

sixth street, between Madison and Fourth avenue, and the same lighted under the direction of the Commissioner of Public Works.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Kehr, Koch, Lysaght, McCafferty, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—15.

Alderman Koch called up
G. O. 112.

being a resolution as follows: Resolved, That Ninety-third street, from Third avenue to Fifth avenue, be regulated and graded, the curb and gutter stones set, and the sidewalks flagged where not already done, under the direction of the Commissioner of Public Works, and that the accompanying ordinance therefor be adopted.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Kehr, Koch, Lysaght, McCafferty, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—15.

Alderman Koch called up
G. O. 113.

being a resolution as follows: Resolved, That Ninety-fourth street, from First to Third avenues, be regulated and graded, the curb and gutter stones set, and the sidewalks flagged where not already done, under the direction of the Commissioner of Public Works, and that the accompanying ordinance therefor be adopted.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, McCafferty, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—14.

Alderman Falconer called up
G. O. 179.

being a resolution as follows: Resolved, That the Comptroller be and he is hereby authorized and directed to draw a warrant in favor of John H. White, for the sum of four hundred and fifty dollars, to be in full for services rendered in examining title to the property on the corner of Elm and White streets, owned by the city as per bill annexed, and charge the amount to the appropriation for City Contingencies.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, McCafferty, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—14.

Alderman Falconer called up
G. O. 165.

being a resolution as follows: That the Commissioner of Public Works be directed to remove all the materials appertaining to the Court house building, at Jefferson market, now lying in Sixth avenue and West Tenth street, as the same is an obstruction to the streets, a nuisance to the neighborhood, and is detrimental to the public health.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—13.

Alderman Cooper called up
G. O. 44.

being a resolution as follows: Resolved, That Fifty-fifth street, from the Eighth avenue to the north river 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.

He then moved that it be placed on file.
Which was agreed to.
Alderman Cooper called up
G. O. 103.

being a resolution as follows: Resolved, That the vacant lots on west side of Ninth avenue, from Fifty-seventh to Fifty-eighth street, be fenced in, under the direction of the Commissioner of Public Works, and that the accompanying ordinance therefor be adopted.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—13.

Alderman Cooper called up
G. O. 105.

being a resolution as follows: Resolved, That gas-mains be laid, lamp-posts erected, and street-lamps lighted in Fifty-eighth street, from Ninth to Tenth avenues, under the direction of the Commissioner of Public Works.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—13.

Alderman Van Schaick called up
G. O. 121.

being an ordinance as follows: AN ORDINANCE to amend an ordinance, entitled "an ordinance to regulate permits for street stands, sheds, cases, signs, stairways, hoistways and deliveries," approved February 24th, 1866.

The Mayor, Aldermen, and Commonalty of the City of New York, do ordain as follows:

Section 1. Section 5 of the above entitled ordinance is hereby amended, and shall read as follows:

"Section 5. Every grantee of a privilege un-

der this ordinance shall pay therefor the sum of one dollar per annum, toward the expense of executing this ordinance, to be accounted for among other fees of the Mayor's office."

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

Section 3. This ordinance shall take effect immediately.

Alderman Van Schaick moved that it be referred to the Committee on Law Department.
Which was agreed to.

Alderman Van Schaick called up
G. O. 99.

being a resolution as follows: Resolved, That the Comptroller be and is hereby authorized and directed to pay, from the appropriation for City Contingencies, the sum of one thousand dollars, to be in full payment for painting a portrait of ex-Mayor C. Godfrey Gunther, upon the certificate of the Commissioner of Public Works that the painting has been completed and placed in the Governor's room in the City Hall, as provided by the resolution of the Common Council, approved by the Mayor, March 23, 1869.

Which was adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—13.

Alderman Billings called up
G. O. 135.

being a resolution as follows: Resolved, That Seventy-sixth street, from the Eighth avenue to the Riverside Park, 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 adopted by the following vote: Affirmative.—The President, Aldermen Billings, Clausen, Cooper, Falconer, Flanagan, Koch, Lysaght, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick.—13.

MOTIONS AND RESOLUTIONS RESUMED.
Alderman Billings moved that when the Board adjourn it do adjourn to meet again on Thursday, the 6th day of November, next, at 2 o'clock, P. M.

Alderman Cooper moved as an amendment that three o'clock, P. M., be fixed as the hour of meeting.

