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LAW DEPARTMENT.

OPINIONS OF THE COUNSEL TO THE CORPORATION.

It is not the duty of the Counsel to the Corporation, although requested by the Head of a Department, to prosecute an appeal, when, after diligent investigation, it plainly appears to his judgment, upon the facts, that further litigation can be productive of nothing but additional costs and expenses to the city.

LAW DEPARTMENT, OFFICE OF THE
COUNSEL TO THE CORPORATION,
New York, December 15, 1873.

Hon. Andrew H. Green, Comptroller,

SIR: I received your letter of the 7th instant in reference to the case of Jacob Solis Ritterband. You state that you are exceedingly anxious that this case should be considered upon its merits, and would request that an appeal be taken and a stay of proceedings obtained, and that the claim be contested upon the ground that no appropriation involving this expenditure was ever made, and that, consequently, this relator is not entitled to the salary which he claims, or if he is entitled to any salary, that it should be at the rate of \$8,000 per annum, which is the sum at which his compensation has been certified by the Commissioners of Taxes and Assessments for the period for which he makes claim.

In view of the proceedings heretofore had in this case, I am surprised by your letter, and can only conjecture that the facts have not been brought to your personal attention.

In your letter to me of the 31st of October last, transmitting the papers in this matter, the only defence suggested, was, there was no appropriation out of which the claim could be paid.

For the purpose of fully ascertaining all the facts, and of obtaining the data necessary for the preparation of affidavits, I directed a competent clerk in this office to call at the finance department, and he did so a number of times, and had several protracted interviews with the Auditor of Accounts and with Mr. Deputy Comptroller Storrs. The question whether there was an appropriation to pay the claim was thoroughly examined and considered; and after such examination and consideration, the Auditor and Mr. Storrs each stated that he could not conscientiously make an affidavit that there was no appropriation out of which the claim could be paid, and declined to make an affidavit. Subsequent to such decision of the Auditor and Mr. Storrs, my clerk, at the request of my assistant, Mr. George P. Andrews, again called at the finance department, and stated to the Auditor and Mr. Storrs, that there was no possible defence that could be set up in the case, unless it was that of no appropriation, and that unless the affidavit previously requested could be furnished, the peremptory writ of mandamus would certainly issue. The Auditor and Mr. Storrs again declined to make such an affidavit. On the morning upon which the case was to be heard, my assistant, Mr. George P. Andrews, in order that there might be no possible mistake about the matter, called at the finance department and saw Mr. Storrs. Mr. Storrs explained the whole case to Mr. Andrews, so far as related to the question whether there was an appropriation, and again said that it would be impossible for him to make the affidavit. Under these circumstances there was no objection to the issuing of the writ, which could be presented to the court, and the order for the mandamus was granted as a matter of course. An affidavit had been prepared, which the Auditor was willing to verify, but it was merely to the effect that the claim had not been audited. As the proceeding, however, was against the Auditor himself, as well as the Comptroller, and as upon an order to show cause why a claim should not be audited,

it is no answer to say that it has not been, the affidavit was not and could not be used. I am fully acquainted with the grounds upon which the Auditor and Mr. Storrs declined to make an affidavit that there was no appropriation, and I am satisfied they could not and ought not to have made such affidavit. Indeed, I think it so clear that there is an appropriation from which the claim can be lawfully paid, that I am strongly inclined to the opinion that if either the Auditor or Mr. Storrs, who are both familiar with all the facts, should make an affidavit that there is no such appropriation, he would be liable to prosecution and conviction for perjury.

You state in your letter of the 12th inst., that you wish to have the defence set up, that if Mr. Ritterband is entitled to any salary, he is only to be paid \$8,000 per annum. You will see by reference to your letter of the 31st of October, that this defence was not originally mentioned. The point, however, having been suggested by the Auditor, was fully considered before the case was submitted to the court, and found to be wholly untenable. The act of the Legislature, under which Mr. Ritterband was appointed, (Act of May 17, 1869, section 2,) authorizes the board of Supervisors to fix the salary of the counsel for the commission of taxes and assessments, and by a resolution of the board, adopted July 5, 1869, such salary was fixed at the sum of \$10,000 per annum. Mr. Ritterband's salary was, therefore, established by law, at \$10,000 a year, and the Commissioners of taxes and assessments had no power to change it. They could have removed him from office; but the power to determine what his salary should be, was vested in the board of Supervisors, subject to be regulated during the years 1871 and 1872 by the Board of Apportionment. As a matter of fact, however, it was ascertained, upon inquiry at the office of the Tax Commissioners, before the case was submitted to the court, that the Commissioners did not intend to reduce or regulate Mr. Ritterband's salary. The Board of Apportionment, having allowed them a gross sum, which was less than they had asked for, they were under the apprehension that their appropriation would be exhausted before the expiration of the year, and accordingly certified Mr. Ritterband's salary at the rate of only \$8,000 per annum. They did so, however, without intending that his annual salary should be (or supposing that it thereby was) reduced below the sum fixed by the Board of Supervisors; they supposed that sufficient money had not been appropriated to pay Mr. Ritterband's salary in full, and so they intended to have him paid only such amount as the appropriation would allow. This is the view of the matter taken by one of the present Commissioners, who was a member of the old Board, of which Mr. Ritterband was the Counsel.

Under these circumstances, I advise you that an appeal from the order directing the writ of mandamus to issue, would be wholly fruitless; that the defence of a want of an appropriation to pay the claim could not now be set up, if such appeal were taken; that such a defence was not and could not be set up by me, because the gentlemen who usually furnish information and make affidavits to be used in the Courts in reference to such matters, positively declined to make such affidavits in this case; that such affidavits, if made, would have been untrue; and that the only proper and possible course to be taken by the Finance Department, is to audit and pay the claim at once.

I am, s'r,

Very respectfully, yours,

E. DELAFIELD SMITH,
Counsel to the Corporation.

The Superintendent of Markets, who is an officer in the Finance Department, possesses, under legislation extending through a series of years, ample and useful powers in the control and management of the markets and market places of the city.

The more recent statutes creating the important office of Superintendent of Incumbrances as a bureau in the Department of Public Works do not abridge the lawful powers of the Superintendent of Markets.

The Superintendent of Incumbrances has, however, the fullest authority to remove incumbrances from all places dedicated to public use; his duties extend to the vicinities of the markets as well as to other portions of the city; and neither the Superintendent of Markets nor other officer can legally interfere with him in his discharge of those duties.

The Superintendent of Markets and the Superintendent of Incumbrances have concurrent power to clear the

avenues and approaches to the markets, but not to incumber them.

