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LEGISLATIVE DEPARTMENT.

BOARD OF ALDERMEN.

STATED SESSION.

TUESDAY, December 16, 1879, }
12 o'clock M.

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

PRESENT:

Hon. Jordan L. Mott, President;

ALDERMEN

Michael W. Burns,
Thomas Carroll,
John Cavanagh,
Frederick Finck,
Robert Foster,
George Hall,
Robert Hall,

Nicholas Haughton,
J. Graham Hyatt,
John W. Jacobus,
Patrick Keenan,
Bernard Kenney,
Terence Kiernan,
John J. Morris,

Henry C. Perley,
William R. Roberts,
William Sauer,
Thomas Sheils,
James J. Slevin,
Matthew Stewart,
Joseph P. Strack.

The minutes of December 4, 9, and 11, 1879, were read and approved.

PETITIONS.

By Alderman Roberts—

Petition of John B. Haskin, in relation to the establishment of a city railroad in Broadway.

BENNETT BUILDING, December 16, 1879.

To his Honor the Mayor, and the Board of Aldermen of the City and County of New York:

GENTLEMEN—In view of the recent propositions made to your Board for the building of a railway upon Broadway, I have the honor to renew and repeat my propositions, made to you upon the same subject, in March last, and to assure you that each of those propositions was and is honestly made, and if accepted and adopted will be promptly and satisfactorily performed.

First—The city should build, operate, and run the proposed railway, from the South Ferry to the Central Park, on Broadway, in the interest of and for the benefit of our taxpayers, upon the same principle that our Croton aqueduct and reservoirs were built and the Croton water introduced, provided, and maintained, by and under a Department of our City Government; if not,

Second—That the grant and franchise not sold at public auction, in the rotunda of the City Hall, to the highest responsible bidder.

Third—If grant and franchise not sold at auction, then I will pay \$1,000,000 for it within ten days from the time of the making of the legal grant.

Fourth—If not disposed of in any of these ways, then the gentlemen whom I have named (forming a corporation) will build, equip, and run the railway, under such reasonable restrictions and regulations as may be imposed; paying into the city treasury all of its profits over ten per cent. reserved by them for their risk and labor in its construction and management; or pay twenty-five per cent. of the net profits into the city treasury. I hope it is not invidious for me to suggest the public trusts you severally hold are for the benefit of the people of this city, and for the protection of their interests and property. The value of the proposed grant and franchise is attested, in some degree, by the enormous profits, for years past, of the Third Avenue horse-car railway and of the existing elevated railways; permit me therefore to advise that before taking any affirmative, executive, or legislative action upon this important subject, your legal adviser, the Corporation Counsel, should be consulted, and his official opinion obtained, as to whether you have any power to make any grant, or dispose of any franchise for a railway on Broadway, without first obtaining leave from the Legislature of the State, authorizing you so to do.

Your obedient servant,

JOHN B. HASKIN.

Which was referred to the Committee on Railroads.

MOTIONS AND RESOLUTIONS.

By Alderman Foster—

Resolved, That permission be and the same is hereby given to J. B. Colt & Co. to place and keep a show-case within the stoop-line in front of No. 297 Broadway, the same to be not more than 6 feet 1 inch high, 3 feet long, and 1 foot 8 inches wide; 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 Strack—

Resolved, That permission be and the same is hereby given to A. Sterane to retain two (2) signs on the awning in front of premises No. 52 Division street, said signs are 1½ feet wide and 5 feet long, the work to be 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 Carroll—

Resolved, That John D. Quincey be and he is hereby reappointed 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 Foster—

Resolved, That E. A. Kliebe be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of E. A. Kliebe, whose term of office expires on the 26th of December, 1879.

Which was referred to the Committee on Salaries and Offices.

By Alderman Burns—

Resolved, That permission be and the same is hereby given to E. Harris to place and keep a sign on lamp-post on the southwest corner of Broadway and Park place, the same to be not more than one foot long and ten inches wide, the work to be 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 Carroll—

Resolved, That permission be and the same is hereby given to M. W. Adams to place and keep a bay-window on the building about to be erected on the southeast corner of Madison Avenue and One Hundred and Thirty-first street, as shown on the accompanying diagram, the work to be 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 Perley—

Resolved, That permission be and the same is hereby granted to the property-owners and residents in and about Carmansville to construct and maintain, at their own expense, a passageway, to be built on trestle work, within the lines of One Hundred and Fifty-fifth street, leading from the Eighth Avenue westerly to the high ground at or near Ninth Avenue; the work to be done under the direction and to the satisfaction of the Commissioner of Public Works, and to remain on the street during the pleasure of the Common Council, or until such time as the said street shall be permanently regulated and graded.

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

Which was decided in the affirmative.

By Alderman G. Hall—

Resolved, That permission be and the same is hereby given to M. H. Barsotti, proprietor of the Rapid Transit Hotel, No. 300 Bowery, to place a net work banner from the same to the pillar of the elevated railroad, the same to be twelve feet in the clear from the sidewalk, and not to obstruct the view from neighboring houses; 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 Burns—

Resolved, That John H. Dempsey be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of David Klein, deceased.

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 Burns, Carroll, Cavanagh, Finck, Foster, G. Hall, R. Hall, Hyatt, Keenan, Kenney, Kiernan, Morris, Perley, Roberts, Sauer, and Strack—17.

(G. O. 381.)

By Alderman Jacobus—

Resolved, That two lamp-posts, with boulevard lamps thereon, be erected and lamps lighted on southerly side of Washington place, about sixty feet easterly of University place, in front of entrance to the Asbury M. E. Church, under the direction of the Commissioner of Public Works.

Which was laid over.

By Alderman Stewart—

Resolved, That permission be and the same is hereby given to Eugeno Bausanno to retain small table for the sale of fruit at the curb-stone line in front of premises No. 120 Wall street, the consent of the occupant of said premises being hereto annexed; 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.

(G. O. 382.)

By Alderman Morris—

Resolved, That gas-mains be laid, lamp-posts erected, and boulevard lamps lighted in One Hundred and Thirty-fifth street, from Fifth to Eighth Avenue, under the direction of the Commissioner of Public Works.

Which was laid over.

By Alderman Hyatt—

Resolved, That permission be and the same is hereby given to D. Wertheimer to retain awning over meat-rack in front of his premises, No. 219 Spring street.

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

Which was decided in the affirmative.

By Alderman Foster—

Resolved, That licensed vendors be permitted to occupy Forty-second street, between Eighth and Ninth Avenues, on the evenings of December 24 and December 31, 1879, from 6 to 12 o'clock, not to interfere with public travel in said 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 G. Hall—

Resolved, That James McDonald Mulcahy 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 Roberts—

Resolved, That the veto message of his Honor the Mayor of resolution to exempt buildings used as asylums for orphans, at No. 32 Prince street, and Fifth and Madison Avenues, between Fifty-first and Fifty-second streets, with the accompanying papers, be taken from the table and referred to a Special Committee, with instructions to report thereon to the Board within the time allowed by section 13 of chapter 335, Laws of 1879, for the reconsideration of subjects vetoed by his Honor the Mayor.

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

Which was decided in the affirmative.

And the President subsequently appointed Aldermen Roberts, Keenan, Sauer, Haughton, and Burns as such Committee.

COMMUNICATIONS FROM DEPARTMENTS AND CORPORATION OFFICERS.

The President laid before the Board the following communication from the Superintendent of Markets:

CITY OF NEW YORK—FINANCE DEPARTMENT, }
COMPTROLLER'S OFFICE, December 16, 1879. }

To the Honorable Members of the Board of Aldermen of the City of New York:

GENTLEMEN—The formal celebration of the opening of the "Farmers' Market" will take place at the Farmers' Hotel, on the market ground, on Monday afternoon, December 22, 1879, at 2 o'clock P. M.

You are respectfully invited to be present.

Very respectfully,

J. M. VARIAN, Superintendent of Markets.

Which was accepted.

The President laid before the Board the following communication from the Comptroller:

CITY OF NEW YORK—DEPARTMENT OF FINANCE, }
COMPTROLLER'S OFFICE, December 13, 1879. }

To the Honorable the Board of Aldermen:

Weekly statement, showing the appropriations made under the authority contained in section 112, chapter 335, Laws of 1873, for carrying on the Common Council from January 1 to December 31, 1879, both days inclusive, and of the payments made up to and including the date hereof, for and on account of each appropriation.

Title of Appropriations.	Am't of Appropriations.	Payments
City Contingencies.....	\$1,000 00	\$103 22
Contingencies—Clerk of the Common Council.....	250 00	177 06
Salaries—Common Council.....	107,000 00	90,697 71
Legal expenses incurred by the Common Council in 1878, in defending the members thereof, on indictment for passing ordinances relating to pretended obstructions in the streets, under resolution of the Common Council of October 14, 1878.....	10,000 00	10,000 00

JOHN KELLY, Comptroller.

Which was ordered on file.

COMMUNICATIONS.

(G. O. 383.)

The President laid before the Board the following communication from G. T. Curtis:

140 NASSAU STREET, }
NEW YORK, December 15, 1879. }

To the Honorable the Board of Aldermen:

GENTLEMEN—On the 17th of October last, a resolution was adopted by your Board, asking the Counsel to the Corporation for information relative to the suit of the city against the Central Railroad of New Jersey. This resolution was sent to me by the Counsel to the Corporation for an answer.

My answer was made on the 25th of October, and was subsequently transmitted to your Board by the Counsel to the Corporation as the answer of the counsel charged with the conduct of the case on behalf of the city, and it is now on your files. In my letter of October 25, reference was made to another suit of the city, then also under my charge, namely, the case of *The Mayor, etc., of New York, vs. "The New England Transfer Company,"* now pending in the Supreme Court of the United States. To a right understanding of very important interests of the city it is, in my opinion, necessary that a correspondence between the Counsel to the Corporation and myself, relative to the last-mentioned case, should be laid before you in connection with my letter of October 25. I therefore transmit to your Board a copy of this further correspondence, with a request that it may be placed on file.

I remain, gentlemen, very respectfully, your obedient servant,
GEORGE TICKNOR CURTIS.

NEW YORK, October 25, 1879.

Honorable WILLIAM C. WHITNEY, *Corporation Counsel*:

DEAR SIR—I have received your letter of the 23d inst., inclosing a resolution of the Common Council, asking for information relative to the suit of the city against the Central Railroad of New Jersey.

Under your retainer, I commenced a suit in equity in the United States Circuit Court in this district, some time ago, to procure a determination of the question whether that company is using a ferry franchise for which a license by the city is necessary, and to obtain an account, and for other purposes.

The testimony has been taken, but I have not yet brought on the argument of the case, for the following reasons:

There is now pending in the Supreme Court of the United States, also under my charge, a suit by the city against the New England Transfer Company. The argument of this case will probably be reached at the present term of that court. The case involves one of the same questions as the case of the Central Railroad, namely, whether the periodical and stated transportation of its own passengers by a railroad company from any part of our city territory to the shores of New Jersey, and vice versa, constitutes the use of a ferry franchise for which compensation must be paid to the city. Until the Supreme Court have decided this question, I do not deem it expedient to bring the case of the Central Railroad to trial in the Circuit Court. Indeed, I presume that the Circuit Court would not, under the circumstances, act upon this question before the Supreme Court have acted upon it.

