

## DISTRICT ATTORNEY'S OFFICE.

Second floor, Brown-stone Building, City Hall Park,  
 9 A. M. to 4 P. M.  
 BENJAMIN K. PHELPS, District Attorney; MOSES P. CLARK, Chief Clerk.

## THE CITY RECORD OFFICE.

And Bureau of Printing, Stationery, and Blank Books.  
 No. 2 City Hall, 8 A. M. to 5 P. M.  
 THOMAS COSTIGAN, Supervisor; R. P. H. ABELL, Book-keeper.

## CORONERS' OFFICE.

No. 40 East Houston street.  
 MORITZ ELLINGER, GERSON N. HERRMAN, THOMAS C. KNOX, and JOHN H. BRADY, Coroners.



## RAPID TRANSIT COMMISSIONERS.

RICHARD M. HOB, 504 Grand street.  
JOHN J. CRANE,  
GUSTAV SCHWAB, 2 Bowling Green.  
CHARLES L. PERKINS, 23 Nassau street.  
WILLIAM M. OLLIFFE, 6 Bowery.

## SUPREME COURT.

Second floor, New County Court-house, 10½ A. M. to 3 P. M.  
General Term, Room No. 9.  
Special Term, Room No. 10.  
Chambers, Room No. 11.  
Circuit, Part I., Room No. 12.  
Circuit, Part II., Room No. 13.  
Circuit, Part III., Room No. 14.  
Judges' Private Chambers, Room No. 15.  
NOAH DAVIS, Chief Justice; WILLIAM A. BUTLER, Clerk.

## JURORS.

NOTICE  
IN RELATION TO JURORS FOR  
STATE COURTS

OFFICE OF THE COMMISSIONER OF JURORS,  
NEW COUNTY COURT-HOUSE,  
NEW YORK, June 1, 1879.

APPLICATIONS FOR EXEMPTIONS WILL BE heard here, from 9 to 4 daily, from all persons hitherto liable or recently serving who have become exempt, and all needed information will be given.

Those who have not answered as to their liability, or proved permanent exemption, will receive a "jury enrolment notice," requiring them to appear before me this year. Whether liable or not, such notices must be answered (in person, if possible, and at this office only) under severe penalties. If exempt, the party must bring proof of exemption; if liable, he must also answer in person, giving full and correct name, residence, etc., etc. No attention paid to letters.

Persons "enrolled" as liable must serve when called or pay their fines. No mere excuse will be allowed or interference permitted. The fines, received from those who, for business or other reasons, are unable to serve at the time selected, pay the expenses of this office, and if unpaid will be entered as judgments upon the property of the delinquents.

All good citizens will aid the course of justice, and secure reliable and respectable juries, and equalize their duty by serving promptly when summoned, allowing their clerks or subordinates to serve, reporting to me any attempt at bribery or evasion, and suggesting names for enrollment. Persons between sixty and seventy years of age, summer absentees, persons temporarily ill, and United States and District Court jurors are not exempt.

Every man must attend to his own notice. It is a misdemeanor to give any jury paper to another to answer. It is also punishable by fine or imprisonment to give or receive any present or bribe, directly or indirectly, in relation to a jury service, or to withhold any paper or make any false statement, and every case will be fully prosecuted.

THOMAS DUNLAP, Commissioner,  
County Court-house (Chambers street entrance).

DEPARTMENT OF TAXES AND  
ASSESSMENTS.

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

NOTICE IS HEREBY GIVEN THAT THE BOOKS of Annual Record of the assessed valuation of Real and Personal Estate of the City and County of New York for the year 1880, will be opened for inspection and revision, on and after Monday, January 12, 1880, and will remain open until the 30th day of April, 1880, inclusive, for the correction of errors and the equalization of the assessments of the aforesaid real and personal estate.

All persons believing themselves aggrieved must make application to the Commissioners during the period above mentioned, in order to obtain the relief provided by law. By order of the Board.

ALBERT STORER,  
Secretary.

