

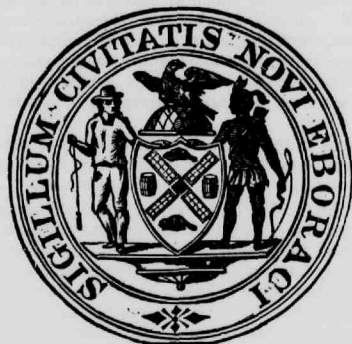
# THE CITY RECORD.

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### LAW DEPARTMENT.

LAW DEPARTMENT,  
OFFICE OF THE COUNSEL TO THE CORPORATION,  
NEW YORK, March 18, 1879.

Hon. EDWARD COOPER, Mayor of New York:

SIR—I have examined the question submitted by you as to the nature of the hearing provided for by the twenty-fifth section of the city charter in case of the contemplated removal of heads of Departments.

The only provision of law upon the subject is as follows:

"The heads of all Departments including those retained as above, and all other persons whose appointment is in this section provided for, may be removed by the Mayor for cause, and after opportunity to be heard, subject, however, before such removal shall take effect, to the approval of the Governor expressed in writing. The Mayor shall, in all cases, communicate to the Governor, in writing, his reasons for such removal."

"Whenever a removal is so effected, the Mayor shall, upon the demand of the officer removed, make in writing a public statement of the reasons therefor."

These are all the provisions of law upon the subject.

The system is partly analogous to the provision of the constitution with reference to the removal of county officers by the Governor.

Article 10, section 1 of the Constitution, provides that "The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense."

The differences between the two systems are very significant.

In the case of the removal of county officers by the Governor, it is provided that there shall be charges which shall be given to the officer proceeded against, and he shall have an opportunity of being heard "in his defense."

In the case of the removal of heads of departments, there is no provision requiring charges or the presentation to the officer of anything in the nature of charges, but simply that the removal shall be for cause, and after the officer has had an opportunity of being heard.

And it was clearly in the mind of the framers of the charter that a formal statement of the reasons of the removal might not be made before the Mayor had acted, and hence the proviso that "Whenever a removal is so effected, the Mayor shall, upon the demand of the officer removed, make, in writing, a public statement of the reasons therefor."

There would be no occasion for this provision, if it had been in contemplation that any public statement of the grounds of removal would have been made as the initial step of the proceeding followed by anything in the nature of a semi-judicial investigation.

The other important difference between the system established for the removal of county officers by the Governor, and that for the removal of heads of departments is, that in case of removal by the Governor there are provisions of law for the taking of proofs, and for a semi-judicial investigation of the truth of the "charges" preferred.

The provisions of the Revised Statutes, volume 1,\* pages 123-4, taken with chapter 629, Laws of 1866, provide that the Governor "may" take the testimony himself, or direct the District Attorney of the county to investigate the truth of any "charges" preferred, with power to subpoena witnesses before a county judge, or a commissioner appointed for the purpose by the Governor. There are also provisions for administering oaths, for enforcing obedience to subpoenas, and making false swearing, perjury.

All these things are necessary whenever anything in the nature of a trial of the truth of charges is to be conducted.

There are no such provisions of law with reference to the removal of heads of Departments by the Mayor. He is not furnished with the means of conducting any such inquiry, nor is there anything in the law which seems to have in contemplation such a proceeding.

It seems to have been left with the Mayor of the City and the Governor of the State to act in the cases under the sense of official responsibility felt by them in each case, and with the view that it could be reposed in the hands of two such high officials not to abuse such a trust; but for the benefit of the official affected three things are specifically provided: First—That he should not be removed without "an opportunity of being heard" before the Mayor as to the things supposed by the Mayor to constitute "cause" for removal; Second—That the Mayor shall "communicate to the Governor in writing his reasons for such removal;" Third—That "whenever a removal is so effected, the Mayor shall, upon the demand of the officer removed, make in writing a public statement of the reasons therefor."