The Central case, however, does not turn wholly on this question. That company carries, and has long carried, the general public, as passengers, from its termini in this city and Jersey City; but I do not think it expedient to try a part of this case before the other question is finally settled by the Supreme Court.

This will convey to the Common Council all the information that I can give in answer to their inquiries, and I remain, very respectfully, your obedient servant.

GEORGE TICKNOR CURTIS.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, December 3, 1879.

GEORGE T. CURTIS, *Esq.*:

DEAR SIR—Referring to your letters to me of the 25th of October last, I have to advise you that, after careful consideration of the matter, I have come to the conclusion that the interests of the city will be best subserved by withdrawing the appeal heretofore taken in the case of the Mayor, Aldermen, and Commonalty against the New England Transfer Company. The question whether the ferry rights conferred upon the city by its ancient charters and acts of the Legislature extend to the district annexed from Westchester County is one which it would, of course, be desirable to have settled. This question, however, will not for many years be one of any great pecuniary importance to the city, nor is there any urgent necessity for having it decided by the Supreme Court of the United States at the present time.

The other question involved in this case is, in some respects, an important one, but it does not seem to me advisable to have it passed upon by the Supreme Court at the present time. The question whether a railroad company like the New Jersey Central, one end of whose railroad terminates in Jersey City, can transport passengers to and fro between the State of New Jersey and the State of New York, without a ferry license from the city, is one of considerable pecuniary importance, but it is not precisely the same question as that presented in the above-mentioned suit. In that case it was shown that the New England Transfer Company had established a through route between New England and other places west of New York. The passengers were all provided with through tickets, and the carrying of such passengers on boats from Harlem to Jersey City was done in pursuance of a contract for their transportation from New England to points outside of this State. Moreover, such passengers were not carried on ferry-boats in the usual manner, but the cars in which they were brought from points in New England were placed upon large boats, and the passengers were thus transported around the city. The facts, therefore, of this case are very different from those presented in the suit brought against the Central Railroad of New Jersey, and the Supreme Court of the United States might be disposed to hold that the New England Transfer Company could carry on its business without a ferry license from the city, and yet hold that the Central Railroad of New Jersey must have such ferry license. The danger in allowing this appeal to be heard is, that the Court might not discriminate between the two cases, and if such appeal should be decided against the city, the Court might lay down some doctrine which would prejudice the case against the New Jersey Central; whereas, if such latter case were presented first, the Court might have no hesitation in sustaining the position taken by the city in that action.

Under these circumstances I am satisfied that it would be injudicious to have this appeal heard, and I will therefore thank you to send the papers in the two cases to this office, in order that the necessary steps may be taken to have the appeal withdrawn and the other case prosecuted.

I am, sir, yours respectfully,
W. C. WHITNEY, Counsel to the Corporation.

ROOM No. 73, MORSE BUILDING,
NEW YORK, December 5, 1879.

WILLIAM C. WHITNEY, *Esq.*, *Corporation Counsel*:

DEAR SIR—I have this moment received your letter of the 3d inst., relative to the appeal in the case of the Mayor, etc., against the New England Transfer Company, now pending in the Supreme Court of the United States. I have been laboriously engaged for the past two weeks in preparing the brief for the argument of the case, and had just completed and signed it when I received your letter. Observing that the Supreme Court is making rapid progress through its docket, I deemed it prudent to complete the preparation of the brief and argument without further delay.

An interchange of views by a conference between us would, I think, enable you to appreciate the bearing of this case upon important interests of the city more accurately than I should infer from your letter you do now; but as you have not invited such a conference, and have informed me that you have decided to withdraw the appeal, I can only present my views in this form.

I do not, of course, undertake to offer you advice in relation to your official action, but having, as the counsel employed in the case, advised this appeal, and entertaining a different view of its importance to the city from that taken in your late letter, it is due both to the interests of the city and to myself that I should suggest to you the grounds on which I think the decision of the Circuit Court ought not to be acquiesced in.

My official letter to you of October 25 was not designed to give the impression that the one question that is common to this case and the case of the New Jersey Central Railroad is the most important one; but I suggested that as the two cases are to a certain extent alike, the case of the Central had better not be brought to a hearing until the Supreme Court has acted upon the case of the New England Transfer Company. I remain of this opinion. Nor did I, in my private note to you, written on the 26th of October, mean to be understood as intimating that the question relating to the extension of the ferry franchises to the new city territory, and the general question relating to the carriage of railroad passengers were the only important questions involved in this appeal.

The point decided by the Circuit Court (Judge Shipman), and which caused this appeal to be taken, was this: That, conceding that the ferry rights of the city do extend to the annexed territory, a steamboat, owned and operated by a third party, which transports railroad cars on its deck, containing passengers, baggage, freight, etc., between the terminus of one railroad on the territory of this city and the terminus of another railroad in Jersey City, and vice versa, is not a ferry-boat requiring a license from our city authorities. If this decision be not reversed it will remain the law; and one consequence will be that any street railroad terminating at the water's edge anywhere on this island, or anywhere within our city limits, can arrange with any other street railroad in Jersey City, run their respective cars containing passengers upon a boat owned and operated by a third company, and that boat can transport them across the river without being guilty of any infraction or invasion of the ferry franchises of this city. I do not believe that Judge Shipman's decision is sound law; and I do not think that this city ought to acquiesce in it, or make any settlement with the New England Transfer Company for the withdrawal of this appeal, that will admit a doctrine so manifestly incorrect.

The danger which you suggest of prosecuting this appeal can hardly arise. The Supreme Court of the United States, if the appeal is argued, must either affirm or reverse Judge Shipman's ruling. There is no likelihood, in my opinion, that the Court will not understand the point that they have to decide, or lay down, in any event, in this case, doctrine which would prejudice the city in the Central case. On the other hand, the advantage of obtaining a reversal of Judge Shipman's decision would be that it would greatly narrow the ground on which the Central Railroad mean to rest their case in part, by deciding that railroad companies, however they may transport their passengers by water from or to our city territory, are no more exempt than other persons from the necessity of obtaining a ferry license.

I have also what I think are strong reasons for regarding it as eminently expedient to obtain a final settlement of the important question relating to the extension of the ferry franchises of our city to the annexed territory. A very important right of property and of police power is involved in this question. A private Connecticut company has raised the question, and has denied that the City of New York has any ferry franchises in respect to the annexed territory. The judge in the court below, although he has not expressly decided the point, has intimated an opinion strongly leaning against the right of the city. Under these circumstances, to withdraw this appeal and leave this question in its present attitude, it seems to me, would not be wise. At all events, I should not be willing to advise the city that a carrier of passengers, who are provided with what are called through tickets on lines of railroads of different States, and are carried in the cars through our waters from or to any part of our city territory, does not need a ferry license from the city. A withdrawal of this appeal would, it seems to me, be an acquiescence in this doctrine.

I presume I need not add that I have no personal desire to argue a case for the city which the proper authority does not wish to have argued.

You request me to send the papers in these two cases to your office, in order that the necessary steps may be taken to have the appeal withdrawn and the other case prosecuted. The papers in both cases, pleadings and evidence, are on file in the Clerk's office of the United States Circuit Court. The transcript of the record in the New England Transfer case is on file in the Clerk's office of the Supreme Court in Washington. There are printed copies of the Circuit Court papers on file in your office, I believe. I send herewith a schedule of the testimony taken in the Central case, and the maps referred to in one of the depositions.

I remain, respectfully, your obedient servant,
GEORGE TICKNOR CURTIS.

Which was laid over.

MOTIONS AND RESOLUTIONS RESUMED.

(G. O. 384.)

By Alderman Keenan—

Resolved, That two boulevard lamps be substituted for the two street-lamps now in front of the Third avenue entrance of the building now occupied by the Department of Public Charities and Correction, under the direction of the Commissioner of Public Works.

Which was laid over.

By Alderman Jacobus—

Resolved, That his Honor the Mayor be and he is hereby requested to return to this Board a resolution to permit W. R. Beal to erect a bay-window on building on Alexander avenue and One Hundred and Forty-first street.

The President put the question whether the Board would agree with said resolution.
Which was decided in the affirmative.

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, December 16, 1879.

To the Honorable the Board of Aldermen:

In pursuance of the statute in such case made and provided, I hereby nominate for appointment, by and with your consent, as Marshals of the City of New York, the following:

Thomas H. Sullivan, in place of Marvin R. Clark, whose term of office has expired.

Francis J. Hawkes, in place of Mathew T. Beirne, whose term of office has expired.

Meyer Goodman, in place of Meyer Goodman, whose term of office has expired.

Albert Hartman, in place of Isaac C. Goldstein, whose term of office has expired.

Frederick Stahle, in place of John Duggan, Jr., whose term of office has expired.

Edward Mulry, in place of William Alt, whose term of office has expired.

Peter W. Salmon, in place of Peter W. Salmon, whose term of office has expired.

Patrick Nutley, in place of Louis Leubuscher, whose term of office has expired.

James Campbell, in place of Lewis McDermott, whose term of office has expired.

Samuel E. Higley, in place of Nathan Frank, whose term of office has expired.

Henry Dusenbury, in place of George Hatzel, whose term of office has expired.

John Keenan, in place of Joseph M. Hill, whose term of office has expired.

Hugh F. Farrell, in place of John McDonough, whose term of office has expired.

Daniel J. Sullivan, in place of George Boucsein, whose term of office has expired.

Salomon D. Rosenthal, in place of George J. Smith, whose term of office has expired.

John H. McCarthy, in place of John H. McCarthy, whose term of office has expired.

James McCauley, in place of James McCauley, whose term of office has expired.

Frederick Saib, in place of Patrick Feeny, whose term of office has expired.

Washington Hadley, in place of John C. Lyst, whose term of office has expired.

Lewis McDermott, in place of Abram Bernard, whose term of office has expired.

Hugh A. McDonald, in place of Thomas Cunningham, whose term of office has expired.

James T. Martin, in place of John Sheridan, whose term of office has expired.

Michael Goode, in place of Louis Levy, whose term of office has expired.

William F. Quinn, in place of Frank O'Donnell, whose term of office has expired.

William A. Shields, in place of Mathew Nugent, whose term of office has expired.

J. Russell Sloat, in place of Lawrence Delmore, whose term of office has expired.

Francis McGrane, in place of Daniel O'Brien, whose term of office has expired.

Joseph P. Kennedy, in place of Joseph P. Kennedy, whose term of office has expired.

Ferdinand Selleck, in place of Thomas Corcoran, whose term of office has expired.

Patrick Moynahan, in place of Richard C. Walsh, whose term of office has expired.

John H. Grimes, in place of Thomas McGrath, whose term of office has expired.

Augustus Bacon, in place of Patrick J. Hanbury, whose term of office has expired.

Charles H. Babcock, in place of Richard M. Lush, whose term of office has expired.

Frank Keckeissen, Jr., in place of Denis Galvin, whose term of office has expired.