## DEPARTMENT OF PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,  
COMMISSIONER'S OFFICE, ROOM 19, CITY HALL,  
NEW YORK, January 10, 1880.

## TO CONTRACTORS.

PROPOSALS, INCLOSED IN A SEALED ENVELOPE, with the title of the work and the name of the bidder indorsed thereon, also the number of the work as in the advertisement, will be received at this office until Friday, January 23, 1880, at 12 o'clock M., at which hour they will be publicly opened by the head of the Department and read, for the following:

No. 1. LAYING CROTON WATER-MAINS in Walton, Ogden, Courtland, Tenth, and Morris avenues, and in One Hundred and Third, Sixty-seventh, One Hundred and Fifty-seventh, One Hundred and Sixty-fifth, One Hundred and Thirty-fifth, One Hundred and Tenth, One Hundred and Ninth, One Hundred and Sixty-first, Thomas, and Inwood streets.

No. 2. LAYING CROTON WATER-MAINS for Aqueduct purposes in Tenth avenue, Eighty-fifth street, and Central Park, from Ninety-third street to aqueduct in Central Park.

No. 3. SEWER in Lexington avenue, between One Hundred and Fourth and One Hundred and Fifth streets.

No. 4. SEWER in One Hundred and Third street, between Third and Lexington avenues.

No. 5. SEWER in Avenue B, between Seventy-ninth and Eighty-second streets.

No. 6. SEWER in Fifth avenue, east side, between Fifty-fifth and Fifty-ninth streets.

Blank forms of proposals, the specifications and agreements, the proper envelopes in which to inclose the bids, and any further information desired, can be obtained for each class of work at the following offices: Laying Croton Water-mains, Room 11½, and Sewers, Room 21 City Hall.

The Commissioner of Public Works reserves the right to reject any or all proposals, if, in his judgment, the same may be for the best interests of the city.

ALLAN CAMPBELL,  
Commissioner of Public Works.

DEPARTMENT OF PUBLIC WORKS,  
COMMISSIONER'S OFFICE, ROOM 19, CITY HALL,  
NEW YORK, January 10, 1880.

## TO WATER PIPE MANUFACTURERS.

PROPOSALS, INCLOSED IN A SEALED ENVELOPE, with the title of the work and the name of the bidder indorsed thereon, also the number of the work as in the advertisement, will be received at this office until Friday, January 23, 1880, at 12 o'clock M., at which hour they will be publicly opened by the head of the Department and read, for the following:

No. 1. Furnishing and delivering 1,350 tons of 48-inch Straight Pipe and 50 tons of Branches and Special Castings.

No. 2. Furnishing and delivering 415 tons of Straight Pipe and 30 tons of Branches and Special Castings.

Blank forms of proposals, the specifications and agreements, the proper envelopes in which to inclose the bids, and any further information desired, can be obtained at the office of the Chief Engineer, Room 11½, City Hall.

The Commissioner of Public Works reserves the right to reject any or all proposals if in his judgment the same may be for the best interests of the city.

ALLAN CAMPBELL,  
Commissioner of Public Works.

DEPARTMENT OF PUBLIC WORKS,  
COMMISSIONER'S OFFICE, ROOM 19, CITY HALL,  
NEW YORK, January 10, 1880.

PROPOSALS FOR STOP-COCKS, STOP-  
COCK BOXES, HYDRANTS, AND  
HYDRANT-BOXES.

PROPOSALS, INCLOSED IN SEALED ENVELOPES, with the above title and the name of the bidder indorsed thereon, will be received at this office until Friday, January 23, 1880, at 12 o'clock M., at which hour they will be publicly opened by the head of the Department and read, for the following:

FOR FURNISHING AND DELIVERING STOP-COCKS, STOP-COCK BOXES, HYDRANTS, AND HYDRANT-BOXES.

Blank forms of proposals, the specifications and agreements, the proper envelopes in which to inclose the bids, and any further information desired, can be obtained at the office of the Chief Engineer, Room 11½ City Hall.