All ordinances of the city authorizing any officer to lease, let, or obstruct any part of any street, sidewalk, or public place opened to the use of the people at large, are illegal and void.

LAW DEPARTMENT, OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, December 16, 1873.

Mr. Thomas F. De Voe, Superintendent of
Markets,

SIR:—I have considered your letter of the 8th instant in relation to your powers and duties, the relative duties and powers of the Superintendent of Incumbrances, and the right claimed by you and other officials to permit, for compensation to the city or otherwise, the incumbrance of the streets and sidewalks near the public markets.

I will, in the first place, make a brief summary of the laws and ordinances bearing upon the subject. With regard to the ordinances and the permits given in pursuance thereof, it will be seen before this opinion is concluded that I regard many of them as of no legal force whatever.

Before the passage of the Charter of 1849 the market committees of the Common Council had the entire control of the markets and the market places in this city. That committee was empowered to appoint two Superintendents of Markets charged with the duty of seeing that all the laws and ordinances relating to the public markets were complied with. (Revised Ordinances of 1845, pages 93 and 94.) Deputy Clerks were to be appointed, one to each market, and their duties among other things were to cause the removal from the markets and the streets adjacent thereto of any article, cart, vehicle, wagon, box, basket, or other thing which they might order to be removed. (Revised Ordinances of 1845, Sections 1, 9, 10, of Title 4, Chapter 12.) The same powers were vested in subsequent clerks of markets by the Revised Ordinances of 1856, 1859, and 1866. The Revised Ordinances of 1845 (Section 2, page 105) provided that no person should occupy any part of any public market or the streets contiguous thereto within the distance of 300 yards from any part of such market for the purpose of exposing for sale any article whatsoever, without having first paid the rent or market fees according to the rates specified in the first section of the title referred to, when demanded by the deputy clerk, under the penalty of \$25 for each offence. No person (Section 3, page 106) should expose for sale anything in any market street or within 300 yards thereof, except at a stall or stand to be hired from the deputy clerk, under a penalty of \$10. And like provisions were incorporated in the Revised Ordinances of 1856, 1859, and 1866.

By the charter of 1849 the Superintendent of Markets was created and made the head of a bureau in the Department of Streets and Lamps, charged with the duty of superintending the markets and with the enforcement of all laws and ordinances regulating the same. (Revised Ordinances of 1859, page 168; *Id.* of 1866, page 179, section 57.)

Under the Revised Ordinances of 1859, page 169, section 60, clerks were appointed, one to each market, in whom were vested all the powers and duties of the former deputy clerks. (Page 88, Revised Ordinances of 1866.) The charter of 1857 created a City Inspector's Department, and the Superintendent of Markets was placed at the head of a bureau therein, charged with the inspection, regulation, and management of the public markets, with power to advise and direct the various clerks concerning the regulation of the same. (Revised Ordinances of 1859, pages 166 and 167, sections 45 and 47; and Revised Ordinances of 1866, page 177, sections 47 and 49.)

By paragraph 8, section 1, page 227, of the laws of 1863, the bureau for the inspection, regulation, and management of markets was transferred to the Finance Department, and all laws and ordinances in force relative to the bureau or Superintendent of Markets or other officers connected therewith, were made applicable to the newly-created bureau. Chapter 74 of the laws of 1866 abolished the City Inspector's Department and every branch thereof. The Superintendent of Markets became the head of a bureau in the Finance Department, subject to the directions of the Comptroller. (Revised Ordinances of 1866, page 179, section 58.) The charter of

1870 recognises the Superintendent of Markets as the head of a bureau in the Finance Department (paragraph 6, section 37); and this provision is perpetuated in the charter of 1873. (See paragraph 5 of section 33, article 5, chapter 335, of the laws of 1873.)

Prior to the Revised Ordinances of 1866, the Street Commissioner had exclusive control of the removal of all incumbrances from the streets, avenues, and places in the city. (See Revised Ordinances of 1839, 1845, 1856, and 1859, under the head of Removal of Incumbrances.) But by the Revised Ordinances of 1866, page 98, Section 22, the Street Commissioner was authorized to appoint two competent persons charged with the duty of reporting to him any articles or things whatever, which might incumber or obstruct a street, avenue, or place, and to order the same to be removed; and if not removed within 24 hours thereafter, to cause a removal of the same to the yard under the care of the Deputy Superintendent of Repairs and Supplies, or other suitable place.

By the Charter of 1870, a Bureau of Incumbrances was created in the Department of Public Works, the chief officer of which was to be called the Superintendent of Incumbrances, to whom all complaints relating to the removal of incumbrances were to be made, and by whom such incumbrances were to be removed. (Paragraph 9, Section 79, amended Charter of 1870.) This bureau, with the same powers and duties, was continued by the Charter of 1873. (Section 72, Paragraph 8, Chapter 335, Laws of 1873.)

It is evident in this case (and the history of recent legislation contains many like examples) that those who drafted the statutes relating to the Superintendent of Markets, and those who prepared the provisions regarding the Superintendent of Incumbrances, were not mutually aware of the character of prior legislation, and therefore failed to define the relative powers of the two officers. It will, however, relieve the whole subject of much perplexity if we go back to the primitive notion that the public streets and sidewalks in every part of the city, whether adjacent to or at a distance from the markets, are not subject to barter, bargain, sale, or lease between the Common Council or any other department of the municipal government on the one hand and the dealers in market commodities on the other. The walks, streets, and public places of New York are set aside and devoted by law to the exclusive use of the people to pass and repass without hindrance or obstruction. Your letter is largely occupied with a discussion as to which of the two officers, the Superintendent of Markets or the Superintendent of Incumbrances, is entitled to exercise powers over streets and sidewalks which neither of you possesses any right whatever to incumber or permit to be incumbered for any purpose whatever. Much of the perplexity arising out of the supposed conflict of powers between the two officers will disappear when we fall back, as we are bound to, upon the inalienable right of our citizens to use the streets and sidewalks for the purposes of their dedication; and those who have wares to sell of any kind whatever shall learn to obtain their stands, stalls, and places of business from those who own and have a right to let them. It is within the power, and it is the duty, of the Superintendent of Incumbrances to remove every stand, stall, structure, basket and commodity occupying the streets and sidewalks about the markets; and it is not within your power nor the power of any municipal officer or department to grant permits for the occupation for market purposes of any part of any street or sidewalk in the city of New York. Both yourself and the Superintendent of Incumbrances may clear the streets and sidewalks about the markets; but neither of you can incumber them nor permit their incumbrance by any person whatever.