Gershon Cohen, in place of Cornelius Farley, whose term of office has expired.

EDWARD COOPER, Mayor.

Which was referred to the Committee on Salaries and Offices.

REPORTS.

(G. O. 385.)

The Committee on Police and Health Departments, to whom was referred the annexed message from his Honor the Mayor, transmitting an application from the Police Department for approval of location of a station-house at the High Bridge for the police force of the Second Precinct, respectfully

REPORT:

That having examined the subject so referred, they are clearly of opinion that the action of the Police Commissioners should be approved. The present means of reaching the High Bridge are so ample that vast crowds of people are in the habit of visiting that attractive locality, particularly on Sundays; and as the rough element is represented on such occasions, the large resident population, which is constantly augmenting, is now and in the near future will be much more in need of this measure of protection for their persons and property.

Your Committee, therefore, respectfully offer for your adoption the following resolution:
Resolved, That this Common Council, as provided in section 49, chapter 335, Laws of 1873, authorize and approve of the action taken by the Board of Police of the Police Department of the City of New York, in the location of a station-house for the police force of the Second Precinct at the High Bridge, on the easterly side of the Harlem river.

TERENCE KIERNAN, } Committee on Police
JOHN W. JACOBUS, } and Health Departments.

Which was laid over.

(G. O. 386.)

The Committee on Public Works, to whom was referred the annexed resolution and ordinance in favor of fencing vacant lots on the block bounded by Seventy-second street, the Boulevard, Seventy-third street, and Tenth avenue, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

Resolved, That the vacant lots on the block bounded by Seventy-second street, the Boulevard, Seventy-third street, and Tenth avenue, be fenced in, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY, } Committee
FREDERICK FINCK, } on
JOSEPH P. STRACK, } Public Works.
THOMAS CARROLL,
TERENCE KIERNAN,

Which was laid over.

(G. O. 387.)

The Committee on Public Works, to whom was referred the annexed petition in favor of laying gas-mains, etc., in the Boulevard, between Seventy-seventh and Seventy-ninth streets, and in Seventy-sixth and Seventy-seventh streets, from the Boulevard to First avenue, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the accompanying resolution be adopted.

Resolved, That gas-mains be laid, lamp-posts erected, and street-lamps lighted in the Boulevard, between Seventy-seventh and Seventy-ninth streets, and in Seventy-sixth and Seventy-seventh streets, from the Boulevard to First avenue, under the direction of the Commissioner of Public Works.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 388.)

The Committee on Public Works, to whom was referred the annexed resolution and ordinance in favor of fencing vacant lots on the north and south sides of Seventy-second street, between Ninth and Tenth avenues, and on Tenth avenue, between Seventy-second and Seventy-third streets, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

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.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 389.)

The Committee on Public Works, to whom was referred the annexed petition in favor of changing the grade of Ninety-fifth street, between Madison and Fourth avenues, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the accompanying resolution be adopted.

Resolved, That the grade of Ninety-fifth street, between Fourth and Madison avenues, be so changed and established as to form a straight line between the present grade of Fourth avenue at its intersection with Ninety-fifth street (which is one hundred and one (101) feet above high water), and the present grade of Madison avenue, at its intersection of Ninety-fifth street (which is (91 16-100) ninety-one sixteen one-hundredths feet above high water), as shown by the blue line on accompanying diagram, and under the direction of the Commissioner of Public Works.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 390.)

The Committee on Public Works, to whom was referred the annexed petition in favor of fencing, filling in, and grading vacant lots in Madison avenue, between Seventy-sixth and Seventy-seventh streets, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the accompanying resolution and ordinance be adopted.

Resolved, That the vacant lots on the east side of Madison avenue, bounded by the north line of Seventy-sixth street and the south line of Seventy-seventh street, the easterly line of Madison avenue and a line parallel with Madison avenue, and distant 45 feet easterly therefrom, be filled, graded, and fenced in, under the direction of the Commissioner of Public Works ; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 391.)

The Committee on Public Works, to whom was referred the annexed petition in favor of flagging both sides of Ninth avenue, from Seventy-first to Seventy-second street, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the accompanying resolution and ordinance be adopted.

Resolved, That the sidewalks on both sides of Ninth avenue, from Seventy-first to Seventy-second street, be flagged full width, under the direction of the Commissioner of Public Works ; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 392.)

The Committee on County Affairs, to whom was referred the annexed resolution in favor of leasing premises now occupied by the Department of Buildings for a term of five years, at an annual rental of three thousand dollars, respectfully

REPORT :

That, having examined the subject, they believe the premises every way suitable for said Department, and the rent asked is \$500 less than now paid. They therefore recommend that the accompanying resolution be adopted.

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.

MICHAEL W. BURNS,
NICHOLAS HAUGHTON,
TERENCE KIERNAN,
JOHN J. MORRIS,
PATRICK KEENAN,

Committee
on County
Affairs.

Which was laid over.

(G. O. 393.)

The Committee on Public Works, to whom was referred the annexed resolution in favor of erecting and lighting street-lamps in Ninety-first street, between Madison and Fifth avenues, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution be adopted.

Resolved, That lamp-posts be erected and street-lamps lighted in Ninety-first street, between Madison and Fifth avenues, under the direction of the Commissioner of Public Works.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 396.)

The Committee on Public Works, to whom were referred the annexed resolution and ordinance in favor of regulating, grading, etc., Fourth avenue, from One Hundred and Fifteenth street to One Hundred and Sixteenth street, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

Resolved, That Fourth avenue, from One Hundred and Fifteenth to One Hundred and Sixteenth street, be regulated, graded, curbed, guttered, and flagged four feet wide, under the direction of the Commissioner of Public Works ; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 397.)

The Committee on Public Works, to whom were referred the annexed resolution and ordinance in favor of paving Fifty-fourth street, from Broadway to Sixth avenue, with Belgian pavement, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

Resolved, That Fifty-fourth street, from Broadway to Sixth 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.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 398.)

The Committee on Public Works, to whom was referred the annexed resolution in favor of laying Croton-mains in One Hundred and Sixty-fifth street, between Washington and Railroad avenues, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution be adopted.

Resolved, That Croton-mains be laid in One Hundred and Sixty-fifth street, between Washington and Railroad avenues, as provided in chapter 381, Laws of 1879.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 399.)

The Committee on Public Works, to whom was referred the annexed resolution in favor of laying Croton-mains in One Hundred and Sixty-seventh street, from Washington to Railroad avenue, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution be adopted.

Resolved, That Croton water-mains be laid in One Hundred and Sixty-seventh street, from Washington to Railroad avenue, as provided in chapter 3, Laws of 1879.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 400.)

The Committee on Public Works, to whom was referred the annexed resolution in favor of laying Croton water-pipes in Tenth avenue, from Eighty-first street to connect with the main at Eighty-third street, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution be adopted.

Resolved, That Croton water-pipes be laid in Tenth avenue, from Eighty-first street to connect with the main at Eighty-third street, as provided in chapter 381, Laws of 1879.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 401.)

The Committee on Public Works, to whom was referred the annexed resolution in favor of laying water-pipes in West Sixty-eighth street, from the present terminus of the pipe west of Tenth avenue to Eleventh avenue, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution be adopted.

Resolved, That water-pipes be laid in West Sixty-eighth street, from the present terminus of the pipe west of Tenth avenue to Eleventh avenue, as provided in chapter 381, Laws of 1879.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 402.)

The Committee on Public Works, to whom were referred the annexed resolution and ordinance in favor of fencing vacant lots on north side of One Hundred and Tenth street, from New avenue, between Eighth and Ninth avenues, to Seventh avenue, and on the south side from Eighth to Ninth avenue, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

Resolved, That the vacant lots in One Hundred and Tenth street, on the north side, from New avenue, between Eighth and Ninth avenues, to Seventh avenue, and on the south side, from Eighth to Ninth avenue, be fenced in, under the direction of the Commissioner of Public Works ; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 403.)

The Committee on Public Works, to whom were referred the annexed resolution and ordinance in favor of fencing vacant lots on the west side of Eighth avenue, from One Hundred and Seventh to One Hundred and Fifteenth street, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

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, under the direction of the Commissioner of Public Works ; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 404.)

The Committee on Public Works, to whom was referred the annexed petition in favor of laying Croton water-pipes in One Hundred and Fifty-eighth street, from Courtland to Railroad avenue, respectfully

REPORT :

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the accompanying resolution be adopted.

Resolved, That Croton water-pipes be laid in One Hundred and Fifty-eighth street, from Courtland to Railroad avenue, as provided in chapter 381, Laws of 1879.

HENRY C. PERLEY,
FREDERICK FINCK,
JOSEPH P. STRACK,
THOMAS CARROLL,
TERENCE KIERNAN,

Committee
on
Public Works.

Which was laid over.

(G. O. 405.)

The Committee on Public Works, to whom was referred the annexed resolution in favor of changing grade of Ninety-fifth street, between Fifth and Madison avenues, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution be adopted.

Resolved, That the grade of Ninety-fifth street, between Fifth and Madison avenues, be so changed and established as to form a straight line between the present grade of Fifth avenue, at its intersection with Ninety-fifth street, which is seventy-nine (79) feet above high water, and the present grade of Madison avenue, at its intersection with Ninety-fifth street, which is ninety-one (91) feet above high water, as shown by the blue line on the accompanying diagram, and under the direction of the Commissioner of Public Works.

HENRY C. PERLEY, }
FREDERICK FINCK, } Committee
JOSEPH P. STRACK, } on
THOMAS CARROLL, } Public Works.
TERENCE KIERNAN, }

Which was laid over.

(G. O. 406.)

The Committee on Public Works, to whom was referred the annexed resolution and ordinance in favor of fencing vacant lots on the east side of Eighth avenue, from One Hundred and Tenth to One Hundred and Fifteenth street, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

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, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

HENRY C. PERLEY, }
FREDERICK FINCK, } Committee
JOSEPH P. STRACK, } on
THOMAS CARROLL, } Public Works.
TERENCE KIERNAN, }

Which was laid over.

(G. O. 407.)

The Committee on Public Works, to whom was referred the annexed petition in favor of erecting and lighting street-lamps in Seventy-sixth street, between Third and Fifth avenues, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the accompanying resolution be adopted.

Resolved, That lamp-posts be erected and street-lamps lighted in Seventy-sixth street, between Third and Fifth avenues, under the direction of the Commissioner of Public Works.

HENRY C. PERLEY, }
FREDERICK FINCK, } Committee
JOSEPH P. STRACK, } on
THOMAS CARROLL, } Public Works.
TERENCE KIERNAN, }

Which was laid over.

(G. O. 408.)

The Committee on Public Works, to whom were referred the annexed resolution and ordinance in favor of laying crosswalks at Tenth avenue and One Hundred and Fifty-second street, respectfully

REPORT:

That, having examined the subject, they believe the proposed improvement to be necessary. They therefore recommend that the said resolution and ordinance be adopted.

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

HENRY C. PERLEY, }
FREDERICK FINCK, } Committee
JOSEPH P. STRACK, } on
THOMAS CARROLL, } Public Works.
TERENCE KIERNAN, }

Which was laid over.