The Commissioner of Public Works reserves the right to reject any or all proposals if in his judgment the same may be for the best interests of the City.

ALLAN CAMPBELL,  
Commissioner of Public Works.

## CORPORATION NOTICE.

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

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

WM. H. JASPER,  
Secretary.

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

## DEPARTMENT OF BUILDINGS.

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

NOTICE TO PROPERTY OWNERS AND  
BUILDERS.

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

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

HENRY J. DUDLEY,  
Superintendent of Buildings.

## THE CITY RECORD

COPIES OF THE CITY RECORD CAN BE obtained at No. 2 City Hall (northwest corner basement). Price three cents each.

DEPARTMENT OF PUBLIC CHAR-  
ITIES AND CORRECTION.

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

## PROPOSALS FOR FLOUR.

## TO CONTRACTORS.

SEALED BIDS OR ESTIMATES FOR FURNISH-  
ing FLOUR.

3,000 barrels of good extra Wheat Flour, to be equal in quality to the samples to be seen at this office (empty barrels to be returned and deducted in proposals from the price of flour), to be delivered at the Bakehouse, Blackwell's Island, in quantities as required, free of all expense to the Department.

—will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9 o'clock A. M., of Saturday the 24th day of January, 1880. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Flour," and with his or their name or names, and the date of its presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the head of said Department and read.

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

Delivery will be required to be made from time to time, at such times and in such quantities as may be directed by the said Department; but the entire quantity will be required to be delivered on or before sixty (60) days after the date of the contract.

Any bidder for this contract must be known to be engaged in and well prepared for the business, and must have satisfactory testimonials to that effect; and the person or persons to whom the contract may be awarded will be required to give security for the performance of the

contract by his or their bond, with two sufficient sureties, in the penal amount of fifty (50) per cent. of the estimated amount of the contract.

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

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

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

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

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

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

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

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

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

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

Dated New York, January 12, 1880.

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

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, January 9, 1880.

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

At Hart's Island Hospital—Dora Haywood; aged 23 years. Had on when admitted light wrapper, gray skirt, plaid shawl. Nothing known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, January 10, 1880.

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

At Homoeopathic Hospital, Ward's Island—Bernard McNulty; aged 19 years; 5 feet 7 inches high; brown hair; gray eyes. Had on when admitted dark coat and pants, cardigan jacket, laced shoes. Nothing known of his friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, January 8, 1880.

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

At Workhouse, Blackwell's Island—Mary Gray; committed December 8, 1879, aged 41 years. Nothing known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

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

## TO CONTRACTORS.

PROPOSALS FOR COMPLETING THE NEW WING  
TO INSANE ASYLUM, WARD'S ISLAND.

SEALED BIDS OR ESTIMATES FOR EACH OF the following named works, to wit:

1. The mason work yet to be done (including the blue stone and granite work) required in building a west wing to the Insane Asylum on Ward's Island.
2. Furnishing and setting the cut stone for such wing.
3. The carpenter work required in building such wing.

4. The iron work required for such wing.  
5. Doing the slating and tinning required for such wing.—will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9 o'clock A. M., of Saturday, the 17th day of January, 1880, at which place and time the bids or estimates received will be publicly opened by the head of said Department and read, and the awards of the contracts will be made as soon thereafter as practicable.

The person or persons making any estimate shall furnish the same in a sealed envelope, to the head of said Department, on or before the day and hour above named.

The envelope containing the estimate shall be indorsed with the name or names of the person or persons presenting the same, the date of its presentation, and a statement of the work to which it relates.

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

The above several works will be required to be completed as follows, viz.:

No. 1, in (6) six months after the date of the contract.	
" 2, in (6) six "	" "
" 3, in (8) eight "	" "
" 4, in (10) ten "	" "
" 5, in (10) ten "	" "

For the amount of work to be performed in each case reference must be made to the plans and specifications for the same, on file in the office of the Department.