The conclusions which I have above stated are amply sustained, not only by the reason of the thing, but also by unquestionable judicial decisions. No branch of the Corporation has power to divert the streets and sidewalks from their public uses. No permit this side of the Legislature can legalize a permanent private occupation of the streets. The sidewalks and streets are vested in the Corporation in trust to keep the same open forever for public use. (Valentine's Laws, page 1, 198.)

In *McAllerton v. the Mayor*, (New York Transcript, January 10, 1861), Hoffman, J., says in respect to a butcher's stall, located in the street: "It is out of the power of the corporation by the most solemn act to confer a legal right to the use of it for a day." See also *St. John v. The Mayor*, 6 Duer, page 315.) Even the Common Council of a city has no power to permit a person or corporation to permanently obstruct the street. Such an obstruction is a nuisance which only the Legislature could by any possibility legalize. (New York Central and Hudson River Railroad Company v. Utica. Opinion by Mullen, J., *Law Journal*, February 25, 1871; *Wetmore v. Tracy*, 14 Wendell, 250; *Hart v. The Mayor*, 9 Wendell, 571.) The learned opinion of Mr. Justice Monell in the recent case of *Trenor v. Jackson*, although not yet formally reported, has been widely cited. It fearlessly sustains the rights of the public in this regard. In that case Judge Monell granted an injunction to restrain an incumbrance upon a sidewalk notwithstanding that the defendant had obtained a permit therefor. I had occasion last summer to advise the removal of all the sheds and structures about the markets of this city; and while that removal was sustained under the powers vested in the Board of Health, I had no doubt then, and have none now, that they were also removable as incumbrances without reference to the question of the sanitary necessities of the case.

The large and useful powers granted to you in the course of legislation, of which I made a summary above, are in no way abridged by the creation of the office of Superintendent of Incumbrances. His powers are ample to preserve the streets and sidewalks to their legitimate uses, and your powers are ample also in keeping the avenues, places, and approaches around the markets clear as they ought to be. The additional and most useful authority possessed by you with regard to the other matters relating to the markets are not in question, and require no comment. So far as any ordinance of the city is so framed as in terms or effect, to undertake to clothe you with powers to render the streets and sidewalks about the markets a source of income to the city, or a convenience to individuals, in derogation of the rights of the people at large to the unobstructed use of the public highways, such ordinance is utterly null and void.

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

A proposal for a contract to furnish granite to the Department of Docks provided, among other things, that the customary verification of the bids must be before a "Judge of Record," when the laws and ordinances require that the oath must be taken before a "Judge of a Court of Record." Held, that the lowest bidder, having acted in good faith, might receive the award, although the verification was before a notary public, and not before a Judge.

As a general rule, directory regulations intended to protect the city in the making of contracts, may to a reasonable extent be waived by the Department, and such waiver cannot be taken advantage of by a contractor to evade the obligations assumed by him.

LAW DEPARTMENT, OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, December 12, 1873.

Hon. Andrew H. Green, Comptroller,

SIR:—A communication from your Department requests my opinion upon facts stated in substance as follows: Under the Charter of 1873 it is provided that all contracts for work done or supplies furnished shall be given to the lowest bidder, who shall give security for the faithful performance of the contract in the manner prescribed and required by the ordinances of the city. By Section 21 of Article 2, Chapter 7 of the Revised Ordinances of 1866, it is required that the oath or affirmation of each of the sureties offered by a contractor be taken before a "Judge of a Court of Record," and be to the effect that he is a householder or freeholder in the City of New York, and worth the amount of the security; and by Section 22, that the head of the Department proposing for a contract shall reject all estimates not furnished in conformity with chapter 7 of the ordinances above cited.

The Department of Docks issued printed proposals for furnishing granite for works under their control. The direction in those proposals as to the officer before whom the oath or affirmation of the sureties should be taken uses the words a "Judge of Record," instead of the words a "Judge of a Court of Record." You remark that no such officer as a Judge of Record exists, and that therefore no oath or affirmation could be taken before an officer so described. The sureties of the Onico Quarry Company, who were the lowest bidders for furnishing the granite, seem in good faith, especially in view of the ambiguity

of the direction, to have taken the oath before a notary public, when, if the proper directions had been given in the printed proposals, their officers (as they allege) would have known that it should have been taken before a Judge of a Court of Record.

You inquire, first, whether this informality so invalidates the bid that it must be rejected notwithstanding the good faith and responsibility of the company and of their sureties. And, secondly, if the bid be rejected because of the error in the proposals and the informality of the affidavit of the sureties, must the city accept the next lowest bidder who shall be found regular and responsible, or would the whole matter be open for new proposals freed from the irregularity in question.

Section 22 of the ordinance above mentioned provides that the heads of Departments shall open and read all estimates received for the contract specified in the proposals, and shall reject all estimates not furnished in conformity with the ordinances, and thereupon shall award the contract.

It is important, and, indeed, necessary to the validity of contracts in order that they shall bind the city, that in all the steps pursued there should be a substantial compliance with the regulations of law and of ordinance. At the same time, we must keep in view the mandatory rule that a contract must be awarded to the lowest responsible bidder, who in all substantial respects has taken the course to obtain the award which the ordinances and laws prescribe. It is not advisable for us to become so lost in technical mazes as to lose sight of the spirit and object of the enactments bearing upon the subject. The rule of law, that when a clause in a contract is capable of two significations, it should be understood in that which will have some operation, rather than in that which will have none, is well settled; as also the rule that the intention of the parties must be gathered from the whole instrument, and that the literal interpretation of the words, when inconsistent with the intention, may be disregarded. (*Kelly v. Upton*, 5 Duer, 336; *Deker v. Furniss*, 14 N.Y. 611.) All regulations for rendering the sureties liable are inserted for the protection of the Department, and could not ordinarily be taken advantage of by the contractors. If the contractors and their sureties take the oath in good faith before a Notary Public, and the Financial Department is satisfied with the responsibility of the sureties, there is no reason why the lowest bidder should not receive the award, nor why there should be a resort to the delay and expense of the steps required to issue new proposals. If we are satisfied to waive certain technical omissions, we may as a general rule do so with respect to matters directory and not mandatory, and it will not be competent for the contractors to complain. Under such circumstances the contractors are without the means of avoiding their obligations.

This view of the matter leaves us no alternative but to recognize and act in this case upon the award to the Onico Quarry Company, without going into the other questions suggested in your letter.

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

The appointment of attendants upon the Courts in New York is vested in the Judges; and the Act of 1870 transferring the power to the Comptroller is unconstitutional and void.

The Supreme, Superior, and Common Pleas Courts of the City of New York having decided that the statute referred to contravenes the Constitution, the Counsel to the Corporation, being of the opinion that further litigation upon the question could result only in imposing useless expenses upon the city, advises that the matter be treated as settled without appeal to the Court of Appeals.