Which was accepted by Alderman Billings. The motion was then adopted.
By Alderman Van Schaick—

G. O. 232,

Being a resolution as follows: Resolved, That the Committees on Arts and Sciences of this Board and Board of Assistant Aldermen, be and are hereby instructed and authorized to make such arrangements of and removals in the portraits in the City Hall as shall in their judgment seem desirable.

Which was laid over.
Alderman Koch moved that the Board do now adjourn.

Which was agreed to.
And the President announced that the Board stood adjourned until Thursday, the 6th proximo, at 3 o'clock P. M.

Jos. C. PINCKNEY,
Clerk.

DEPARTMENT PUBLIC PARKS

Abstract of the proceedings of the Board of Commissioners of the Department of Public Parks for the week ending October 25, 1873:

SPECIAL MEETING.
WEDNESDAY, October 22, 1873.

Mr. Bogart, chief engineer, made a verbal report on concrete pavements and was requested to make a written report covering all points for and against concrete pavements.

The bids on mason and stone-cutters work of outset arch, also those on iron and carpenter and plumbing work on the same, were rejected on account of informality.

The President was directed to confer with superintendent on reduction of force to be paid out of Maintenance fund.

SPECIAL MEETING.
SATURDAY, Oct. 25, 1873.

Pursuant to notice the property owners from Riverdale, upper part of Kingsbridge, appeared and expressed their views on maps prepared by the Department, previous to their final adoption.

D. P. LORD,
Ass't Sec'y, pro tem.

DEPARTMENT OF FINANCE.

Appointment.
James Dorian, temporary clerk, Bureau of Ar-rears, from Oct. 23, 1873.

AND. H. GREEN,
Comptroller.

MAYOR'S MARSHAL.

Licenses granted and amount received for licenses and fines by Marshal D. S. Hart, for week ending October 25, 1873:

Licenses granted..... 1056
Amount received..... \$1,136 75

LAW DEPARTMENT.

Telegraph companies incorporated under the laws of the State of New York are legally authorized to extend their wires in the usual manner through the streets of the city of New York.

The right of the Common Council of that city to regulate the erection of telegraph poles, and the duty of the Commissioner of Public Works to remove obstructions, do not empower those authorities to substantially abridge or materially interfere with the right of such companies to construct their lines in any street or avenue.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, October 25, 1873.

Hon. George M. Van Nort, Commissioner of Public Works.

SIR:—A communication from your department requests my opinion upon the legal right claimed by telegraph companies to extend their lines through the streets of the City of New York.

The place and progress of the telegraph in modern civilization have been so recent and rapid that those few persons who do not directly participate in its benefits may be pardoned for overlooking its usefulness and necessity, when, like all public improvements, it causes inconvenience to localities and to individuals. In populous communities its obstructions are of course the most felt; while it is precisely there that its works are the most needed. It is frequently objected that the prevailing system of carrying the wires upon poles should give way to some plan of subterranean communication. No such change has been found anywhere practicable, at least to any general extent; and in our American cities, which are all, even including New York, in a conspicuously unfinished state, it is difficult to see how wires could be so laid in the earth as not to be daily interfered with by excavations required in the erection and alteration of buildings. Interruptions to the continuity of the lines would also result, though to a less extent, if carried as some propose over the tops of buildings. It is known, however, that large sums have been expended by different companies in obtaining plans for some system less objectionable than the present in point both of convenience and sightliness. It would require the expenditure of millions of dollars to effect any general change. Both public opinion and the interests of the companies themselves will undoubtedly require the outlay of the money, when practicable plans shall have been discovered and invented; but even when that time shall have arrived, it cannot be expected that reconstructions of such magnitude and changes so extensive can be the work of a day.

Your inquiries relate particularly to a temporary change in the lines of the Western Union Telegraph Company north of the Grand Central Depot at Forty-second street, made necessary by the condition of Fourth avenue during the great work of sinking the tracks of the Central, Hudson River, Harlem and New Haven Railroad Companies, in order to carry the transverse streets across the tracks upon heavy masonry. The Western Union Telegraph Company are removing their wires from that locality over to the Third avenue at an estimated expense of at least \$20,000 to be fully borne by the company itself, simply to facilitate the work before mentioned, and without any advantage to itself. In that work the city and the railroad companies are jointly engaged, and in removing its wires the telegraph company assists gratuitously in carrying out the wishes of our citizens in a matter relating to their safety and convenience. This temporary removal of the wires from the Fourth avenue reasonably requires that they should be placed in one of the nearest continuing thoroughfares. But the company is met with objections and obstructions from the Third Avenue City Railroad Company. This corporation is also itself a most useful servant of our people; but it could never have reached its present prosperity had not its projectors successfully contended with just such opposition as is now encountered by the Western Union Telegraph.