Any bidder for a contract must be known to be engaged in and well prepared for the business, and must have satisfactory testimonials to that effect.

The person or persons to whom the several security for the faithful performance of the several contracts will be required, which security will be by the bond of the person or persons to whom the contract may be awarded, with two sufficient sureties in penal sums, as follows, viz.:

For No. 1, in the penal sum of ten thousand dollars.	
" 2, " " two "	
" 3, " " five "	
" 4, " " three "	
" 5, " " two "	

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

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

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

Bidders are cautioned to examine the specifications for particulars of the work, etc., required, before making their estimates.

Bidders will state the price for doing the whole work by which the bids will be tested.

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

Payment will be made by a requisition on the Comptroller, issued as set forth in the respective forms of contract.

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

The form of the agreement, including specifications, and showing the manner of payment for the work, will be furnished at the office of the Department.

Dated New York, January 5, 1880.

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

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, January 2, 1880.

PROPOSALS FOR 21,000 TONS WHITE-  
ASH COAL.

PROPOSALS, SEALED AND INDORSED AS above, will be received by the Commissioners of Public Charities and Correction, at their office, until 9 o'clock A. M., of Wednesday, January 14, 1880, at which time they will be publicly opened and read, by the head of said Department, for furnishing and delivering 21,000 tons of White Ash Coal, of the best quality; to be well screened and in good order. Each ton to consist of 2,240 pounds. None other will be accepted. All of said coal to be delivered as required, in about the following sizes and quantities, free of all expense, at the following places:

- At Blackwell's Island—  
6,000 tons Grate size.  
300 tons Stove size.
- At Ward's Island—  
5,000 tons Grate size.
- At Bellevue Hospital—  
2,500 tons Grate size.  
250 tons Stove size.
- At 90th Street Hospital—  
40 tons Egg size.
- At Hart's Island—  
1,200 tons Egg size.
- At Randall's Island—  
1,000 tons Grate size.  
1,000 tons Egg size.  
700 tons Stove size.
- At Steamboat Dock, foot of East Twenty-sixth street, for use of Steamboats, in cargoes of about 200 tons per month—  
2,000 tons Grate size.



At Tombs, Centre Street—  
375 tons Egg size.  
At Jefferson Market, Second District Prison—  
350 tons Grate size.  
At Essex Street, Third District Prison—  
100 tons Egg size.  
At 57th Street, Fourth District Prison—  
75 tons Egg size.  
At 126th Street, Fifth District Prison—  
50 tons Egg size.  
At Fordham, Sixth District Prison—  
10 tons Egg size.  
At No. 66 Third Avenue—  
50 tons Egg size.

Proposals to state the particular description of coal to be delivered as known in the market, from what mine produced, and all particulars, to enable the Board to arrive at a proper decision.

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 reserves the right to decline any and all proposals it deemed to be for the public interest, and to accept an offer for the whole bid or for any single article included in the proposal, 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 a defaulter, as surety 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, and all information furnished.