LAW DEPARTMENT, OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, December 12, 1873.

Hon. Andrew H. Green, Comptroller,

SIR:—I am in receipt of your letter of the 11th instant, enclosing papers in the case of John Fitzgerald. You request that a stay of proceedings be obtained, and measures taken to have this writ set aside, or an appeal taken therefrom to the Court of last resort.

This case has already received my careful attention and consideration, and I have no doubt whatever, that the order of Judge Brady is correct. The Auditor of Accounts states in his affidavit, that he is informed and believes that Fitzgerald was duly removed by the Court of Common Pleas. Further investigation, however, showed that the Auditor was mistaken in regard to Fitzgerald's having been removed by the Court. The facts in regard to the matter are as follows:—Fitzgerald was originally appointed by the Court, on March 1, 1869; he was removed

by Comptroller Connolly November 30, 1870; he was re-appointed by Comptroller Connolly January 10, 1871; his removal was again ordered by yourself on October 16, 1871; notwithstanding such last removal, he continued to discharge his duties as an attendant, until December 31, 1871, when (having been appointed an attendant in the Supreme Court), he resigned his place in the Common Pleas.

Section 9 of Chapter 382, of the Laws of 1870, provides that the Comptroller shall appoint and remove attendants on the several Courts in the City of New York, except Police and District Courts. I am not aware of any other statute, under which Comptroller Connolly, or yourself, can be supposed to have removed Fitzgerald, and this statute has repeatedly been held by the Courts to be unconstitutional. It has been so decided in the Superior Court by Chief Justice Barbour and Mr. Justice Curtis, and the Chief Justice stated that all the judges of the Superior Court concurred in his opinion. It was also held to be unconstitutional in the Court of Common Pleas by Judge Larremore, and Judge Larremore and Judge Van Brunt have both stated that all the judges of the Court of Common Pleas were of the same opinion. This statute was also passed upon by the General Term of the Supreme Court, and was held by that Court to be unconstitutional. The cases were those of Coogan, Dolan and Brennan against The Mayor, etc. These parties sued the city for services as attendants in the Court of Common Pleas, Coogan and Dolan from October 16th, 1871, to June, 1872, and Brennan from January, 1872, to June, 1872, claiming to have been appointed by the Comptroller under the statute above referred to. The opinion of the Court was given by Chief Justice Ingraham, who held distinctly that these persons could not recover, (although it was not disputed that they had rendered services,) because the statute was unconstitutional, and the Comptroller had no power to appoint them.

This statute is therefore pronounced unconstitutional by the six Judges of the Superior Court, the six Judges of the Common Pleas, and by the General Term of the Supreme Court, and in this opinion I fully concur.

It follows, therefore, that Fitzgerald having been originally appointed by the Court, his removal by Comptroller Connolly and by yourself was of no effect, and that he is entitled to be paid to the time when he resigned.

I accordingly advise you that an appeal in the case would have no result, except to impose expense upon the city, and I recommend that the writ of mandamus be obeyed.

The papers transmitted to me with your letter are herewith returned.

I am, sir,
Yours very respectfully,
E. DELAFIELD SMITH,
Counsel to the Corporation.

BOARD OF ESTIMATE AND APPORTIONMENT

CITY AND COUNTY OF NEW YORK.

COMPTROLLER'S OFFICE,
NEW COUNTY COURT HOUSE,
Friday, December 12, 1873—4:20 P. M.

The Board met pursuant to the following call:

OFFICE OF THE MAYORALTY,
EXECUTIVE DEPARTMENT, CITY HALL,
New York, Dec. 12, 1873.

In pursuance of the authority contained in the 112th section of the act entitled "An act to reorganize the local government of the City of New York," passed April 30th, 1873, and an act entitled "An act in relation to the City of New York," passed June 13th, 1873, and an act entitled "An act in relation to raising money by taxation in the County of New York, for County purposes," passed June 14th, 1873, a meeting is hereby called of the Mayor, Comptroller, President of the Board of Aldermen, and the President of the Department of Taxes and Assessments, constituting a Board of Estimate and Apportionment, to be held at the office of the Comptroller, on Friday, the 12th day December, 1873, at 3:30 o'clock P. M., for the purpose of acting upon such matters as may come before said Board, under the provisions of the acts above mentioned.

W. F. HAVEMEYER,
Mayor.

ENDORSED:

Admission of a copy of the within as served upon us this day, Dec. 12, 1873.

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

Present—All the members, viz.:

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

The minutes of the meeting held December 6, 1873, were read and approved.

The Comptroller offered for adoption the following resolution:

RESOLVED, That the sum of ten thousand dollars be and the same is hereby appropriated on County Accounts, under the head of "Cleaning and Supplies for County Offices," said amount to be transferred from the appropriation of "Heating County Offices."

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

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

The Comptroller offered for adoption the following resolution:

RESOLVED, That the sum of nine thousand five hundred dollars be and the same is hereby appropriated on county account under the head of "County Contingencies," said amount to be transferred from the following appropriations, to wit: "Stationery, Law and Blank Books," \$6,000; Extra Contingencies, \$3,500.

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

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

The Comptroller offered for adoption the following resolution:

RESOLVED, That in pursuance of the authority conferred upon the Board of Estimate and Apportionment, by the provisions of section 112 of chapter 335, and of section 2 of chapter 756 of the laws of 1873, the Comptroller be and he is hereby authorized, empowered and directed to create and issue from time to time, as may be required, "Consolidated Stock of the City of New York," and "Consolidated Stock of the County of New York," in conformity with the provisions of chapters 322 and 323 of the laws of 1871, and under the authority of the laws of the State of New York hereinafter referred to, in such amounts, and for each purposes as are designated as follows, to wit:

Consolidated Stock of the City of New York, as provided by section 4 of chapter 444 of the laws of 1872, and section 2 of chapter 756 of the laws of 1873, to provide the means to pay the Revenue Bonds of the City of New York, issued under and by virtue of chapters 9, 29 and 375 of the laws of 1872, and also to pay such of the Revenue Bonds of the City of New York, issued under and by virtue of chapter one of the laws of 1872, as may be unpaid at the time of the issue of the Bonds hereby authorized, viz.:

- I.—To pay Revenue Bonds of the City of New York, issued under and by virtue of chapters 9, 29 and 375 of the laws of 1872 becoming due and payable February 1st, and on or before October 1st, 1874.....\$3,225,200 00
- II.—To pay Revenue Bonds of the City of New York, issued under and by virtue of chapter one of the laws of 1872, becoming due and payable January 15, 1874.....\$3,390,497 55

Total.....\$6,615,697 55

Consolidated stock of the County of New York, as provided by Sec. 4, of Chap. 444, of the Laws of 1872, and Sec. 2, Chap. 756 of the laws of 1873, to provide the means to pay revenue bonds of the County of New York issued under and by virtue of Chapters 9, 29 and 375 of the Laws of 1872, and also to pay such of the Revenue Bonds of the County of New York, issued under and by virtue of Chapter 1 of the Laws of 1872, as may be unpaid at the time of the issue of the bonds hereby authorized, viz.:

- I.—To pay Revenue Bonds of the County of New York, issued under and by virtue of Chapters 9, 29 and 375 of the Laws of 1872, becoming due and payable February 1, 1874.....\$874,700 00
- II.—To pay Revenue Bonds of the County of New York, issued under and by virtue of Chapter 1 of the Laws of 1872, becoming due and payable January 15, 1874.....\$20,000 00

\$1,594,700 00

Which was laid over.