I have examined the New Code of Procedure for the purpose of ascertaining whether there are any general provisions of law which could be relied upon as giving the Mayor power to administer oaths and conduct the examination of witnesses under the penalty of perjury for false swearing, and generally providing the means of conducting a semi-judicial investigation. The language of section 854, with reference to requiring the attendance of witnesses by subpoena is very broad.

It authorizes the issuing and service of a subpoena "where a Judge, or an Arbitrator, Referee or other person, or a Board or Committee has been heretofore or is hereafter expressly authorized by law, to hear, try or determine a matter."

This covers every case where any person is expressly authorized by law "to hear" \* \* \*

"a matter."

But when you look to the sections of the same chapter of the Code, which must be relied upon for the authority to administer an oath to a witness (when he has appeared in answer to a subpoena) under the penalty for perjury, in case of false swearing, the authority given to a Mayor, along with other persons, to administer an oath, is limited to these cases, where an oath or affidavit is "required or authorized by law."

And there is no provision of law authorizing the administering of an oath in the proceedings before the Mayor.

There is no question of the authority of the Mayor to administer an oath wherever the law authorizes an oath to be taken, for he has the powers of a justice of the peace.

The other judicial functions formerly possessed by him have been taken away by acts of the Legislature.

The fact that the Mayor is to this extent a magistrate does not authorize him any more than it does a notary public to erect a semi-judicial tribunal, except in cases where the Legislature has authorized it.

There is no provision of law for any such thing in the case of the removal of the head of a department. And I am satisfied these provisions of the new code confer no new power in this regard, but refer to cases where, under laws existing at any time, something in the nature of a judicial proceeding is authorized. In all such cases the code provides the means for executing the power.

I conclude therefore, that there is no provision of law for anything in the nature of a trial, in the case of the contemplated removal of a head of a department.

Of course at the mere suggestion of such an idea, it strikes the unprejudiced mind that if any such thing had been in contemplation, some definite provision would have been made for the necessary assistance to the Mayor, either by authorizing the appointment of a Commissioner to take and report the testimony, or at least some mode of proceeding would have been definitely provided adequate for the occasion.

For if a trial is to be had, it must be a fair trial, and in such case the orderly, but protracted method of investigation known to courts of justice, cannot well be avoided.

And if the removal of a public officer can only be made after such a proceeding, it cannot well take place at all, if there is a disposition to prevent it on the part of the officer concerned, unless indeed the Mayor neglect all other duties for the purpose. It is wholly impracticable for him to do any such thing, and if attempted, it can only degenerate into a farce. For a trial without any known mode of procedure being made applicable to it by law, is just what anybody may choose to make it.

The removal for cause, which the Mayor is authorized to make, is not so much a judicial, as an executive act. Not intended to be an arbitrary executive act, as is plainly to be inferred from the provision requiring "cause" to be stated, but it is evidently not a judicial act, as the absence of any provision for a judicial procedure plainly shows.

In placing upon the Mayor of the city the responsibility of seeing that the laws are enforced, with the power to that end of appointing the main city officials, and of removing them, with the concurrence of the Board of Aldermen, in one case, and of the Governor in the other, it was doubtless considered that his responsibility to the public sentiment of the community would be the safe-guard against an abuse by him of the power conferred.

And this is what the law intended to secure, when it was provided that his act of removal should be a public one, for causes upon which the officer must be permitted to be heard, and for reasons which must be transmitted in writing to the Governor, and spread upon the public record for the information of the public, the tribunal, in the presence of which he acts.

I am, sir, yours respectfully,

W. C. WHITNEY, Counsel to the Corporation.

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

Hon. EDWARD COOPER, Mayor:

SIR—In your letter of the second instant, you refer to the provisions of section 2 of chapter 175 of the Laws of 1870, and of section 25 of chapter 335 of the Laws of 1873, and request my opinion as to the time when it will be your duty to nominate to the Board of Aldermen three Commissioners of Excise.