TOWNSEND COX,  
THOMAS S. BRENNAN,  
JACOB HESS,  
Commissioners

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

### PROPOSALS FOR GROCERIES, FEED, FISH, POTATOES, ETC. TO CONTRACTORS.

#### SEALED BIDS OR ESTIMATES FOR FURNISHING

GROCERIES.  
100,000 pounds Brown Sugar.  
15,000 " Coffee Sugar.  
10,000 " Granulated Sugar.  
5,000 " Crushed Sugar.  
20,000 " Rice.  
20,000 " Rio Coffee.  
1,000 " Roasted Java Coffee.  
50,000 " Hard Soap.  
1,000 " Castile Soap.  
12,000 " Dairy Butter, sample of which will be on exhibition January 12 and 13.  
10,000 " Dried Apples.  
10,000 " Pearl Barley.  
2,500 " Chicory.  
5,000 " Cheese.  
1,000 " Cocoa.  
1,000 " Laundry Starch.  
500 " Mustard.  
200 " Chocolate.  
3,000 gallons Molasses.  
1,500 " Syrup.  
2,000 " Vinegar.  
1 cask Prunes.  
5 half chests Oolong Tea.  
5 " Green Tea.  
12 boxes Farina, 1 pound packages.  
20 " Corn Starch, 1 pound packages.  
2,500 pounds Macaroni.  
50 boxes Raisins.  
100 barrels Soda Crackers.  
30 " Wheaten Grits, pounds to barrel.  
50 " Hominy.  
50 " Oatmeal.  
20 " Pickles, 2,000 to barrel.  
100 Smoked City Cured Hams, prime, not to exceed 15 pounds weight.  
50 Smoked City Cured Tongues, prime.  
100 pieces Breakfast Bacon, prime.  
50 dozen canned Tomatoes.  
30 " " Corn.  
20 " " String Beans.  
20 " " Peas.  
12 " " Peas.  
12 " " Plums.  
10 " " Peaches.  
10 " " Lima Beans.  
12 " Gherkins.  
12 " Lemon Extract.  
12 " Vanilla Extract.  
20 " Gelatine.  
500 bushels Beans.  
250 " Peas.

GRAIN, FEED, ETC.  
2,000 bushels Oats, to be delivered at Blackwell's Island.  
500 bushels Rye.  
500 bales long, bright Rye Straw.  
250 bags Bran, 40 pounds each.  
300 " Fine Meal.  
300 " Coarse Meal.  
250 barrels Fine Flour.

FISH, SALT, ETC.  
300 quintals best quality Grand Bank Codfish, to be delivered in boxes of 4 quintals each.  
300 sacks Liverpool Salt, equal to Worthington's, sacks to be full and clean and to be delivered at warehouse Dock, Blackwell's Island.  
50 kits new Mess Mackerel, not less than 20 pounds net weight.

POTATOES, ETC.  
2,000 barrels good and sound Irish Potatoes, to weigh 168 pounds net to the barrel, and to be delivered at Blackwell's Island.  
27,000 Fresh Eggs, all to be candled.

MISCELLANEOUS.  
2 gross Ewers.  
2 " Basins.  
5 " Chambers.  
2 " Pitchers.  
6 dozen Lanterns.  
12 " Rim Closet Locks.  
12 " Padlocks.  
100 " Mops.  
50 " Mop Sticks.  
100 gross Cotton Shoe Laces.  
100 bunches Leather Shoe Laces.  
100 dozen Shoe Blacking.

—or any part thereof, will be received at the office of the Department of Public Charities and Correction, in the City of New York, until 9 o'clock A. M. of Wednesday the 14th day of January, 1880. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Groceries, Feed, Fish, Potatoes, etc.," and with his or their name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the head of said Department and read.

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated New York, January 2, 1880.

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

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, January 6, 1880.

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

At Homoeopathic Hospital, Ward's Island—John Johnson; aged 70 years; 5 feet 7 inches high; black hair; brown eyes. Had on when admitted blue coat and vest, dark pants. Nothing known of his friends or relatives.

At Hart's Island Hospital—James Delisle; aged 59 years; 5 feet 7 inches high; gray hair; dark eyes. Had on when admitted blue coat, dark vest and pants, brown overalls, shoes. Nothing known of his friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, January 2, 1880.

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

At Work-house, Blackwell's Island—Christina Stack; aged 40 years. Committed December 25, 1879. Nothing known of her friends or relatives.

At Homoeopathic Hospital, Ward's Island—Mary McCarthy; aged 40 years; 5 feet 2 inches high; gray eyes; brown hair. Had on when admitted light sacque and skirt, brown shawl, laced shoes. Nothing known of her friends or relatives.

At Hart's Island Hospital—Felix O'Neill; aged 44 years; 5 feet 8 inches high; one eye. Had on when admitted brown coat, light pants. Nothing known of his friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

### FIRE DEPARTMENT.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 & 157 MERCER STREET,  
NEW YORK, January 6, 1880.