MESSAGES FROM HIS HONOR THE MAYOR RESUMED.

The President laid before the Board the following from his Honor the Mayor, returned by request of the Board:

Resolved, That permission be and the same is hereby given to William R. Beal to erect a bay-window on house situated on the corner of One Hundred and Forty-first street and Alexander avenue, as shown on the annexed petition, the work to be done 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.

Alderman Jacobus moved that the vote by which the resolution was adopted be reconsidered. The President put the question whether the Board would agree with said motion.

Which was decided in the affirmative.

Alderman Jacobus then moved to amend by striking out the words "Commissioner of Public Works," and inserting in lieu thereof the words "Department of Public Parks."

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

Which was decided in the affirmative.

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

Which was decided in the affirmative.

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

MAYOR'S OFFICE, NEW YORK, December 16, 1879.

To the Honorable the Board of Aldermen:

I return, without my approval, a resolution adopted by the Board of Aldermen, December 2, 1879, authorizing the Chambers Street and Cross-town Railroad Company to construct and operate a horse railroad for passengers or freight through certain streets.

The Counsel to the Corporation advises me that the Board of Aldermen have no authority to pass this resolution. I transmit herewith a copy of his opinion. If the public convenience required such a road and the Common Council had the power to make the grant, the concession should not, in my opinion, be made in the manner proposed by the resolution.

It would constitute a franchise of great value, for which a large sum could be obtained by the city, and should be sold at public auction or by sealed bids, after public advertisement, as franchises are disposed of by the Commissioners of the Sinking Fund.

There is no valid reason why any one who can comply with proper conditions should not have an equal opportunity of competing for any franchise to be granted by the city.

EDWARD COOPER, Mayor.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, December 15, 1879.

Hon. EDWARD COOPER, Mayor:

SIR—With your letter to me of the 9th instant was inclosed a copy of a resolution of the Board of Aldermen, granting permission to the Chambers Street Cross-town Railroad Company to construct and operate a railroad, which resolution was adopted on the 2d instant, and you requested my opinion as to the legal authority of the Board of Aldermen to pass the same, and desired a reply on or before the 11th instant.

In my letter to you of December 12, I stated that, in my opinion, the Board of Aldermen did not possess legal authority to pass said resolution, but that from want of time I had been unable to prepare a communication setting forth the grounds upon which my opinion was based, but promising to do so at an early day. Agreeably to such promise, I have prepared, and now submit, such communication.

The resolution in question provides, among other things, as follows:

"Resolved, That permission be and is hereby granted to the Chambers Street Cross-town Railroad Company (a company organized under the general railroad laws of the State of New York, passed April 2, 1850, and the several amendments thereto), to construct, maintain, operate, and use a railroad for passengers or freight, with a single or double track of iron or steel rail, with turnouts, sidings, switches, and other necessary appurtenances for the operating a horse railroad, commencing at the foot of Roosevelt street, thence through, upon, and along South street, with double tracks, to James slip; thence through, upon, and along James slip, with double tracks, to New Chambers street; thence through, upon, and along New Chambers street to and across Chatham street, with double tracks, to Chambers street; thence through, upon, and along Chambers street, with a single track, to West street; thence through, upon, and along West street, with a single track, to Duane street; thence through, upon, and along Duane street, with a single track, to connect with double tracks at Chatham street and New Chambers street. Also from their tracks at Roosevelt street and South street through, upon, and along

Roosevelt street, with a single track, to connect with double tracks at New Chambers street, in the City of New York."

From the year 1826, when the first railroad was chartered in this State, to the present time, it appears to have been always assumed by the Legislature that no railroad could be constructed across or along any highway or street without express authority from the Legislature. Judge Denio, in the opinion delivered by him in the case of Davis against The Mayor (14 N. Y., 506), sets forth the general course of legislation in relation to this matter. The eleventh section of the act chartering the Mohawk and Hudson Railroad Company gave the directors the right, whenever it should become necessary to cross any road or highway, to run the track "across or upon" the same.

Laws of 1826, page 289.

A similar provision was contained in all railroad charters granted prior to 1836, when the Attica and Buffalo Company was chartered, with the same provision, connected with the direction to the company to restore the road so that its usefulness should not unnecessarily be impaired. In 1835 an act was passed for the benefit of associations or individuals who might engage in constructing a railroad upon lands purchased by themselves, by which the Commissioners of Highways were authorized to give a written consent for the tracks to be laid across or along the highways.

Laws of 1835, chapter 300.

The constitution of 1846 required the Legislature to provide for the creation of corporations by general acts, and accordingly, in 1848, and again in 1850, general laws were enacted, providing for the creation of railroad corporations, and in each instance containing a provision similar to those above referred to, and enlarged by giving the corporations of cities the powers conferred upon the Commissioners of Highways, and providing that no railroad should be constructed in, upon or across any streets in any city, without the assent of the corporation of such city.

Laws of 1848, page 227, section 19, subdivision 5; Laws of 1850, page 224, section 28, subdivision 5.

In cases where railroads terminated in the City of New York, express power was given to the municipal government to license their location in the streets.

Charter of New York and Harlem Railroad Company, Laws of 1832, page 156, section 1; Charter of the Hudson River Railroad Company, Laws of 1846, page 272, section 1.

"The cases provided for in these statutes were railroads running from one part of the State to another, and to be located, for the most part, in the country, and upon lands to be purchased or acquired by the companies, and where the intersection of the highway, or the running upon the streets of a city, was merely an incident of the general design, and where the whole enterprise would be greatly embarrassed or entirely frustrated, unless some power to run upon highways or streets were vested in some public body or magistrate. The acts assume that without legislative authority the railroad corporations would have no right to interfere with any public road or street."

In 1852, however, the Common Council of this city adopted a resolution authorizing the construction of a railway in Broadway, Whitehall and State streets, from the South Ferry to Fifty-ninth street, and thence along the Bloomingdale road to Manhattanville. The adoption of this resolution gave rise to a protracted litigation, in which some of the ablest counsel in the city were engaged. It was finally decided by the Court of Appeals, in 1856, that the Common Council could not authorize the construction of a railroad in the streets of this city, and that the resolution in question was invalid.

Davis vs. The Mayor and others, 14 N. Y., 506.

While this litigation was pending, an act was passed by the Legislature in 1854, which contained, among other things, the following provision:

"The Common Councils of the several cities of this State shall not hereafter permit to be constructed, in either of the streets or avenues of said city, a railroad for the transportation of passengers, which commences and ends in said city, without the consent thereto of a majority in interest of the owners of property upon the streets in which said railroad is to be constructed being first had and obtained."

"After such consent is obtained, it shall be lawful for the Common Council of the city in which such street or avenue is located to grant authority to construct and establish such railroad upon such terms, conditions, and stipulations in relation thereto as such Common Council may see fit to prescribe."

Laws of 1854, chapter 140, sections 1 and 2.

It will be observed that this act, by its terms, related to those railroads only which commenced and ended in a particular city of the State. In 1860, however, the Legislature passed another law relative to railroads in the City of New York. That statute contained, among other things, the following provision:

"It shall not be lawful hereafter to lay, construct, or operate any railroad in, upon, or along any or either of the streets or avenues of the City of New York, wherever such railroad may commence or end, except under the authority and subject to the regulations and restrictions which the Legislature may hereafter grant and provide."

As above stated, the Court of Appeals had already decided, in the case of Davis vs. The Mayor, supra, that the Common Council could not authorize the construction of a railroad which commenced and ended in this city, and this statute was a legislative affirmation of this decision; but it also went still further. No railroad company organized under the general railroad acts of 1848 and 1850, above mentioned, could construct the whole or any portion of its railroad in the streets of this city, without the consent of the Common Council, and the Common Council was undoubtedly expressly authorized by those acts to give such consent. The provision of the act of 1860, however, just quoted, deprived the Common Council of the power so conferred by said acts of 1848 and 1850, and, in effect, made it impossible that after the passage of said act of 1860, any railroad should be lawfully constructed or extended over the streets of this city without express authority therefor, to be thereafter given by the Legislature. This view of the law was taken in several cases which came before the Supreme Court.

In 1864 the Common Council adopted a resolution authorizing the Third Avenue Railroad Company, which was incorporated under the general railroad acts, to extend their tracks through Sixty-sixth or Seventieth street, to the east side of Fifth avenue, and from Third avenue through Thirty-fourth street to East river, and to extend their road through certain other streets. In an action brought by the Attorney-General, on behalf of the people, to restrain said railroad company from extending its road as provided for in said resolution, it was held by the General Term of the Supreme Court in this district that the Common Council were prohibited by said act of 1860 from passing said resolution. Peckham, J., speaking for the court, in the course of his opinion said:

"It is insisted that the Common Council had power to direct the occupation of One Hundred and Thirtieth street by the defendant, because the occupation is temporary. There is nothing in the resolution of the Common Council declaring this occupation to be temporary, or in any respect differing from any other part of defendant's road. There is no reason for its being otherwise than permanent—as permanent as the defendant's existence. But how long is it to continue? A week, a month, or a year, or during the pleasure of the Common Council? The difficulty is that it has no authority to be there at all—not for a day. The statute is peremptory, that it shall not be lawful, to lay, construct, or operate, it at all, without legislative authority. (Laws of 1860, page 16.)"

People vs. Third Avenue Railroad Company, 45 Barb., 67; decided in 1865.

The same doctrine was again laid down by the General Term of the Supreme Court in this district in 1867, in the case of the New York and Harlem Railroad Company vs. the Forty-second Street Railroad Company (50 Barb., 313). Barnard, J., speaking for the court, in the course of his opinion, said:

"This act of 1860 renders it necessary for a corporation formed under the general railroad law for the purpose of a railroad in the City of New York to obtain the authority of the Legislature to construct its road, and the Legislature, in giving such authority, makes such regulations and restrictions as, in their judgment, are requisite. This abrogates all former laws relative to the actual construction of railroads in the City of New York."

That the Legislature has unqualified control over the whole matter of permitting or forbidding the construction of railroads upon the streets of this city was established by the decision of the Court of Appeals in the case of the People et al. vs. Kerr et al., 27 N. Y., 188.

This act of 1860 has never been repealed, and since its passage, the Common Council has not had the power to authorize any corporation, whether incorporated under the general railroad law or otherwise, to construct or extend railroad tracks in this city. During the period from 1860 to January 1, 1875, the power to authorize the construction of railroad tracks in this city was undoubtedly possessed by the Legislature and was frequently exercised by it. By a constitutional amendment, however, which took effect January 1, 1875, the almost unlimited power which the Legislature previously possessed in regard to authorizing the granting of railroad franchises was greatly restricted. That amendment provides as follows:

"The Legislature shall not pass a private or local bill in any of the following cases:

"Granting to any corporation, association, or individual the right to lay down railroad tracks.

"The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which, in its judgment, may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad, except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad, be first obtained, or in case the consent of such property-owners cannot be obtained, the General Term of the Supreme Court in the district in which it is proposed to be constructed may, upon application, appoint three commissioners, who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property-owners."

Constitution, section 18.