The lines of this company, as they pass through the Fourth avenue, not only bear messages to the different sections of the United States, but also constitute a part of the main trunk connections with the Atlantic Telegraph, which, through European and still remoter works, extends to almost every portion of the Eastern Hemisphere. Commercial transactions have so adjusted themselves upon the assumption of the continual working of the telegraph, that any serious interruption of communication would be of incalculable injury to business interests. Such interruption would be scarcely less felt in social and domestic circles. Many even of those most

irritated by the appearance of telegraph poles would experience a change of sentiment if objectors were so multiplied as to seriously obstruct the erection.

Verbally and informally, I have already given to representatives of both interests, the views of law, of comity and of public policy which are expressed in this opinion, and I am glad to know that they have tended to allay excitement, conflict, and threatened tumult manifested in that portion of the city by the adherents of opposing parties. With supposed personal or corporate interests I have nothing to do, except as they involve the rights of the public. These rights are guarded by constitutional and statutory law to which I will now refer.

As stated, the lines of the Western Union Telegraph Company are in progress of temporary removal from the Fourth to the Third avenue. In view of difficulties raised along the line of the latter thoroughfare, the practical question is presented, What lawful powers the company possesses to establish its structures in the public streets of this city.

The Constitution of the United States clothes Congress with the express power of regulating commerce with foreign nations, and among the several States. (Article 1, Section 8, Sub-division 4.)

In 1866, Congress passed a statute entitled "An act to aid in the construction of telegraph lines and to secure to the government the use of the same, for postal, military, and other purposes." That act gave to any telegraph company then organized, or thereafter to be organized under the laws of any State in the Union, the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain, over and along any of the military or post roads which had been or might thereafter be declared such by act of Congress, and over, under or across the navigable streams or waters of the United States; provided only that navigation should not be obstructed nor ordinary travel be interfered with. Materials for such construction may, under that act, be taken from the public lands. Dispatches for the government are to have priority of transmission. The United States may purchase the telegraph lines. (United States Statutes at large, Volume 14, Chapter 230, page 221.)

As early as the year 1848 the Legislature of this State enacted a statute for the incorporation and regulation of telegraph companies. By section 5 a telegraphic association is authorized to construct lines of telegraph along and upon any of the public roads and highways, by the erection of the necessary fixtures, including posts for sustaining the wires; provided such construction does not incommode the public use of such roads or highways. By section 6, if any person upon whose lands such posts should be placed consider himself aggrieved or damaged, he may apply to a county court to appoint five disinterested persons as commissioners to make a just and equitable appraisal of the damage, and the amount thereof shall be paid by the company. Section 7 enacts that any person who shall intentionally injure, molest or destroy any telegraphic line or post shall be guilty of a misdemeanor, and be punished by a fine not exceeding \$500, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court. The provisions of law, of which the substance is given above, will be found in chapter 265, of the laws of 1848, page 392.

In 1853 that act was amended. By section 2 of the amendatory act any telegraphic association is authorized to erect and construct from time to time the necessary fixtures for lines of telegraph upon, over and under any of the public roads, streets and highways, and also to erect and construct such fixtures upon, through and over any private lands, subject in the last instance to the right of the owner to full compensation to be agreed upon, or in the event of a failure to agree, a court to appoint a disinterested commission to appraise and fix a sum in gross as the compensation which the proprietor is to receive from the company. This amendatory act forms chapter 471 of the Laws of 1853, page 931. It must be observed that these acts contain no condition clothing local authorities with any power, direction or supervision in the matter. Nor is there any restriction in the application of the two statutes to all parts of the State. It is clear, therefore, that the answer to your first inquiry must affirm the right of telegraph companies, incorporated under the laws of this state, to erect poles in the City and County of New York.

Your second question is whether these companies must first obtain the consent of the Com-

mon Council before they can legally erect poles in this city. My answer must be in the negative. The right conferred upon them is absolute and unconditional. The statutes upon this subject proceed upon the broad ground that the telegraph is an institution necessary to the public good and the convenience of the people at large. To permit the Common Council of a city to prohibit the construction of the fixtures necessary to traverse its streets with a telegraph, would be to clothe a local authority with power to obstruct a great and general public necessity by its own mere will for reasons of mistaken local advantage, or even from mere caprice.