SEALED PROPOSALS FOR FURNISHING THIS Department with the following articles, to wit:

165,000 pounds Hay, of the quality and standard known as Good Sweet Timothy.  
37,000 pounds good clean Rye Straw.  
1,200 bags clean White Oats, 80 pounds to the bag.  
800 bags Fine Feed, 60 pounds to the bag.

—will be received at these Headquarters until 9 o'clock A. M., on Wednesday, the 21st instant, when they will be publicly opened and read.

No proposals will be received or considered after the hour named.

Proposals must include all of the items, specifying the price per cwt. for hay and straw, and per bag for oats and feed.

All of the articles are to be delivered at the various houses of the Department in such quantities and at such times as may be directed.

Two responsible sureties will be required upon each proposal, who must each justify thereon prior to its presentation in an amount not less than one-half of the amount thereof.

Blank forms of proposals, together with such further information as may be required, may be obtained upon application at these Headquarters, where the prescribed form of contract may also be seen.

Proposals must be indorsed upon the envelope "Proposal for Furnishing Forage," with the name of the bidder, and be addressed to the Board of Commissioners of this Department.

The Board of Commissioners reserves the right to reject any or all of the proposals received, if deemed to be for the interest of the city.

VINCENT C. KING,  
JOHN J. GORMAN,  
CORNELIUS VAN COTT,  
Commissioners.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 & 157 MERCER STREET,  
NEW YORK, January 6, 1880.

NOTICE IS HEREBY GIVEN THAT TWO (2) horses and one old covered buggy will be sold at public auction, to the highest bidder for cash, at Nos. 110 and 112 East Thirtieth street, on Friday, the 16th instant, at 12 o'clock M., by Van Tassel & Kearney, auctioneers.

VINCENT C. KING,  
JOHN J. GORMAN,  
CORNELIUS VAN COTT,  
Commissioners.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 & 157 MERCER STREET,  
NEW YORK, November 7, 1878.

NOTICE IS HEREBY GIVEN THAT THE Board of Commissioners of this Department will meet daily at 10 o'clock A. M., for the transaction of business.

By order of the Board,  
VINCENT C. KING, President,  
JOHN J. GORMAN, Treasurer,  
CORNELIUS VAN COTT,  
Commissioners.  
CARL JUSSEN,  
Secretary

### COLLEGE OF THE CITY OF NEW YORK.

A STATED SESSION OF THE BOARD OF Trustees of the College of the City of New York will be held on Tuesday, January 20, 1880, at 4 o'clock P. M. at the Hall of the Board of Education, No. 146 Grand street, New York City.

LAWRENCE D. KIERNAN,  
Secretary.

### FINANCE DEPARTMENT.

#### INTEREST ON CITY STOCKS.

THE INTEREST ON THE BONDS AND STOCKS of the City of New York, due February 1, 1880, will be paid on that day by the Comptroller, at his office in the New Court-house.

The transfer books will be closed from January 15, to February 1, 1880.

JOHN KELLY,  
Comptroller.

CITY OF NEW YORK—DEPARTMENT OF FINANCE,  
COMPTROLLER'S OFFICE, January 10, 1880.

#### REAL ESTATE RECORDS.

THE ATTENTION OF LAWYERS, REAL Estate Owners, Monetary Institutions engaged in making loans upon real estate, and all who are interested in providing themselves with facilities for reducing the cost of examinations and searches, is invited to these Official Indices of Records, containing all recorded transfers of real estate in the City of New York from 1653 to 1857, prepared under the direction of the Commissioners of Records.  
Grantors, grantees, suits in equity, insolvents' and Sheriff's sales, in 6 volumes, full bound, price, \$100 00  
The same, in 25 volumes, half bound, " " " 50 00  
Complete sets, folded, ready for binding, " " " 15 00  
Records of judgments, 25 volumes, bound, " " " 10 00  
Orders should be addressed to "Mr. Stephen Angell, Comptroller's Office, New County Court-house."