Since the adoption of this amendment to the Constitution, it has not been in the power of the Legislature to authorize the construction of a street railroad in this city, except upon the conditions therein prescribed.

I understand it has been suggested that chapter 77 of the Laws of 1876 may authorize the Common Council to pass the resolution in question, permitting the Chambers Street Cross-town Railroad Company to construct and operate a railroad through the streets therein named. Said chapter 77 is an act amending section 23 of the general railroad act, and contains nothing whatever indicating an intention on the part of the Legislature to confer upon the Common Council of this or of any other city of the State, authority to pass any such resolution. Said section 23 of the general railroad act authorized the directors of every company formed thereunder at any time to alter or change the route, or any part of the route, of their road, and said section 23, as amended by said chapter 77, authorizes any such company to alter or change its termini, or locate its route, or any part thereof, or its termini, in a county adjoining any county named in the articles of association. It seems to me too clear for argument that this amendment was not intended by the Legislature to confer any new powers upon railroad corporations, nor upon the Common Council of any city, in regard to the construction of railroads through the streets of cities. Prior to the passage of said act of 1860, a railroad corporation formed under the general law, and having located its route through the streets of a city, with like consent, might change that route. But so far as this city was concerned, the power to give original consent to the location of a route, and the power to consent to any change thereof, were, as above stated, absolutely taken away from the Common Council by said act of 1860. Said chapter 77 of the Laws of 1876 does not, in any manner, refer to said act of 1860, and even if there were no constitutional difficulty about the matter, would not, under ordinary rules of interpretation, be considered as repealing or in any way affecting the same. The power to consent to the location of railroad tracks in any street, or to change the location of such tracks in any street in this city, could only have been restored to the Common Council through the express repeal of said act of 1860, or through some act whose provisions were inconsistent with those of said act of 1860. Said chapter 77 is not inconsistent with said act of 1860, and would not, under any circumstances, repeal it, either expressly or by implication. Said amendment of 1876 leaves the matter, so far as the Common Council is concerned, in precisely the same condition in which it has stood since 1860. At no time between 1860 and 1876 could the Common Council have lawfully passed the resolution in question, and said act of 1876 does not undertake to, and even if the Legislature had unrestricted power over the matter, would not confer upon the Common Council the power to pass such resolution.

It is hardly necessary to add that even if the Legislature had intended to, and had, in so many words, expressly conferred upon the Common Council of this city the power to authorize the construction or extension of railroad tracks in this city, it could not have done so, and any act conferring such power, without providing for obtaining the consent of the owners of one-half in value of the property bounded on the street, or of the three Commissioners appointed by the Supreme Court, would be in direct conflict with the above cited provision of the Constitution, and would be absolutely null and void.

I am, sir, yours respectfully,

W. C. WHITNEY, Counsel to the Corporation.

Resolved, That permission be and is hereby granted to the Chambers Street Cross-town Railroad Company (a company organized under the general railroad laws of the State of New York, passed April the 2d, 1850, and the several amendments thereto), to construct, maintain, operate, and use a railroad for passengers or freight, with a single or double track of iron or steel rail, with turnouts, sidings, switches, and other necessary appurtenances for the operating a horse railroad commencing at the foot of Roosevelt street, thence through, upon, and along South street with double tracks to James slip; thence through, upon, and along James slip with double tracks to New Chambers street; thence through, upon, and along New Chambers street to and across Chatham street with double tracks to Chambers street; thence through, upon, and along Chambers street with a single track to West street; thence through, upon, and along West street, with a single track to Duane street; thence through, upon, and along Duane street with a single track to connect with double tracks at Chatham street and New Chambers street. Also from their tracks at Roosevelt street and South street, through, upon, and along Roosevelt street with a single track to connect with double tracks at New Chambers street, in the City of New York.

Provided, That not more than five cents shall be charged for any one passenger; and also, that said Chambers street Cross-town Railroad Company shall, at their own expense, keep in repair and good order the space within and between their tracks.

And in consideration of the permission hereby granted, the said company shall annually, on the first day of November of each year, pay into the treasury of the City of New York five per cent. of the gross receipts of said road, and the amount of said gross receipts shall be determined by the sworn statement of the president and treasurer of said company, subject to the inspection of the books of said company by the Comptroller of the City of New York.

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

MOTIONS AND RESOLUTIONS AGAIN RESUMED.

By Alderman Slevin—

Resolved, That the Board of Health be requested to compel the persons occupying the vacant lots Nos. 136 and 138 Mulberry street, used as a storage yard for building sand, to properly inclose and roof the same, to the end that the adjoining property may be relieved of an intolerable nuisance. The President put the question whether the Board would agree with said resolution. Which was decided in the affirmative.

MESSAGES FROM HIS HONOR THE MAYOR AGAIN RESUMED.

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

MAYOR'S OFFICE, NEW YORK, December 11, 1879.

To the Honorable the Board of Aldermen:

I return, without my approval, the annexed resolutions of the Board of Aldermen, adopted December 2, 1879, viz., a resolution permitting Thomas Kirk to retain an awning in front of No. 245 Avenue A; a resolution permitting Patrick Clark to keep a stand in front of No. 46 Pine street; a resolution permitting Augustus Bender to retain a stand in front of No. 180 Rivington street; and a resolution permitting James Niblo to place a sign across the sidewalk at the southeast corner of Eleventh avenue and Fifty-eighth street.

Licenses for awnings, stands, and signs are granted by the Bureau of Permits on the payment of an annual license fee of one dollar, and a compliance with the usual and reasonable conditions. Signs, sign-posts, and stands placed outside the stoop-line are special privileges generally detrimental to the use or appearance of the streets, and nothing appears in the above-named cases why an exception should be made.

EDWARD COOPER, Mayor.

Resolved, That Thomas Kirk be permitted to retain an awning in front of his premises, No. 245 Avenue A, during the pleasure of the Common Council.

Resolved, That permission be and the same is hereby given to Patrick Clark to place and keep a stand in front of premises No. 46 Pine street, on the northwest corner of William street, the consent of the owner of the said premises having been obtained and is hereto annexed; such permission to continue only during the pleasure of the Common Council.

Resolved, That permission be and the same is hereby given to Augustus Bender to retain stand for the sale of fruit, within the stoop-line, in front of premises No. 180 Rivington street, said stand not to be more than five feet long and two feet wide, he having obtained the consent of the occupant of said premises; such permission to continue only during the pleasure of the Common Council.

Resolved, That permission be and is hereby given to James Niblo to place a sign eighteen inches wide across the sidewalk and twelve feet above the same, from the house front on Eleventh avenue to a post erected at the curb-stone in front of the same, in front of his premises at the southeast corner of Eleventh avenue and Fifty-eighth street; 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, December 16, 1879.

To the Honorable the Board of Aldermen:

I return, without my approval, a resolution and ordinance for regulating, grading, etc., Eighty-eighth street, from Avenue B to the East river.

The bulkhead on the river is not yet built, and the improvement could not therefore be carried to the bulkhead line.

The validity of an assessment in a similar case has been questioned, on the ground that where the river was specified as the limit of the improvement the work must be carried to the bulkhead line before the improvement could be completed, so that an assessment could be laid.

There is no petition from the owners of the property which would be assessed for the improvement.

If the work is required it should be described as extending from Avenue B to a point 325 feet easterly from Avenue B, so as to make it definite in extent. The point thus determined is as far as the work can be carried without some protection against the tide being provided.

EDWARD COOPER, Mayor.

Resolved, That Eighty-eighth street, from Avenue B to the East river, be regulated and graded, the curb and gutter stones set, and the sidewalks flagged a space four feet wide through the centre thereof, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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, December 16, 1879.

To the Honorable the Board of Aldermen:

I return, without my approval, the ordinance, adopted by the Board of Aldermen December 2, 1879, entitled "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 1866, entitled 'Of pawnbrokers, dealers in second-hand articles, and keepers of junk shops,' passed June 9, 1879."

Although I presume such was not the intention of the Board, I think the language of the ordinance would exclude any person from being employed to drive a cart or vehicle to collect junk, etc., unless such person should himself be licensed to keep a junk shop or a junk cart.

I transmit herewith a draft of an amendment of the ordinance, which, if adopted, will, I think, secure what I suppose to have been the intention of the Board.

EDWARD COOPER, Mayor.

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.

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 1866, entitled 'Of pawnbrokers, dealers in second-hand articles, and keepers of junk shops,' passed June 9, 1879.

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

Section 1. Section 43 of article 4 of chapter 42 of the above-entitled ordinance is hereby amended and shall 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. 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 under eighteen years of age shall be so licensed as aforesaid, nor shall any person other than those licensed as aforesaid 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.

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.

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

MAYOR'S OFFICE, NEW YORK, December 15, 1879.

To the Honorable the Board of Aldermen:

I return, without my approval, the resolution of the Board of Aldermen, adopted December 2, 1879, giving permission for a covered stand inside the stoop-line, respectively, to William A. Leggett & Co., at No. 281 Washington street, and to Tuttle & Culver, at No. 16 Leonard street.

These structures are encroachments upon the street, not coming, I think, within the class which have the sanction of long established custom as stoops, areas, and bay-windows.

EDWARD COOPER, Mayor.

Resolved, That permission be and the same is hereby given to Wm. A. Leggett & Co. to erect and keep, inside the stoop-line, at No. 281 Washington street, a covered stand for the use of the shipping clerk, during the winter months, the work to be done at their own expense; such permission to continue only during the pleasure of the Common Council.

Resolved, That permission be and the same is hereby given to Tuttle & Culver to build a shipping office, inside the stoop-line, in front of premises No. 16 Leonard street, the said structure to be of sash work both front and ends, and to extend from the front wall 36 inches by 16 feet long and 8 feet high (the height of the store floor), the roof to be tinued, with gutters, etc.; no doors opening on the sidewalk, the entrance of the same to be from the building; 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, December 12, 1879.

To the Honorable the Board of Aldermen:

I return, without my approval, the resolutions of the Board of Aldermen, adopted December 2, 1879, permitting C. W. Alcott & Co. to place a cover thirty-five feet long over the sidewalk in front of premises on Avenue B, between Eighteenth and Nineteenth streets, also one thirty feet long over sidewalk on Eighteenth street, near the corner of Avenue B.

Licenses for awnings are granted by the Bureau of Permits on the payment of an annual license fee of one dollar, and a compliance with the usual and reasonable conditions.

Nothing appears to show that an exception should be made in this case.

EDWARD COOPER, Mayor.

Resolved, That permission be and the same is hereby given to C. W. Alcott & Co. to place a cover thirty feet long over the sidewalk in front of premises on Avenue B, between Eighteenth and Nineteenth streets, also one thirty feet long over sidewalk on Eighteenth street, near the corner of Avenue B; 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, December 11, 1879.

To the Honorable the Board of Aldermen :

I return, without my approval, the resolutions of the Board of Aldermen, adopted December 2, 1879, giving permission for a meat-rack in front of premises, respectively, to David Reiss, at No. 73 Eldridge street, and to George Longstaff, at No. 350 West Forty-second street.

These resolutions do not state whether the meat-racks are to be within or without the stoop-line. If without the stoop-line I believe such obstruction illegal.