It is true that among the powers granted to the Common Council of New York, by what is known as the Charter of 1873, is the right to regulate the use of the streets and sidewalks for signs and sign posts, awnings and awning posts, horse troughs, telegraph posts and other purposes. (Sub-division 9, of section 17, chapter 335, of the Laws of 1873.)

This general provision of Law contains no implication that a telegraph corporation of this state must obtain the consent of the Common Council to exercise the right legally conferred of erecting poles in the city; nor can the Common Council lawfully act upon the supposition that the power of regulation can be so used in any way to obstruct or abridge the comprehensive right to place telegraph poles through the public streets. The power of regulation is a power to direct that the erection of the poles shall be done in an orderly manner, with no unreasonable interference with the ordinary uses of the streets, and with no gross and exceptional disfigurement. But as the law itself does not restrict the companies to the use of any particular street but permits them to carry their fixtures through any of the streets of the city, without exception, the Common Council, under the right of regulation, cannot deprive the companies of the full measure of power which the legislature, for public reasons, has seen fit to confer upon them. Their permission comes from the law-making power of the State, and it need not be sustained nor can it be limited by the action of local authorities.

Your third inquiry is, Can the Commissioner of Public Works authorize the erection of telegraph poles in the City of New York? As such erection is already permitted by law, the right to exercise it is not left to the discretion of either the executive or legislative departments of our local government. The powers of the Department of Public Works are broad, and they expressly include the keeping of the streets clear of obstructions. This reasonably implies such power of regulating the use of the streets by a telegraph company as we have already considered as also in general terms conferred upon the Common Council; but it does not impose upon the companies the necessity of obtaining from any department of the city government a permission to use the streets in accordance with the powers conferred by the legislature. When, however, a telegraph company is about to erect its poles in a street or avenue, the Commissioner may properly issue a permit as evidence in the hands of the company's superintendent that the necessary obstructions are lawful, and your Department should so far regulate and oversee the work as to secure public and private interests against unnecessary interference.

As a general rule, there ought in reason to be no conflict between the local authorities of cities and the directors of great public works and improvements. The growth and prosperity of towns, the profitable use of their capital and the interests of their population, including regular employment to labor, must always be promoted by the utmost facilities of traffic, transit and communication. This obvious truth is always acted upon by young communities, but is often forgotten when cities have long grown and prospered. Under proper safeguards, railroads cannot come too near nor penetrate too far. To maintain its commercial pre-eminence, New York must encourage and foster those public enterprises which bring it near to the remotest quarters of the country and the world. In the words of Sir Walter Raleigh, "all those things that cause the greatness of a city are also fit to conserve the same."

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

THE CITY RECORD.

OFFICE OF PUBLICATION No. 2, City Hall,
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AB'M DISBECKER,
Supervisor.

BOARD OF ESTIMATE
AND
APPORTIONMENT

CITY AND COUNTY OF NEW YORK.

COMPTROLLER'S OFFICE,
NEW COUNTY COURT HOUSE,
Tuesday, October 21, 1873—3 P. M. }
The Board met pursuant to the following call:
OFFICE OF THE MAYORALTY,
EXECUTIVE DEPARTMENT, CITY HALL,
New York, Oct. 20, 1873. }

In pursuance of the authority contained in the 112th section of an act entitled "An act to reorganize the local government of the City of New York," passed April 30th, 1873, and an act entitled "An act in relation to the City of New York," passed June 13th, 1873, and an act entitled "An act in relation to raising money by taxation in the County of New York, for County purposes," passed June 14th, 1873, a meeting is hereby called of the Mayor, Comptroller, President of the Board of Aldermen, and the President of the Department of Taxes and Assessments, constituting a Board of Estimate and Apportionment, to be held at the office of the Comptroller, on Tuesday, the 21st day Oct., 1873, at 3 o'clock P. M., for the purpose of acting upon such matters as may come before said Board, under the provisions of the acts before mentioned.

W. F. HAVEMEYER,
Mayor.

ENDORSED:

Admission of a copy of the within as served upon us this day, Oct. 20th, 1873.

W. F. Havemeyer, Mayor; Andrew H. Green, Comptroller; Samuel B. H. Vance, President Board of Aldermen; John Wheeler, President Department of Taxes and Assessments.

Present—All the members, viz.:

Wm. F. Havemeyer, the Mayor of the City of New York; Andrew H. Green, the Comptroller of the City of New York; Samuel B. H. Vance, President of the Board of Aldermen; John Wheeler, the President of the Department of Taxes and Assessments.