BUREAU OF VITAL STATISTICS.

CONDENSED STATEMENT OF MORTALITY.

REPORTED MORTALITY (week ending Dec. 13th,) AND THE ACTUAL MORTALITY (each day in the week, ending at noon, Dec. 6th, 1873,) WITH AN ENUMERATION OF THE CHIEF CAUSES OF DEATH.

Table with columns for 'Actual number of Deaths each day' (Dec 6-13), 'Total actual Mortality during the week ending Dec. 6', 'Average Deaths in corresponding week 1873', 'Annual Death-rate per 1,000', and 'CAUSES OF DEATH' (Total Deaths from all Causes, Zymotic Diseases, Constitutional Diseases, Local Diseases, Developmental Diseases, Violence, Small Pox, Measles, Scarlatina, Diphtheria, etc.).

The Disinfecting Corps have visited 65 premises where contagious diseases were found, and have disinfected and fumigated 64 houses, 64 privy vaults, together with bedding, clothing, etc.

Two cases of small pox were removed to the hospital by the Ambulance Corps. Permits have been granted consignees of 61 vessels to discharge cargoes on vouchers from the Health Officer of the port.

Seventy-seven permits have been granted to scavengers to empty, clean and disinfect privy sinks.

The following number of cases of contagious diseases were reported for the week ending Dec. 13th, 1873: Typhus fever, 1; typhoid fever, 12; scarlet fever, 71; measles, 20; diphtheria, 44, and small-pox; 2.

Two hundred and thirty-eight loads of night soil were removed by night scavengers from the privy vaults of the city during the week ending Dec. 13th, 1873.

The amount of meat and fish condemned by the officers as unfit for human food, during the week ending December 13, 1873, was—Sheep, 9 carcasses; veal, 2 carcasses; veal (bob), 2 carcasses; 332 pounds of beef, 2,053 pounds of veal, 67 pounds of poultry, 436 pounds of pork, and 8,295 pounds of fish.

Bureau of Vital Statistics.

During the week ending December 13, 1873, there were issued from this Bureau 478 burial permits for city deaths, 25 for bodies in transit, and 58 for the interment of still-born infants. There were recorded 478 deaths, 139 marriages, 490 births, 58 still-births, 25 applications for transit permits, and 41 returns from coroners.

By order of the Board, EMMONS CLARK, Secretary.

HEALTH DEPARTMENT OF THE CITY OF NEW YORK, BUREAU OF VITAL STATISTICS, December 16, 1873.

To the Secretary of the Board of Health,

SIR:—In the week ending on Saturday, the 13th inst., there were 478 deaths reported in this city, against 525 reported and 531 that actually occurred the previous week. The number of deaths from diseases of the lungs last week was less by 35, and the number from diphtheria and scarlatina was less by 21 than in the previous week.

The records of mortality received from various cities of this country and of Europe for the past few weeks, show that the very wide variations in the death-rates in the different cities, and in the same city in different periods, are traced chiefly in the varying number of deaths from pulmonary diseases, chronic diseases, and from the infectious that destroy children.

The rate of mortality in New York last week was equal to a yearly rate of 24.8 per 1,000; London, in the week ending November 22d, reported a death-rate equal to 26 per 1,000 yearly; the rate in the 21 chief cities of Great Britain, in the same week, was at the same rate as in London; and, while in Norwich it was only 15, and in Edinburgh 22, it was at 27 in Liverpool, 28 in Dublin, and 35 in Newcastle. In Paris the rate was 24 per 1,000; in Berlin, Brussels and Florence, 22; and in Vienna, 20 per 1,000.

Diphtheria and scarlatina continue to be the only diseases that are unusually prevalent in New York. The fatality of diphtheria was less than in past weeks, and 15 of the 31 fatal cases were in the 19th, 20th and 7th Wards.

Respectfully submitted, ELISHA HARRIS, M.D., Registrar of Vital Statistics.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DAILY MEETINGS DEC. 7TH TO 13TH, 1873.

Present—Commissioners Laimbeer, Bowen, Stern.

Communications.

From Almshouse, Charity, Small-pox, Fever, Bellevue, Reception Hospitals, Lunatic Asylum, Blackwell's Island, New York City Asylum for the Insane, Ward's Island—Reporting daily census of these institutions. Ordered on file.

From Lunatic Asylum, Blackwell's Island, and New York City Asylum for the Insane on Ward's Island—Reporting number of inmates and how employed. Ordered on file.

From Lunatic Asylum, Blackwell's Island, and New York City Asylum for the Insane, Ward's Island—History of patients admitted. Referred to examining clerk.

From Bellevue Hospital. Complaint against Mary Brady, searcher at gate. Ordered to be discharged.

From James H. Clark, Frank H. Nugent, M. L. Betzel. Resignations as clerks at Free Labor Bureau. Accepted.

From Almshouse. Amount of labor performed by mechanics (inmates) for week ending Dec. 13th, 1873. Ordered on file.

From Lunatic Asylum, Blackwell's Island. Reporting inferior quality of gas furnished. Referred to Supervising Engineer.

From City Prison. Warden for leave of absence. Death in his family. Granted.

From City Prison. James C. King, applica-

The Mayor presented a communication from the Department of Public Works, asking for an additional appropriation of \$40,000 for gas for the current year.

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

Resolved, That the sum of \$45,000 be, and the same is hereby appropriated under the head of "Lamps and Gas," said amount to be transferred from the appropriation of "Extra Contingencies."

Which were laid on the table.

The Comptroller and President of the Board of Aldermen presented orders to show cause, &c., in matter of Tuttle and Bailey Manufacturing Company.

Which was referred to Counsel to the Corporation.

The President of the Board of Aldermen presented a communication from the Colored Orphan Asylum regarding the amount of their per capita payment,

Which was ordered on file.