JOHN KELLY,  
Comptroller.

DEPARTMENT OF FINANCE,  
BUREAU FOR COLLECTION OF ASSESSMENTS,  
FIRST FLOOR (NEW WING), NEW COURT-HOUSE,  
CITY HALL PARK,  
NEW YORK, Dec. 13, 1879.

#### NOTICE TO PROPERTY-HOLDERS.

PROPERTY-HOLDERS ARE HEREBY NOTIFIED that the following assessment lists were received this day in this Bureau for collection:

CONFIRMED AND ENTERED DECEMBER 10, 1879.

83d street sewer, between 10th Avenue and Boulevard.  
95th street sewer, between 3d and Lexington avenues, etc.  
107th street sewer, between 4th and 5th avenues.  
Water street basin, southeast corner Jefferson street.  
92d street basin, southwest corner 8th Avenue.  
99th street, regulating, grading, etc., from 1st to 3d Avenue.  
9th Avenue, regulating, grading, etc., from 63d street to Boulevard.  
74th street, paving from Avenue A to East river.  
75th street, flagging south side, between 1st and 2d Avenues.  
4th Avenue, flagging east side, between 65th and 66th streets.

All payments made on the above assessments on or before February 11, 1880, will be exempt (according to law) from interest. After that date interest will be charged at the rate of seven (7) per cent. from the date of entry.  
The Collector's office is open daily, from 9 A. M. to 2 P. M., for the collection of money, and until 4 P. M. for general information.

EDWARD GILON,  
Collector of Assessments.

### SUPREME COURT.

In the matter of the application of the Department of Public Parks, for and in behalf of the Mayor, Aldermen and Commonality of the City of New York, relative to the opening of Eighty-eighth street, from Eighth Avenue to the New Road or drive from Twelfth Avenue to the Hudson river, in the City of New York.

NOTICE IS HEREBY GIVEN THAT THE BILL of the costs, charges, and expenses incurred by reason of the proceedings in the above-entitled matter, will be presented for taxation to one of the Justices of the Supreme Court, in the New Court-house at the City Hall, in the City of New York, on the twentieth day of January, 1880, at 10 o'clock in the forenoon.

THOMAS W. PITTMAN,  
A. M. SOTELLO,  
GEORGE F. MARTENS,  
Commissioners.

Dated New York, January 3, 1880.

In the matter of the application of the Department of Public Parks, for and in behalf of the Mayor, Aldermen and Commonality of the City of New York, relative to the opening of Eighty-ninth street, from Eighth Avenue to the new road or drive, and from Twelfth Avenue to the Hudson river, in the City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to the owner or owners, occupant or occupants, of all houses and lots and improved or unimproved lands affected thereby, and to all others whom it may concern, to wit:

That we have completed our estimate and assessment, and that all persons interested in these proceedings, or in any of the lands affected thereby, and who may be opposed to the same, do present their objections, in writing, duly verified, to Charles H. Haswell, Esq., our Chairman, at the office of the Commissioners, No. 82 Nassau street (Room No. 22), in the said city, on or before the twenty-first day of January, 1880, and that we, the said Commissioners, will hear parties so objecting within the ten week days next after the said twenty-first day of January, 1880, and for that purpose will be in attendance, at our said office, on each of said ten days, at three o'clock P. M.

That the abstract of the said estimate and assessment, together with our maps, and also all the affidavits, estimates and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works in the City of New York, there to remain until the twenty-first day of January, 1880.

That the limits embraced by the assessment aforesaid are as follows, to wit: All those lots, pieces or parcels of land, lying and being in the City of New York, and bounded and described as follows:

Beginning at a point on the westerly line or side of Eighth Avenue, distant one hundred feet and eight inches northerly from the northwesterly corner of Eighty-ninth street and Eighth Avenue, and running thence westerly and parallel with Eighty-ninth street to the established bulkhead line on the Hudson river; thence southerly along said bulkhead line two hundred and sixty-two feet and six and one-half inches; thence easterly and parallel with Eighty-ninth street to the westerly line or side of Eighth Avenue; and thence northerly along the westerly line or side of Eighth Avenue two hundred and sixty-one feet and four inches to the point or place of beginning.