The minutes of the meeting held October 11, 1873, were read and approved.

The Comptroller offered for adoption the following resolution:

RESOLVED, That in pursuance of the authority conferred upon the Board of Estimate and Apportionment, by provisions of Sec. 112 of Chap. 335, of the laws of 1873, the Comptroller be and he is hereby authorized to issue from time to time as may be required, and at such rates of interest as he may determine not exceeding seven per cent. per annum,

Assessment Bonds of the city of New York, as authorized by chapter 397, laws of 1852, and chapter 580, laws of 1872.

Three hundred thousand dollars... \$300,000 00

The chairman put the question, whether the Board would agree with such resolution, which was decided in the affirmative by the following vote:

Affirmative—The Mayor of the City of New York (Chairman), the Comptroller of the City of New York, the President of the Board of Aldermen, the President of the Department of Taxes and Assessments—4.

The Comptroller offered for adoption the following preamble and resolution:

WHEREAS, Section 3 of chapter 756, of the laws of 1873, provides for the issue of bonds to meet and pay certain bonds when they become due and payable, as follows, to wit:

Sec. 3. "If, any time hereafter, the amount "in the treasury of the City of New York, derived from collections of assessments, shall be "insufficient to meet and pay, when they become due and payable, any bonds issued by "the Mayor, Aldermen and Commonalty of the "City of New York, for expenditures incurred "on public improvements, payable in whole or "in part from assessments, then it shall be lawful for the Comptroller, and he is hereby authorized to issue like bonds for an amount "sufficient to pay, and, from the proceeds thereof, to pay the bonds so falling due as aforesaid"—Therefore,

RESOLVED, That the Comptroller be and he is hereby authorized to issue, in pursuance of law, from time to time, in such amounts as may be required, and at such rates of interest as he may determine, not exceeding seven per cent. per annum, Street Improvement Fund Bonds, to the amount of two million dollars, payable within such periods as he shall deem expedient, not exceeding five years, to pay from the proceeds thereof, the Street Improvement Fund Bonds of the City of New York, falling due November 1st, 1873.

The chairman put the question whether the

Board would agree with said resolution, which was decided in the affirmative by the following vote:

Affirmative—The Mayor of the City of New York (chairman), the Comptroller of the City of New York, the President of the Board of Aldermen, the President of the Department of Taxes and Assessments—4.

The Comptroller offered for adoption the following resolution:

RESOLVED, That the sum of \$22,000 be and the same is hereby appropriated under the head of Maintenance and Government of Parks and Places, said amount to be transferred from the appropriation for "Observatory, Museum and Gallery of Art, Maintenance and Government of," \$15,000; and "Harlem River Bridges, Maintenance and Government of," \$7,000; the above being a transfer from one appropriation to another in the same Department.

The chairman put the question whether the Board would agree with said resolution, which was decided in the affirmative by the following vote:

Affirmative—The Mayor of the City of New York (Chairman), the Comptroller of the City of New York, the President of the Board of Aldermen, and the President of the Department of Taxes and Assessments—4.

The Comptroller offered for adoption the following resolution:

RESOLVED, That the sum of \$8,646.56 be and the same is hereby appropriated on County account, under the head of "County Contingencies," said amount to be transferred from the appropriation of "Extra Contingencies," there being a surplus in said appropriation, for the purpose of adjusting and settling the claim of the clerks engaged in extending and copying the tax rolls, in accordance with resolutions of the Board of Supervisors, adopted October 13th, 1873, and October 20th, 1873.

The chairman put the question whether the Board would agree with said resolution which was decided in the affirmative by the following vote:

Affirmative—The Mayor of the City of New York, (Chairman), the Comptroller of the City of New York, the President of the Board of Aldermen and the President of the Department of Taxes and Assessments—4.

The President of the Board of Aldermen submitted the following resolution:

RESOLVED, That under and by virtue of the power and authority conferred on this Board by section 512 of chapter 335 of laws of 1873, the sum of two thousand dollars be and the same hereby is appropriated and directed to be paid out of the moneys derived during the current year from licenses for the sale of intoxicating liquors, commonly called excise moneys, to the charitable institution or corporation known as the Five Points Mission. And moved to refer it to the Counsel to the Corporation for his opinion as to the powers of this Board to so appropriate the excise moneys.

The Comptroller moved that the resolution be laid on the table.

The chairman put the question, whether the Board would agree with the motion of the Comptroller, which was decided in the negative by the following vote:

Affirmative—The Mayor of the City of New York (Chairman), and the Comptroller of the City of New York—2.