EDWARD COOPER, Mayor.

Resolved, That permission be and the same is hereby given to David Reiss to erect and maintain a meat-rack in front of No. 73 Eldridge street, the same to be seven feet high, the work to be done 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.

Resolved, That permission be and the same is hereby given to George Longstaff to erect and maintain a meat-rack in front of No. 350 West Forty-second street, the work to be done 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.

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

UNFINISHED BUSINESS.

Alderman Stewart moved to take from the table paper No. 167, being a resolution, as follows :
Resolved, That the "Prall Heating and Power Company" be authorized and empowered to lay mains and pipes in the streets, avenues, and public places in the City of New York, for conveying hot water or steam for the purpose of supplying heat and power to the inhabitants for warming buildings, driving elevators, extinguishing fires, and for all other purposes for which hot water or steam may be employed under the Prall patented system, upon the following conditions, viz. :

First—That the said company shall pay into the City Treasury, annually, the sum of three cents (3c.) for each lineal foot of streetway in which their mains are laid, excepting at street crossings and vacant reservations.

Second—That said company shall furnish heat for heating all public buildings situated on the line of their mains at forty per centum (40 o/o) less than the average annual cost has been during the years from 1872 to 1879.

Third—That said company shall also provide taps for connecting fire hydrants along the line of their mains, wherever required to do so ; and shall supply hot water from their mains under sufficient pressure to rise through stand pipes to the tops of the highest buildings, and at a cost that shall be reasonable to the city.

Fourth—Said company shall give a good and sufficient bond in the sum of fifty thousand dollars (\$50,000) for the proper relaying of all pavements disturbed by them in putting down their mains.

Fifth—That said company shall also pay the expenses of an engineer, to be appointed by the city, at a salary at a rate not exceeding \$1,500 annually, to inspect the laying of the pipes, and to furnish a record of the location of said system.

Sixth—That said company shall supply all apparatus, patented to their system, to the city at rates ten per centum (10 o/o) lower than to other consumers.

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

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Foster, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—16.

Negative—The President, Aldermen Finck, Jacobus, Morris, Perley, and Roberts—6.

Alderman Stewart offered, as a substitute for conditions Nos. 1 and 4, the following :

First—That said company shall annually pay into the City Treasury one-half of all the bona fide profits earned over and above ten per cent., and as a guarantee said company shall pay annually the sum of three cents for each lineal foot of streetway in which the mains are laid, excepting at street crossings and vacant reservations ; it being understood that the amount so paid per lineal foot as a certainty shall be deducted from the amount payable to the city as their one-half of the surplus profits.

Fourth—Before proceeding to disturb the pavement of any street or other public place in the City of New York, the company shall deposit, in cash, with the Commissioner of Public Works a sum sufficient, in the opinion of said Commissioner, to defray the entire cost of replacing said pavement and keeping such portion as is disturbed by said company in repair for one year.

Alderman Morris offered the following as a substitute, and moved its acceptance :

Resolved, That the "Prall Heating and Power Company" be authorized and empowered to lay mains and pipes in the streets, avenues, and public places in the City of New York, for conveying hot water or steam for the purpose of supplying heat and power to the inhabitants for warming buildings, driving elevators, extinguishing fires, and for all other purposes for which hot water or steam may be employed under the Prall patented system, upon the following conditions, viz. :

First—That the said company shall pay into the City Treasury, annually, the sum of three cents (3c.) for each lineal foot of streetway in which their mains are laid.

Second—That said company shall furnish heat for heating all public buildings situated on the line of their mains at actual cost.

Third—That said company shall also provide taps for connecting fire hydrants along the line of their mains, wherever required to do so ; and shall supply hot water from their mains under sufficient pressure to rise through stand pipes to the tops of the highest buildings, and at actual cost to the city.

Fourth—Said company shall give a good and sufficient bond in the sum of fifty thousand dollars (\$50,000) for the proper relaying of all pavements disturbed by them in putting down their mains.

Fifth—That said company shall also pay the expenses of an engineer, to be appointed and removed by the Mayor of the city, at a salary at a rate not exceeding \$1,500 annually, to inspect the laying of the pipes, and to furnish a record of the location of said pipes to the Commissioner of Public Works.

Sixth—That said company shall supply all apparatus, patented to their system, to the city at actual cost.

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 Jacobus, viz. :

Affirmative—Alderman Morris—1.

Negative—The President, Aldermen Burns, Carroll, Cavanagh, Finck, Foster, G. Hall, R. Hall, Haughton, Hyatt, Jacobus, Keenan, Kenney, Kiernan, Perley, Roberts, Sauer, Sheils, Slevin, Stewart, and Strack—21.

Alderman Roberts moved to amend by providing that said company shall pay into the City Treasury five per cent. of their gross receipts, instead of half their profits over ten per cent.

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

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

Affirmative—The President, Aldermen Finck, R. Hall, Jacobus, Morris, Perley, Roberts, and Strack—8.

Negative—Aldermen Burns, Carroll, Cavanagh, Foster, G. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, and Stewart—14.

Alderman Roberts moved to amend the fourth condition, as substituted, by inserting after the words "with the" the words "Comptroller, subject to the order of the."

Which was accepted.

Alderman Jacobus moved that the whole subject be laid over.

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 Jacobus, viz. :

Affirmative—The President, Aldermen Finck, Jacobus, Morris, Perley, and Roberts—6.

Negative—Aldermen Burns, Carroll, Cavanagh, Foster, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—16.

Alderman Roberts moved to amend by providing that the three cents to be paid per lineal foot shall not be deducted from the amount of the profits to be paid into the city treasury.

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

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

Affirmative—Aldermen Jacobus, Morris, Perley, and Roberts—4.

Negative—Aldermen Burns, Carroll, Cavanagh, Foster, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—16.

Alderman Strack was here called to the chair.

Alderman Morris moved to amend by providing that the company shall pay for every foot of pipe laid.

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

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

Affirmative—Aldermen Carroll, Cavanagh, Finck, Foster, G. Hall, R. Hall, Haughton, Hyatt, Jacobus, Keenan, Kenney, Kiernan, Morris, Perley, Roberts, Sauer, Sheils, Slevin, Stewart, and Strack—20.

Negative—Alderman Burns—1.

Alderman Stewart moved a reconsideration of the above vote.

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

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Foster, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—16.

Negative—Aldermen Finck, Jacobus, Morris, Perley, and Roberts—5.

Alderman Perley, as an amendment to the amendment of Aldermen Morris, moved that the words "at the street crossings and vacant reservations" be stricken from the first condition, as substituted.

The President pro tem. put the question whether the Board would agree with said amendment.

Which was decided in the affirmative.

The President pro tem. then put the question whether the Board would agree with said resolution, as amended.

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Foster, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—16.

Negative—Aldermen Jacobus, Morris, Perley, and Roberts—4.

MESSAGES FROM HIS HONOR THE MAYOR AGAIN RESUMED.

MAYOR'S OFFICE, NEW YORK, December 16, 1879.

The President pro tem. laid before the Board the following message from his Honor the Mayor :
To the Honorable the Board of Aldermen :

I transmit herewith a letter from the Board of Police, which I have received in reply to my request for a report on the subject of the preamble and resolution, adopted December 2, 1879, by the Board of Aldermen, in relation to the condition of the streets at that time.

EDWARD COOPER, Mayor.

POLICE DEPARTMENT OF THE CITY OF NEW YORK,
NO. 300 MULBERRY STREET,
NEW YORK, December 16, 1879.

To Hon. EDWARD COOPER, Mayor of the City of New York :

SIR—By order of the Board of Police, I herewith transmit to you, in obedience to your request of the 13th instant, a report relative to the condition of the public streets.

Your obedient servant,

S. C. HAWLEY, Chief Clerk.

POLICE DEPARTMENT, CITY OF NEW YORK,
BUREAU OF STREET CLEANING,
OFFICE, 16TH AND 17TH STREETS AND AVENUE C,
NEW YORK, December 15, 1879.

To the Board of Police :

In relation to the action of the Board of Aldermen, on the 2d instant, respecting the condition of the streets, I have to report that it is impossible to divine upon what data or information the assertions in the preamble and the implications in the resolution, referred to me, can have been based.

On the 27th day of November, and on the four succeeding days, over two hundred miles of streets in the built-up portions of the city were carefully swept and above twelve thousand five hundred loads of rubbish and ashes taken therefrom, leaving the public thoroughfares, on the day of the passage of the resolution, in a better condition of cleanliness than ever before at the opening of winter. Since that date the work has gone energetically on.

Upwards of forty thousand loads of ashes and rubbish have been removed, and the city has been more thoroughly cleaned and kept cleaner than at the same season in any previous year ; this has been accomplished in spite of protracted adverse winds and almost continued wet weather, which latter, contrary to popular prejudice, seriously hinders the efficiency of the Bureau of Street Cleaning.

There has been, moreover, newly adopted for collecting the ashes, a method which has shown itself, within its week's trial, a decided improvement, as will be more fully recognized as soon as the citizens have accommodated themselves to its workings and become accustomed to the regular visits of the ashman, thus avoiding the eyesore and inconvenience of ash and rubbish receptacles standing upon the sidewalks. It is an especial advantage of the present system that it not only enables the officers of the Bureau to exercise a better control, but that it also places the whole work under easier supervision by the police force, upon whose watchfulness and assistance the Bureau of Street Cleaning is largely dependent, as well for information as for the enforcement of certain public statutes and ordinances, and of the rules and regulations of the Department.

Respectfully,

JOHN B. GREEN, Chief Clerk.

We have read the report of Mr. Green, and fully concur in the same.

HENRY HEDDEN, Acting Inspector.

G. W. PLUNKITT, Supt. Inspector.

Which was ordered to be printed in full in the minutes.

The President pro tem. laid before the Board the following message from his Honor the Mayor :
MAYOR'S OFFICE, NEW YORK, December 16, 1879.

To the Honorable the Board of Aldermen :

I hereby revoke and withdraw the nomination, made by me this day, of James T. Martin to be a Marshal of the City of New York in place of John Sheridan, whose term of office has expired ; and do hereby nominate Thomas Hagen for appointment, by and with your consent, as a Marshal of the City of New York in place of John Sheridan, whose term of office has expired.

EDWARD COOPER, Mayor.

Which was referred to the Committee on Salaries and Offices.

The President pro tem. laid before the Board the following message from his Honor the Mayor :
MAYOR'S OFFICE, NEW YORK, December 16, 1879.

To the Honorable the Board of Aldermen :

I return, without my approval, the preamble and resolution relative to the structure of the New York Elevated Railroad Company on the Bowery, from Division to near Canal street, passed December 2, 1879.

While the main object sought to be attained is in itself desirable, and might afford some mitigation of the hardships complained of, I think the statements and admissions of the preamble and resolution justly open to criticism.

The Railroad Company have informed me that they will paint the structures as suggested in the resolution. I have been careful, however, not to make any request of them which, if acceded to, might hereafter be urged as waiving, on the part of the city, objections to the structures which may be of much greater magnitude and importance than their mere color.