The Mayor presented a communication from the Mount Sinai Hospital asking for an appropriation.

Which was ordered on file.

The Mayor presented a communication from the Board of Education, of the town of West Farms, relating to the condition of the schools in that district.

Which was laid over.

The Mayor presented a communication from the Police Department asking for an additional appropriation for the year 1874, for the purpose of extending the Police Department to cover the annexed portion of Westchester County.

Which was ordered on file.

The Mayor presented a communication from the Health Department, asking for an additional appropriation for the year 1874, to provide for the sanitary care of the annexed portion of Westchester county.

Which was ordered on file.

The Mayor presented a communication from the Department of Charities and Correction asking for additional appropriations for the years 1873 and 1874.

Which was ordered on file.

The Mayor presented a communication from the outside blind, asking for an appropriation.

Which was ordered on file.

The Comptroller offered for adoption the following resolution:

RESOLVED, That this Board do now proceed to the consideration of the objections or rectifications made by the Board of Aldermen of the Provisional Estimate made by the Board of Estimate and Apportionment of the amounts required to pay the expenses of conducting the public business of the City of New York for the year 1874.

Which was adopted by the concurrent vote of all the members of the Board.

Pending the consideration of the Provisional Estimate the Board adjourned, to meet at the call of the chair.

JOHN WHEELER, Secretary.

HEALTH DEPARTMENT.

HEALTH DEPARTMENT, NEW YORK, Dec. 16, 1873.

The Board of Health met this day.

Orders.

264 orders for the abatement of nuisances were made.

Suits for Penalties.

The attorney was directed to commence suits for non-compliance with the orders of the Board in 20 cases, and for violation of the Sanitary Code in 6 cases.

Reports Received.

- From the Sanitary Superintendent: On the operations of the Sanitary Bureau. On contagious diseases. On slaughter houses. On the operations of the offal dock and manure dumps. On complaint against contractors for removal of night-soil and offal. On premises Nos. 315 and 317 East Twenty-second street. On applications for permits. On street pavements, &c. On suspension of certain orders. On application on Sanitary Inspector Emerson for leave of absence. From the Register of Records: Weekly letter on mortality. Weekly mortuary report. From the Attorney: On premises No. 2 W. Houston street.

Communication from City Departments.

- From the Police Department: Weekly report of the Captain of the Sanitary Company of Police. From the Comptroller: Weekly statement. In respect to circular No. 12.

Reports Referred to Other Departments for the Necessary Action.

To the Department of Public Works: On pavement, &c., as follows—Sunken pavement s. s. Sixty-sixth street, 100 feet e. of Madison avenue. Wooden pavement corner Twentieth street and Seventh avenue.

To the Police Department: On condition of vacant lot No. 2 W. Houston street.

Bills Audited.

- Francis Swift, for removing offal, &c., for week ending Dec. 5, 1873. \$634 62 Francis Swift, for removing offal, &c., for week ending Dec. 12, 1873. 634 62 Francis Swift, for removing dead animals, &c., for week ending Dec. 12, 1873. 288 46

Communications Received.

Invitation from the N. Y. Women's Suffrage Society to attend a meeting to celebrate the "Boston Tea Party Centennial." Applications for appointment as assistant sanitary inspectors were received from Drs. F. W. Tucker, G. H. Mitchell, V. V. Elting, L. P. G. Gorley, Wm. L. Hall, Herman Hirschfield and F. H. Bosworth. Application of Robert Greacie for relief from order of the Board.

Permits Granted.

- To keep 4 pigs at n. s. 107th street, first house w. of Bloomingdale Road. To keep 12 cows at n. s. 127th street, second house w. of 6th avenue. To keep 5 cows at s. s. 87th street, first house w. of 11th avenue.

Permits Denied.

- To keep poultry at 62 Division street. To smoke fish at 221 Centre street until necessary alterations are made.

Resolutions.

That the Attorney be authorized to make the same agreement and stipulations with the dealers in manure on the west side of the city as were made by order of this Board with Kane and Ryan.

That the Secretary be directed to forward to the Board of Police a copy of the Sanitary Ordinance in respect to the cartage of offal, with the request that said ordinance be enforced.

Sanitary Bureau.

The following is a record of the work performed by the Sanitary Bureau for the week ending Dec. 13th, 1873:

The total number of inspections made by the Sanitary and Assistant Sanitary Inspectors was 1764, as follows, viz.: 4 public buildings, 1008 tenement houses, 114 private dwellings, 98 other dwellings, 28 manufactories and work shops, 40 stores and warehouses, 73 stables, 1 market, 12 slaughter houses, 3 dumping grounds, 5 fat rendering establishments, 37 sunken and vacant lots, 43 yards, courts and areas, 61 cellars and basements, 56 waste pipes and drains, 114 privies and water closets, 21 street gutters and sidewalks, 3 dangerous stairways, 8 other nuisances, and 5 visits of the Inspectors to cases of contagious diseases.

The number of reports thereon received from the Sanitary Inspector was 492.

During the past week 43 complaints have been received from citizens and referred to the Inspectors for investigation and report.

OFFICIAL CANVASS

OF THE COUNTY OF NEW YORK.

ELECTION NOVEMBER 4, 1873.

VOTE IN DETAIL

VOTE FOR CORONER. FIRST ASSEMBLY DISTRICT.

Table with columns for Election Districts, Candidates (Richard Croker, Henry Wolman, Anthony Eckhoff, Cornelius Flynn, Michael Cregan, Andreas Willmann, Defective, Scattering, Blank, Whole Vote) and rows for districts 1st through 23d.

tendent in vacating premises by order of the Board of Health.

Communication from R. M. Hunt, Architect for Delaware and Hudson Canal Company, relative to wall of new building adjoining the 27th precinct station house, was referred to the President with power.

Transfers Ordered.

Roundsmen Martin Handy, from Eighteenth to Sixteenth precinct. Roundsmen William Delaney, from Eighteenth to Sixth precinct. Patrolman Thomas McCormack, from Twenty-second to Third court. Patrolman Michael Pettit, from Seventeenth to Nineteenth precinct. Patrolman Patrick Broderick, from Twenty-eighth to Fifth precinct. Patrolman Daniel Sullivan, from Fifth to Twenty-eighth precinct. Patrolman Abraham Riker, from Ninth to Second court. Patrolman Michael Foley, from Seventh to Fifth precinct. Patrolman John Gorman, from Seventh to Fifth precinct. Patrolman James V. McMullen, from Seventh to Twenty-seventh precinct. Patrolman James V. Simpson, from Thirteenth to Third precinct. Doorman Michael Sexton, from Twentieth to Fourth precinct.

Street Cleaning.