That our report herein will be presented to the Supreme Court of the State of New York, at a Special Term thereof, to be held in the New Court-house at the City Hall, in the City of New York, on the 5th day of February, 1880, at the opening of the Court on that day, and that then and there, or as soon thereafter as counsel can be heard thereon, a motion will be made that the said report be confirmed.

Dated New York, December 3, 1879.

CHARLES H. HASWELL,  
BERNARD SMYTH,  
RICHARD CROKER,  
Commissioners.

In the matter of the application of the Department of Public Works, for and on behalf of the Mayor, Aldermen and Commonality of the City of New York, relative to the opening of Eighty-second street, from First Avenue to Avenue B, in the City of New York.

WE, THE UNDERSIGNED COMMISSIONERS of Estimate and Assessment in the above-entitled matter, hereby give notice to the owner or owners, occupant or occupants of all houses and lots, and improved or unimproved lands affected thereby, and to all others whom it may concern, to wit:

First.—That we have completed our estimate and assessment, and that all persons interested in these proceedings, or in any of the lands affected thereby, and who may be opposed to the same, do present their objections in writing, duly verified, to Menzo Diefendorf, Esq., our Chairman, at the office of the Commissioners, No. 71 Broadway, Room 124, in the said city, on or before the 20th day of January, 1880; and that we, the said Commissioners, will hear parties so objecting within ten week days next after the said 20th day of January, 1880, and for that purpose will be in attendance at our said office on each of said ten days, at three o'clock in the afternoon.

Second.—That the abstract of the said estimate and assessment, together with our maps, and also all the affidavits, estimates, and other documents which were used by us in making our report, have been deposited in the office of the Department of Public Works, in the City of New York, there to remain until the 20th day of January, 1880.

Third.—That the limits embraced by the assessment aforesaid are as follows, to wit: All those lots, pieces or parcels of land situate, lying and being in the City of New York, and bounded and described as follows: Beginning at a point on the easterly side of First Avenue distant one hundred and two feet two inches from the northerly side of Eighty-second street; thence easterly and parallel with Eighty-second street to a point distant one hundred feet easterly from the easterly side of Avenue B, and one hundred and two feet and two inches northerly from the northerly side of Eighty-second street; thence southerly and parallel with the easterly side of Avenue B to a point distant one hundred and two feet two inches southerly from the southerly side of Eighty-second street; thence westerly and parallel with Eighty-second street to a point on the easterly side of First Avenue distant one hundred and two feet two inches southerly from the southerly side of Eighty-second street; and thence northerly along the easterly side of First Avenue to the point or place of beginning.

Fourth.—That our report herein will be presented to the Supreme Court of the State of New York, at a Special Term thereof, to be held in the New Court-house at the City Hall, in the City of New York, on the third day of February, 1880, at the opening of the court on that day, and that then and there, or as soon thereafter as counsel can be heard thereon, a motion will be made that the said report be confirmed.

Dated New York, December 2d, 1879.

MENZO DIEFENDORF,  
GEORGE H. SWORDS,  
THOMAS L. FEITNER,  
Commissioners.

### POLICE DEPARTMENT.

CENTRAL DEPARTMENT OF THE MUNICIPAL POLICE,  
PROPERTY CLERK'S OFFICE,  
No. 300 MULBERRY STREET, ROOM 39,  
NEW YORK, January 2, 1880.

OWNERS WANTED BY THE PROPERTY Clerk of the Police Department of the City of New York, No. 300 Mulberry street, Room 39, for the following property now in his custody without claimants: Boats, rope, iron, male and female clothing, watches, revolvers, two cases goods, seed, wagons, tea, coffee, etc.; also small amount of money found and taken from prisoners.

C. A. ST. JOHN,  
Property Clerk.