EDWARD COOPER, Mayor.

Whereas, The New York Elevated Railway Company, in utter disregard of the rights of owners and lessees of stores and other buildings on the Bowery, from Division to near Canal street, have so occupied the street, from curb to curb, with stations and other buildings, as to obstruct the sunlight and compel such owners to use gas-light in their stores in the daytime, even in the finest weather ; the structures in the public street are painted a dirty mud color, which adds to the darkness and renders the property on both sides of the Bowery for business or residence nearly valueless ; and

Whereas, Recent experience must have convinced your Honorable Body, as it has the people of this city, that a company that is protected in its usurpation of the Battery may with impunity destroy other property on its route, and this Common Council is at present powerless to prevent it ; and

Whereas, The owners of property on the Bowery, so injured as aforesaid, claim that if the structure and buildings of this company were painted a white or light color some mitigation of the evils they now suffer would be vouchsafed them ; as it is only in the power of your Honorable Body, seemingly, to use moral suasion with the company in the hope of inducing them to grant this or any other measure of relief to the people in the Bowery or any other portion of its route ; be it therefore

Resolved, That this Common Council, the direct representatives of the people of this city in their local government, hereby respectfully, yet in the most earnest manner, pray that the kind offices of the directors or other officers of the company owning the tracks, houses, etc., etc., in the Bowery, between Division and Canal streets, may be used in behalf of the owners of stores and other property, to the extent of causing the said structure to be painted of a white or light color ; and that his Honor the Mayor be and he is hereby respectfully requested to add the weight of his official influence to this humble prayer by approving this preamble and resolution.

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

MOTIONS AND RESOLUTIONS AGAIN RESUMED.

(G. O. 409.)

By Alderman Morris—

Resolved, That permission be and the same is hereby given to James Gault to erect and keep a bay-window on premises on Lexington avenue and One Hundred and Seventeenth street, as on accompanying diagram, the ; permission of property-owners having been obtained as hereto annexed, the work to be done 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.

Which was laid over.

UNFINISHED BUSINESS RESUMED.

Alderman Sauer called up G. O. 379, being a report of the Committee on Railroads, adverse to adopting a resolution extending the time for completing the railroad on St. Nicholas avenue and the Boulevard, as follows :

Resolved, That the time for commencing building and equipping the Forty-second Street, Manhattanville and St. Nicholas Avenue Railway through, along, and upon Seventh avenue, Broad-

way, and the Boulevard, from Forty-second street to Manhattan street, in the City of New York, be and the same is hereby extended one year from the passage of this resolution.

Alderman Sauer moved to disagree with the report of the Committee.

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

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Finck, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—16.

Negative—Aldermen Foster, Jacobus, Morris, Perley, and Roberts—5.

Alderman Sauer moved to amend the resolution by limiting the time for completing the road to nine months from December 27, 1879.

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

Which was decided in the affirmative.

Alderman Roberts moved to amend, as follows:

As one of the conditions of said extension, that for the first five years of the use, occupation, or running of said horse-car railroad, the company shall pay into the City Treasury three per cent. of the gross earnings of said railroad and five per cent. of the gross earnings from and after the expiration of the said five years.

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

Which was decided in the affirmative.

Alderman Roberts also offered the following as an amendment:

That as one of the conditions of said extension, and of the franchise heretofore granted, it is hereby stipulated and agreed, that the cars to be run or used on said railroad shall be drawn by not less than two horses, and that each car shall employ one driver and one conductor.

The President pro tem. put the question whether the Board would agree with said amendment.

Which was decided in the affirmative.

The President pro tem. then put the question whether the Board would agree with said resolution as amended.

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Finck, Foster, G. Hall, R. Hall, Haughton, Hyatt, Keenan, Kenney, Kiernan, Sauer, Sheils, Slevin, Stewart, and Strack—17.

Negative—Aldermen Jacobus, Morris, Perley, and Roberts—4.

Alderman Sauer called up G. O. 374, being a resolution and ordinance, as follows:

Resolved, That the vacant lots on the block bounded by Fifth and Madison avenues and Seventy-ninth and Eightieth streets, be fenced in, where not already done, under the direction of the Commissioner of Public Works; and that the accompanying ordinance therefor be adopted.

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

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Finck, Foster, G. Hall, R. Hall, Hyatt, Jacobus, Keenan, Kenney, Kiernan, Morris, Perley, Roberts, Sauer, Sheils, Slevin, Stewart, and Strack—20.

Alderman Hyatt called up G. O. 369, being a resolution, as follows:

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to cause temporary lamps to be erected and lighted on the line of One Hundred and Fifty-fifth street, from the elevated railway station at Eighth avenue to St. Nicholas avenue.

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

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

Affirmative—Aldermen Burns, Carroll, Cavanagh, Finck, Foster, G. Hall, R. Hall, Hyatt, Keenan, Kenney, Kiernan, Morris, Perley, Roberts, Sauer, Sheils, Slevin, Stewart, and Strack—19.

MOTIONS AND RESOLUTIONS AGAIN RESUMED.

Alderman Burns moved that the Board do now adjourn.

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

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

Affirmative—Aldermen Carroll, Cavanagh, Foster, G. Hall, R. Hall, Jacobus, Kenney, Kiernan, Roberts, Sauer, Slevin, Stewart, and Strack—13.

Negative—Aldermen Burns, Finck, Hyatt, Keenan, Morris, and Perley—6.

Whereupon the President pro tem. declared the Board adjourned until Tuesday next, the 23d instant, at 12 o'clock M.

FRANCIS J. TWOMEY, Clerk.

DEPARTMENT OF FINANCE.

Abstract of transactions of the Department of Finance for the week ending December 13, 1879:

Deposits in the Treasury.

On account of the Sinking Fund.....	\$50,771 17
“ “ City Treasury.....	484,851 44
Total.....	\$535,622 61

Bonds Issued.

Five per cent. Bonds.....	\$60,000 00
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Warrants Registered and Ready for Payment.

Advertising, etc.....	\$672 20
Aqueduct—Repairs and Maintenance.....	75 18
Assessment Sales—Moneys Refunded.....	2,217 60
Bridge across Fourth avenue, at One Hundred and Sixteenth street.....	1,879 33
City Contingencies.....	50 00
City Parks Improvement Fund.....	12 75
Construction of Bridge over Harlem River.....	10 20
Contingencies—Comptroller's Office.....	7 60
“ Department of Taxes and Assessments.....	106 00
“ District Attorney's Office.....	1,295 14
“ Law Department.....	536 15
“ Mayor's Office.....	97 23
Croton Water-main Fund.....	1,918 91
Croton Water-main Fund—From Taxation.....	210 89
Dock Fund.....	7,287 19
Dog License Fund.....	176 43
Duplicate Assessments Paid.....	222 40
Election Expenses.....	3,763 15
Fire Department Fund.....	13,264 44
For Laying New Walks and Repairing the Old Walks, etc.....	7 61
For Repairs of Walks and Sea-wall at the Battery Park.....	87 70
For the Equipment and Furnishing of the Building of the Metropolitan Museum of Art.....	2,099 22
Free Floating Baths—For Construction of Bath at foot of East Seventeenth street.....	92 00
Fund for Small-pox Hospital and Care of Contagious Diseases.....	626 18
Harlem River Bridges—Repairs, Improvements, and Maintenance.....	18 54
Health Fund.....	184 09
Interest on the City Debt.....	33,525 15
Judgments and Claims.....	51 49
Lamps and Gas.....	3,078 44
Maintenance and Government of Parks and Places.....	575 75
Maintenance and Government of Public Places, etc., Twenty-third and Twenty-fourth Wards.....	65 36
Museum of Art Fund.....	295 00
New York Bridge Fund.....	100,000 00
Printing, Stationery, and Blank Books.....	2,928 26
Public Buildings—Construction and Repairs.....	367 39
Public Charities and Correction.....	1,109 69
Public Instruction.....	173,014 57
Repairs and Renewal of Pavements.....	38 80
Repaving Streets and Avenues, under Chapter 476, Laws of 1875.....	21,360 80
Revenue Bonds of 1879.....	961,300 00
Salaries—Judiciary.....	430 00
Sewers—Repairing and Cleaning.....	700 00
Street Improvement Fund.....	2,320 16
Support of Prisoners in County Jail.....	9,579 18
Surveying, Laying out, etc., Twenty-third and Twenty-fourth Wards.....	40 00
Union Home and School for the Education of Children of Volunteer Soldiers.....	1,750 00
Total.....	\$1,349,408 49

SUITS, ORDERS OF COURT, JUDGMENTS, ETC.

COURT.	PLAINTIFF OR RELATOR.	AMOUNT.	NATURE OF ACTION, ETC.	ATTORNEY.
Supreme..	Benjamin H. McClain, assignee, Geo. W. Morton.....	\$2,191 23	Transcript of Judgment.....	P. Mitchell.
“	Emanuel Hoffman.....	.....	Order to reduce assessment for regulating, etc., Fifth avenue, from One Hundred and Thirtieth to One Hundred and Thirty-eighth street.....	A. B. Johnson.
“	Daniel McCabe.....	\$1,267 00	For shades, awnings, and fixtures furnished public buildings of the city by Mark Langan.....	H. Y. Cummins.
“	Clarence L. Bleakley against The Mayor, etc., Jesse Ryder and others.....	737 30	For claim as lien upon moneys due on contract of John McC. Scully, also notice of pendency of action in above complaint.....	L. L. Kellogg.
“	The Council of the University of the City of New York..	.....	Order to vacate sale for assessment for widening Laurens street.....	E. Sandford.
“	Henry Hilton.....	.....	Order to pay award into court in matter of opening, etc., One Hundred and Tenth street, and reference ordered to examine into same.....	Davies, W., McN. & H.
“	Amanda Stalp and Peter Sackman.....	.....	Order to vacate assessment for flagging Sixtieth street, between Ninth avenue and Boulevard.....	M. B. Smith.

CLAIMS FILED.

NAME OF CLAIMANT.	AMOUNT.	NATURE OF CLAIM.	ATTORNEY.
James Markey.....	\$5,000 00	For personal injuries sustained by caving in of walls of trench in First avenue.....	W. O'Donoghue.
James A. Deering.....	850 00	For award in matter of opening, etc., Manhattan street.....	J. A. Deering.
Ann Reilly.....	5,000 00	For personal injuries by falling on west side of Second avenue, between Fifty-third and Fifty-fourth streets.....	“
Philip Quinlan.....	800 00	For value of a pile-driving scow, destroyed by Department of Docks, at Fifty-fifth and Fifty-sixth streets, North river.....	D. A. Levien, Jr.

Notice of Protest

Received from James Thomson, against payment of award to Maurice Levy, for damages in matter of regulating, etc., Worth street.

CONTRACTS REGISTERED.

NO.	DATE OF CONTRACT.	DEPARTMENT.	NAMES OF CONTRACTORS.	DESCRIPTION OF WORK.
4736	Sept. 4, 1879.	Charities & Correction	John Ross.....	Mason work, iron work, carpenter work, and materials for erection of a gas-house on Blackwell's Island. Total, \$3,600.
4737	Nov. 1, “	“	Samuel W. Sears.....	Building materials for pavilion at Hart's Island. Total, \$2,219.67.
4738	Dec. 9, “	Public Parks.....	William E. Dean.....	Constructing receiving-basins, culverts, and man-holes, in Third avenue, between Harlem river and One Hundred and Forty-seventh street. Estimate, \$2,964.