Daily reports (2) of the Superintendent of Boats were referred to the committee on Street Cleaning. Resolved, That Gershom Cohen be appointed District Inspector in place of Wm. Duncanson hereby removed.

Adjourned.

S. C. HAWLEY, Chief Clerk.

DEPARTMENT OF PUBLIC WORKS.

NEW YORK, December 13, 1873.

In accordance with section 110, chapter 335, of the laws of 1873, the Department of Public Works makes the following report of its transactions for the week ending this day:

Public Moneys received and deposited with the City Chamberlain.

Table with columns for item description and amount, including For croton water rent, For penalties on croton water rent, For tapping croton pipes, For vault permits, For sewer permits, For sewer pipe sold to contractors.

Contracts Completed.

Underground drains between 77th and 88th streets, and 9th avenue and Hudson river. Regulating, grading, &c., 75th street, from 5th avenue to the East river. Curb, gutter and flagging 61st street, between 9th and 10th avenues. Flagging north side of Front street, between Montgomery and Gouverneur streets. Flagging north side of 57th street, about 250 feet east of 9th avenue. Flagging north side of 54th street, about 125 feet east of 2d avenue. Flagging north side of 14th street, from No. 331 to 347, between 1st and 2d avenues. Flagging north side of 52d street, commencing at 5th avenue and running west 175 feet.

Certificates of Cost of Improvements Transmitted to the Board of Assessors.

Table with columns for item description and amount, including Paving 57th street, from 6th to 8th avenues, Paving 59th street, from 1st to 2d avenues, Regulating, grading, &c., 135th street, from 8th avenue to Harlem river, Regulating, grading, &c., 120th street, from 7th to 8th avenues, Flagging north side Monroe street, from Corlear street to No. 311 Monroe street, Flagging west side Corlear street, from No. 1 to Monroe street, Flagging 51st street, from 1st to 3d avenues, Flagging north side Front street, between Montgomery and Gouverneur streets, Receiving basin on northwest corner Lexington avenue and 65th street, Regulating and grading 120th street from 3d to 6th avenues.

Two new lamps were ordered to be lighted at the Eighth Precinct Police Station. Eleven lamps in 110th street, between 5th and 6th avenues, were temporarily discontinued on account of improvements in progress. 129 extra lamps were ordered to be discontinued. 200 receiving basins and 325 lineal feet of sewers have been cleaned.

A permit was issued to the property owners on 107th street, between 5th and Madison avenues, to regulate and grade the street at their own expense.

Appointments.

Jas. P. Webb, Inspector of Sewers at the rate of \$4 per day, and Robt. Furman, Inspector of Regulating and Grading at the rate of \$3 per day.

Discharged on Completion of Work.

Thos. J. Hughes and N. H. Strippel, Inspectors of Regulating and Grading, and Samuel Brower, Inspector of Sewers.

Suspended on Account of Suspension of Work.

Michael Sullivan and W. Johnson, Inspectors of Regulating and Grading.

There is an increase in the laboring force of the Department of 114 men and 4 teams. The total amount of requisitions drawn by the Department upon the Finance Department during the week is \$284,419.81.

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

3D ASSEMBLY DISTRICT.

Table with columns for Election Districts, Candidates (Richard Croker, Henry Wolman, Anthony Eckhoff, Cornelius Flynn, Michael Cregan, Andreas Willmann, Defective, Scattering, Blank, Whole Vote) and rows for districts 1st through 23d.

3D ASSEMBLY DISTRICT.

Table with columns for Election Districts, Candidates (Richard Croker, Henry Wolman, Anthony Eckhoff, Cornelius Flynn, Michael Cregan, Andreas Willmann, Defective, Scattering, Blank, Whole Vote) and rows for districts 1st through 18th.

4TH ASSEMBLY DISTRICT.

Table with columns for Election Districts, Candidates (Richard Croker, Henry Wolman, Anthony Eckhoff, Cornelius Flynn, Michael Cregan, Andreas Willmann, Defective, Scattering, Blank, Whole Vote) and rows for districts 1st through 26th.

tion to be allowed daily exercise in the yard of Tombs. Referred to physician for report.

From Bellevue Hospital. Complaint against Lizzie Parkinson, night nurse. Ordered to be discharged.

From Reception Hospital, 99th street. Injury to a female patient by leaping from a window. Ordered, that the Warden report the circumstances.

From Paul Schmitzler. Resignation as clerk at Free Labor Bureau. Accepted.

From Thomas L. Thornell, Assistant Alderman Seventh District. On affording relief to out door poor. Referred to Superintendent.

From John Dooley, of Young Men's Christian Association, 134 Bowery. For Commissioners to inspect and provide loft of building, stoves, coal, meals, etc., for homeless poor. Laid on the table.

From Bellevue Hospital. Complaint against William Gray, orderly. Ordered to be discharged.

From Reception Hospital, 99th street. Complaint against William Milligan, apothecary. Ordered to be discharged.

From D. M. Barnes. Resignation as clerk at Nursery, Randall's Island. Accepted.

From Andrew Fitzgerald. Complaint against Peter Noone, driver. Notified to appear before the Board.

From Penitentiary. To return female persons from Work House. To use Chapel as work and sleeping rooms.

Referred to Commissioner Stern and approved. From Rev. W. G. French. To be permitted to place a small Chancel, etc., at Lunatic Asylum, Blackwell's Island. Referred to and approved by the President and the Board.

From Epileptic and Paralytic Hospital. To appoint Thomas Cook as orderly. Granted.

From Lunatic Asylum. Report on the case of Anne Boyle an inmate. Ordered on file.

From Physicians of city prison, report on the application of James C. King, to take daily exercise in the yard, and on the condition of his health. Permission granted.

From Reception Hospital Park. M. B. Early M. D., for leave of absence for three weeks. Granted.

From Reception Hospital, 99th street. Report on injury to female by leaping from window. Ordered on file.

From City Prison. Absence of Keeper Fletcher. Warden to report cause.

From Penitentiary. Transmitting certificates of good conduct of six prisoners. Forwarded to His Excellency the Governor.

From City Prison. For services of an Interpreter. Ordered that the Warden detail a keeper who understands French and German.

From Nursery, Randalls Island. For an appropriation for children for Holidays. Laid on the table.

From Peter Yule, Captain Sanitary Police company. Transmitting certificate of qualifications of John Sheridan, engineer at Charity Hospital. Ordered on file.

From City Prison. Report on the absence of keeper Fletcher. Ordered that he be suspended from duty.

From Bellevue Hospital. Complaint against Theresa O'Connor and Annie Stamwood, nurse. Ordered to be discharged.

From Superintendent of Out Door Poor. Monthly report for November, 1873. Ordered on file.