Negative—The President of the Board of Aldermen, and the President of the Department of Taxes and Assessments—2.

The Chairman put the question on the motion to refer to the Corporation Counsel, which was decided in the affirmative by the following vote:

Affirmative—The Mayor of the city of New York (Chairman), the President of the Board of Aldermen, and the President of the Department of Taxes and Assessments—3.

Negative—The Comptroller of the city of New York—1.

The Mayor presented a communication from John Gillon, asking that an appropriation be made for his claim for salary as a member of the Municipal Police.

The President of the Board of Aldermen moved its reference to the Mayor for examination and report; which motion was adopted by the concurrent vote of all the members of the Board.

The Comptroller offered for adoption the following resolution:

RESOLVED, That the whole subject of appropriations for charitable institutions be referred to a committee of three, of which committee the Chairman shall be one, for examination and report; which resolution was adopted by the concurrent vote of all the members of the Board.

The Comptroller presented an alternative writ

of mandamus in the case of Wm. F. McNamara, for claims for advertising in the *Sunburst*, and moved that it be referred to the Counsel to the Corporation for such action thereon as may seem to him expedient to protect the interests of the city; which motion was adopted by the concurrent vote of all the members of the Board.

The Mayor presented communications from Wm. Cullen Bryant and Dr. Otto Fullgraff, asking for an appropriation for the Bond Street Homeopathic Dispensary; and from George Brandon, Matthew A. Wilson and Benjamin Wise, asking for an appropriation for the Yorkville Homeopathic Dispensary.

The Comptroller presented communication from James R. Manchester and John P. Fellows, asking for an appropriation for the Harlem Dispensary; and from George K. Sistare, asking for an appropriation for the Samaritan Home for the Aged.

All of which communications were laid on the table.

The Comptroller presented the following communication in connection with a report made upon the same subject at a previous meeting of the Board:

CITY OF NEW YORK,
DEPARTMENT OF FINANCE,
COMPTROLLER'S OFFICE, Oct. 8, 1873. }

Hon. Andrew H. Green, Comptroller:

SIR:—Regarding the communication of the Commissioner of the Department of Public Works, which you have referred to me, I think the statements of the Commissioner may have been made under a possible misapprehension of the facts.

It is true that the appropriation for "Boulevard, Roads and Avenues—Maintenance of," was \$40,000, and the whole amount has been expended.

It is also true that the appropriation for "Roads and Avenues and Sprinkling," was \$20,000, and of this sum there is still an unexpended balance of \$9,004 55. This appropriation, when made by the Board of Estimate and Apportionment, was without any restriction as to where it should be expended, thereby leaving it entirely within the discretion of the Commissioner of Public Works.

Whatever limitation may govern in that Department, none was recognized by the Board of Estimate and Apportionment, and none is known in the Finance Department. Your statements, therefore, made to Mr. Constable and to the Board of Estimate and Apportionment, were strictly correct.

Very respectfully,
ABM. L. EARLE,
Auditor of Accounts.

Which communication was ordered on file. The Mayor presented the following communication:

BOARD OF SUPERVISORS,
NEW YORK COUNTY COURT HOUSE,
October 16th, 1873. }

To the Board of Estimate and Apportionment.

GENTLEMEN—I respectfully ask to call your attention to the present condition of the appropriations named below, and to inform you that there will be required, in order promptly and efficiently to perform the public duties appertaining to the offices therein mentioned, additional appropriations to meet expenses for the unexpired portion of the present year, as follows:

Balance of appropriation for supplies for and cleaning county offices....	\$3,401 01
There will be required to pay women for cleaning, providing brooms, soap, paying for gas, ice, &c., &c., in addition to the above sum, for the balance of the present year.....	15,000 00
Balance of appropriation for repairs to county buildings.....	97 05
There will be required in addition to the above, for the balance of the present year.....	5,000 00
Balance of appropriation for printing for courts and departments, such as law points, calendars, blanks, &c..	8 12
Bills are now outstanding and unpaid, chargeable to this appropriation, amounting to \$2,500, and a like sum will be required for the remainder of the present year, rendering necessary at this time an additional appropriation of.....	5,000 00

J. C. PINCKNEY,
Clerk Board of Supervisors.

Which communication was ordered on file, and referred to the Comptroller for examination and report.

On motion the Board then adjourned, to meet at the call of the Chairman.

JOHN WHEELER,
Secretary.