Approval of Sureties.

The Comptroller approved of the adequacy and sufficiency of the sureties on the following proposals, viz.:

December 9—For furnishing, etc., 900 six-inch pipe and 4 tons branches and castings to the Department of Public Works.

Warren Foundry and Machine Co., Phillipsburg, N. J., Principals.

Joseph Richardson, 110 East Houston street, } Sureties.

Robert Campbell, 5 Madison avenue, }

December 11—For furnishing 1,200 barrels potatoes, for use of the Department of Public Charities and Correction.

E. H. McIntyre, 215 West Twenty-third street, Principal.

Jacob Levi, 356 East Fifty-seventh street, } Sureties.

John H. Riley, 6 Lewis street, }

Return of Proposal.

December 12. Proposal of Thomas Hayden, for laying water-mains in Sixth avenue, One Hundred and Thirty-second, One Hundred and Forty-first streets, etc., returned to the Department of Public Works; the Comptroller, upon examination, not being satisfied of the adequacy and sufficiency of Peter McLarney, 409 East Sixteenth street, one of the sureties thereon.

Died.

December 12. John B. Cusack, Assistant Clerk in Bureau of Arrears.

JOHN KELLY, Comptroller.

DEPARTMENT OF PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE, ROOM 19, CITY HALL,
NEW YORK, December 10, 1879.

In accordance with section 110, chapter 335, Laws of 1873, the Department of Public Works makes the following report of its transactions for the week ending December 6, 1879:

Public Moneys Received and Deposited in the City Treasury.

For Croton water rents.....	\$28,820 88
For penalties on Croton water rents.....	627 30
For tapping Croton pipes.....	173 50
For sewer permits.....	330 00
For vault permits.....	1,897 51
For removing obstructions.....	6 00
Total.....	\$31,855 19

Permits Issued.

57 permits to tap Croton pipes.
100 permits to open streets.
15 permits to make sewer connections.
16 permits to repair sewer connections.
3 permits to construct street vaults.
104 permits to place building material on streets.

Public Lamps.

2 new lamps lighted.
5 lamp-posts removed.
8 lamp-posts reset.
7 lamp-posts straightened.
1 column refitted.
2 columns releaded.

Report of Photometrical Examinations of Illuminating Gas, for the week ending December 6, 1879, made at the Photometrical Rooms of the Department of Public Works.

DATE.	TIME.	Thermometer.	Barometer.	GAS COMPANY.	BURNER.	Pressure as Delivered to Burner.	Consumption of Gas, Rate per hour.	Consumption of Candle, Grs. per hour.	ILLUMINATING POWER.
									Observed. Corrected.
Dec. 1	2 P.M.	72.	30.42	New York.....	Sugg-Letheby....	.05	5.00	121.8	16.84 17.09
" 2	1 P.M.	72.	30.28	" .....	" .....	.05	5.00	123.0	16.64 17.05
" 3	1.30 P.M.	70.	30.21	" .....	" .....	.05	5.00	123.0	16.96 17.38
" 4	4.30 P.M.	72.	30.35	" .....	" .....	.05	5.00	120.6	17.14 17.22
" 5	6 P.M.	69.	30.41	" .....	" .....	.05	5.00	120.0	17.28 17.28
" 6	2.30 P.M.	69.	29.97	" .....	" .....	.05	5.00	126.0	16.52 17.35
Average.									17.23
Dec. 1	1.30 P.M.	71.	30.42	Manhattan ....	" .....	.05	5.00	121.2	17.00 17.17
" 2	12 M.	71.	30.28	" .....	" .....	.05	5.00	116.4	16.92 16.41
" 3	1 P.M.	70.	30.21	" .....	" .....	.05	5.00	115.8	17.38 16.77
" 4	5 P.M.	73.	30.35	" .....	" .....	.05	5.00	120.0	17.00 17.00
" 5	5.30 P.M.	68.	30.41	" .....	" .....	.05	5.00	114.0	18.10 17.19
" 6	2 P.M.	68.	29.97	" .....	" .....	.05	5.00	118.2	17.36 17.10
Average.									16.94
Dec. 1	1 P.M.	71.	30.42	N. Y. Mutual...	" .....	.05	3.80	115.2	15.98 20.18
" 2	11.30 A.M.	67.	30.28	" .....	" .....	.05	3.78	114.0	16.76 21.06
" 3	2 P.M.	70.	30.21	" .....	" .....	.05	4.04	120.0	16.02 19.82
" 4	4 P.M.	72.	30.35	" .....	" .....	.05	4.05	120.0	15.10 18.64
" 5	6.30 P.M.	69.	30.41	" .....	" .....	.05	4.00	123.0	14.60 18.70
" 6	3 P.M.	69.	29.97	" .....	" .....	.05	4.06	124.8	14.66 18.77
Average.									16.68
Dec. 1	5.30 P.M.	74.	30.35	Metropolitan...	" .....	.05	4.23	114.0	14.72 16.53
" 2	4.30 P.M.	75.	30.27	" .....	" .....	.05	4.32	126.0	13.93 16.93
" 3	10.30 A.M.	74.	30.21	" .....	" .....	.05	4.35	124.2	14.24 16.94
" 4	10 A.M.	73.	30.34	" .....	" .....	.05	4.38	120.0	14.90 17.01
" 5	10.30 A.M.	74.	30.54	" .....	" .....	.05	4.40	126.0	14.19 16.93
" 6	11.30 A.M.	75.	30.15	" .....	" .....	.05	4.39	123.0	14.60 17.04
Average.									16.89
Dec. 1	6 P.M.	75.	30.35	Harlem.....	" .....	.05	5.00	120.0	16.20 16.20
" 2	5 P.M.	76.	30.27	" .....	" .....	.05	5.00	123.0	15.90 16.29
" 3	10 A.M.	72.	30.21	" .....	" .....	.05	5.00	126.0	15.32 16.08
" 4	10.30 A.M.	75.	30.34	" .....	" .....	.05	5.00	121.2	16.00 16.16
" 5	11 A.M.	76.	30.54	" .....	" .....	.05	5.00	120.0	16.24 16.24
" 6	11 A.M.	74.	30.15	" .....	" .....	.05	5.00	124.2	15.80 16.35
Average.									16.22

E. G. LOVE, PH. D., Gas Examiner.

Repairing over Croton-mains.

In Forty-second street, between Fifth and Sixth avenues.
In Fifth avenue and Twelfth street.
In Sixth avenue, between Thirty-second and Thirty-third streets.
In Mott street, between Broome and Spring streets.
In Sixty-first street, between Madison and Fourth avenues.
In Third avenue, between Twenty-first and Twenty-second streets.
In Fifty-seventh street, between Tenth and Eleventh avenues.

Repairing and Cleaning Sewers.

110 receiving-basins and culverts cleaned.
300 lineal feet of sewer cleaned.
6 lineal feet of spur-pipe laid.
1 new manhole built.
16 manholes repaired.
13 manhole heads reset.
4 new manhole heads and covers put on.
4 new manhole covers put on.
17 cubic yards of earth excavated and refilled.
17 square yards of pavement relaid.
203 cart loads of dirt removed.

Assessment Lists for Completed Improvements Transmitted to the Board of Assessors.

Sewer in Lexington avenue, between Seventy-second and Seventy-third streets, amounting to.....	\$2,692 85
Sewer in Sylvan Place, between One Hundred and Twentieth and One Hundred and Twenty-first streets, amounting to.....	409 56
Receiving-basin on the northwest corner of One Hundred and Fifteenth street and Avenue A, amounting to.....	136 91
Fencing vacant lots on block bounded by Fifth avenue, Seventy-second street, Madison avenue, and Seventy-third street, amounting to.....	243 58

STATEMENT of Laboring Force Employed in the Department of Public Works during the week ending December 6, 1879.

NATURE OF WORK.	MECHANICS.	LABORERS.	TEAMS.	CARTS.
Maintenance of Aqueduct and Reservoirs.....	3	62	2	..
In Pipe Yard foot of East Twenty-fourth street.....	2	14	..	..
Laying and repairing pipes, etc.....	43	135	..	27
Repairing pavements.....	2	17	..	..
Repairing and cleaning sewers.....	3	23	..	9
Maintenance and construction of Boulevards and Aves.	4	73	11	4
Repairing roads.....	1	16	5	2
Total.....	58	340	18	42
Increase over previous week.....	4	9	..	1
Decrease from previous week.....	..	..	..	..

Contracts Entered Into.

For sewer in Forty-third street, between Second and Third avenues. Contractor—James Everard, 307 East Fortieth street. Sureties—Sheridan Shook, 243 West Thirty-fourth street, and Charles Guidet, Park avenue.

For regulating and paving Forty-second street, from First avenue to the East river. Contractor—P. H. Fitzgerald, 534 West Thirty-fifth street. Sureties—Charles Guidet, 41 Park avenue, and John White, 536 West Fortieth street.

For paving One Hundred and Fifteenth street, from Third to Fourth avenue. Contractor—P. H. Fitzgerald, 534 West Thirty-fifth street. Sureties—Charles Guidet, 41 Park avenue, and John White, 536 West Fortieth street.

Appointments.

George W. Birdsall, Chief Engineer.
Ed. Kelly, Inspector Sewers.
Philip Cooney, Fireman, New Court-house.
James Kelly, Watchman, New Court-house.
Richard H. Sheridan, Inspector Meters.

Removed.

James Reilly, Watchman, New Court-house.

Requisitions on the Comptroller.

The total amount of requisitions drawn by the Department on the Comptroller during the week is \$74,820.91.

FRED. H. HAMLIN,
Deputy Commissioner of Public Works.

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; JOHN TRACEY, Chief Clerk.

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.
JORDAN L. MOTT, 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.
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. STORIES, 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 CADDY, 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 and 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 E. 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.
BERNARD REILLY, Sheriff; JOHN T. CUMMING, 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.
WILLIS BLACKSTONE, President; ISAAC EVANS, Secretary.

REGISTER'S OFFICE.

East side City Hall Park, 9 A. M. to 4 P. M.
FREDERICK W. LOEW, 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.

LEGISLATIVE DEPARTMENT.

THE COMMITTEE ON LAW DEPARTMENT
of the Board of Aldermen will meet every Monday in the City Library, Room No. 12 City Hall, at 1 o'clock P. M.

By Order of the Committee,
J. GRAHAM HYATT,
Chairman

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

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

TO CONTRACTORS.

SEALED BIDS OR ESTIMATES FOR FURNISHING
the fresh meat which will be required during the year 1880 for the various institutions under the charge of the Department of Public Charities and Correction, 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 the 27th day of December, 1879. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for furnishing Fresh Meat," 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 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 award of the contract will be made as soon as practicable after the opening of the bids.

Comptroller's Office New County Court-house.
JOHN KELLY,
Comptroller.