From a Committee of House Painters. Application for employment in painting the buildings. Notified that the Department has not any authority to employ them, having inmates to perform that work. Nor have they any funds to expend except to the extent of feeding and clothing the poor.

City Prison.

Examination as to the escape of William J. Sharkey from City Prison postponed on account of death in the family of Warden Johnston.

Dec. 8, 1873. Adopted.

From District Attorney.

Transmitting bench warrant for Peter Gorman, prisoner at Penitentiary, to be lodged at City Prison at expiration of term.

Forwarded to Warden of Penitentiary.

Dec. 9, 1873.

Out Door Poor Department.

James L. Babbitt appointed visitor, vice Van Schaick declined.

Dec. 10, 1873. By the Board.

Newly Annexed Districts—23d and 24th Wards. The following communication was addressed to the Hon. Wm. Cauldwell, Morrisania; John Bussing, Fordham; Thomas A. Cuthbert, Kingsbridge.

At a meeting of the Board of Commissioners of Public Charities and Correction held on 10th inst., I am instructed to ask that you will submit for their consideration an estimate or data of the amount required for the newly annexed districts, viz., 23d and 24th wards, also what prison facilities exists, and where located, the number of paupers; amounts used in previous years for contingent expenses, and all information appertaining to a full understanding of the subject.

Very respectfully,

Your obedient servant,

JOSHUA PHILLIPS, Secretary.

Department of Public Works.

Furnishing register and felony book, paper for City Prison, and stationery for Free Labor Bureau.

Dec. 10, 1873.

Bellevue Hospital.

George McDowell appointed Register Clerk at \$20 per month.

Dec. 10, 1873. By the Board.

Medical Board—Bellevue and Charity Hospitals. By Commissioner Stern—Resolved, That it is the sense of this Board

that it is inexpedient for any Visiting Physician or Visiting Surgeon connected with the Bellevue or Charity Hospitals to hold more than one position in either of the same, and that such Visiting Physicians or Visiting Surgeons that are now holding more than one of the positions in the two hospitals named, be respectfully requested to elect in which of said hospitals they desire to continue to hold their position.

This resolution to take effect on 1st March next, and copies ordered to be sent to the Medical Boards.

Dec. 10, 1873, adopted.

Steamer Fidelity.

NEW YORK, Nov. 28, 1873.

Wm. Laimbeer, Esq., President: SIR—I respectfully make requisition for the following for steamerboat Fidelity:

- Fifty life preservers. Two 16-foot boats (one metallic, one wood), with davits, tackle, &c., complete. Four pairs oars (two 16-foot and two 12-foot.) Two steam Heaters for cabin. One steam heater for pilot house. Oil cloth for pilot house, engine room and cabin. Five Axes. Eighteen metallic fire buckets.

Respectfully, WM. H. KNAPP, Supervising Engineer.

Dec. 11, 1873, By the Board.

Mr. Knapp to have it done for 1874.

Department of Docks.

Transmitting resolution to repair Lunatic Asylum dock, Blackwell's Island.

Dec. 11, 1873.

Department of Docks.

From John Turner, Superintendent, to have earth removed from bulkhead, Bellevue Hospital.

Dec. 11, 1873. By the Board.

Supervising Engineer to obtain men from Work House.

From District Attorney.

To authorize officer Woods to bring Peter Gorman from Work House to his office. Ordered.

Dec. 12, 1873.

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, New York, Dec. 11, 1873.

Hon. Wm. Laimbeer, President of the Department of Public Charities and Correction,

SIR—I am instructed by the Honorable E. Delafield Smith, Counsel to the Corporation, to inform you that he has retained the Honorable Charles A. Peabody on behalf of the city in the Ward's Island suit, in reference to which you conferred with the Corporation Counsel to-day.

Respectfully yours,

A. T. CAMPBELL.

From Walter R. Gillette, M.D.

To be transferred from the position of Visiting Physician at Charity Hospital to that of Visiting Physician of Bellevue Hospital.

Dec. 13, 1873. By the Board. Ordered on file.

From the Comptroller.

Transmitting Circular No. 12, of Section 12, Chap. 335, Laws of 1873, requiring each Department to keep its appropriation within its liabilities; also form of weekly returns.

Dec. 13, 1873.

Lunatic Asylum, B.I.

Margaret Raleigh appointed nurse to fill vacancy.

Dec. 13, 1873. By the Board

JOSHUA PHILLIPS, Secretary.

POLICE DEPARTMENT.

The Board of Police met on the 12th day of December, 1873. All the Commissioners present.

Leaves of Absence granted.

- Roundsmen Thomas Burns, Sixteenth precinct, three days without pay. Patrolman Francis Hughes, Sixth precinct, three days without pay. Patrolman Alexander Willse, Thirty-first precinct, half day without pay. Patrolman Edward Gorman, Sixth precinct, one day without pay. Patrolman Benjamin Mallam, Ninth precinct, three days without pay.

Parade Allowed.

Saxonia Lodge, S. of H., December 12—funeral.

Bills ordered paid.

Table with columns for name and amount, including Alexander H. Horton & Sons, Robert C. Brown, Piersons & Co.

Communications from Captains of the Second and Fifteenth precincts, reporting certain Gambling Houses closed, were ordered on file.

Death.

Doorman Henry Brown, Fourth precinct, at 10 p. m. 11th inst.

The nomination of Sergeant Russell to take charge of the 24th precinct during the illness of Captain Siebert, was approved.

Leave was granted under the rule to

Patrolman Daniel Quigley, Fifth precinct, to receive \$95.00 for arrest of an escaped convict.

Resolved, That the Chief Clerk be directed to prefer charges against Patrolman Andrew Markey 29th precinct, for non-performance of duty.

Appointment.

Andrew H. Rowley, as Patrolman, 8th precinct. Resolved, That he application of Franklin Focam for appointment as Patrolman, be referred to the Chief Clerk for report as to his qualifications.

Resolved, That it is the duty of the Captain of the Sanitary Company, to furnish protection, and not labor, when assisting the Sanitary Superin-

VOTE FOR ALDERMAN, (To serve the remainder of the unexpired term of Peter Gilsey, deceased).

FIRST ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

SECOND ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

THIRD ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

FOURTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

FIFTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

SIXTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

SEVENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

EIGHTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

NINTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

TENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

ELEVENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

TWELFTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

THIRTEENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

FOURTEENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

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EIGHTEENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

NINETEENTH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

TWENTIETH ASSEMBLY DISTRICT. Table with columns: ELECTION DISTRICTS, Edward Gilson, Joel W. Mason, Defective, Blank, Scattering, Whole Vote.