The terms of the present incumbents, as I understand, will expire on the 30th of April instant. If their successors are to be appointed under said act of 1870, they must, under its provisions, be nominated to the Board of Aldermen on the first Monday of April. If, however, such successors are to be appointed pursuant to the provisions of the Charter of 1873, they are to be nominated to the Board of Aldermen within ten days from the day of the date when the vacancies occur.

There is, as you are aware, a serious question whether the provisions of said act of 1870, in reference to the appointment of Commissioners of Excise, have been superseded by the provisions of the Charter of 1873. Some time since, the Governor, assuming that said act of 1870 was still in force, removed a Commissioner of Excise, under its provisions. The Commissioner so removed, or attempted to be removed, subsequently brought an action against the city for his salary, in the Superior Court of this city, and that Court held that the provisions of the said act of 1870, in respect to the appointment and removal of Commissioners of Excise, had been superseded by the provisions of the Charter, and that the Commissioner in question had not therefore been removed in the manner provided by law. This is the only decision which has been made by the courts on the point involved, and, so long as it stands unreversed, should be accepted as a true exposition of the law. I therefore advise you that the proposed appointments of Commissioners of Excise should be made by you in accordance with the provisions of the Charter, and that such Commissioners should be nominated to the Board of Aldermen within ten days from the 30th of April instant.

Yours respectfully,

W. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,  
OFFICE OF THE COUNSEL TO THE CORPORATION,  
NEW YORK, February 11, 1879.

JAMES E. MORRISON, Esq., Secretary of the Mayor:

DEAR SIR—I received yesterday your note of the tenth instant, asking, on behalf of the Mayor, my opinion with reference to the power of the Board of Aldermen to appoint Commissioners of Deeds and City Surveyors; and further, if the power is not lodged in said Board, where under existing laws, it resides.

Section 25 of the Charter of 1873, among other things, authorizes the Mayor to nominate, and with the consent of the Board of Aldermen, to appoint "all other officers not elected by the people;" and I understand that the doubt as to the power of the Board of Aldermen alone to appoint Commissioners of Deeds and City Surveyors has arisen on account of this provision. After consideration, while I cannot say that the matter is absolutely free from doubt, I am of the opinion that the Board of Aldermen has the power to appoint Commissioners of Deeds and City Surveyors. My reasons for this conclusion are as follows:

First—Although Commissioners of Deeds are local officers, and must reside in the city, and cannot perform the duties of their offices outside the city, they are not in any sense officers of the city government, nor do the duties performed by them have any relation to, or connection with city affairs. In the Revised Statutes they are classed as judicial officers, and under those statutes, as well as under laws previously passed, Commissioners of Deeds in this and other cities were to be appointed by the Governor, with the consent of the Senate, while Commissioners of Deeds in towns were to be appointed by the Judges of the county courts and Supervisors, at a joint meeting. In 1848, after the adoption of the Constitution of 1846, and I presume in order to comply with some of its provisions, a law was passed, providing that Commissioners of Deeds in all cities should be appointed by the Common Council, and the duties of the Commissioners of Deeds of towns were transferred to Justices of the Peace. The said Act of 1848, and subsequent laws increasing the number of Commissioners of Deeds in this city, were in full force when the Charter of 1873 was passed. The question had been raised some time previously, whether appointments by the Common Council of Commissioners of Deeds must be approved by the Mayor; but after full consideration, the Supreme Court, in a test case, decided that such approval was not necessary.

Achley's case, 4 Abbott, 35.

As Commissioners of Deeds are not city officers, legislation concerning them would have been out of place in an act to reorganize the local government of the city, and under the decisions of the courts it is doubtful whether the title of the act would cover provisions relating to them; and such provisions, even if covered by the title, would probably be unconstitutional if included in an act of this character. It has several times been decided by the higher courts of this city, and in the case of Taylor against Dunlap, by the Court of Appeals, that provisions in the charter, in reference to county officers, are unconstitutional.

Moreover, repeals by implication are not favored, and it is to be supposed that if the Legislature intended to take away from the Common Council the power to appoint Commissioners of Deeds, it would have so provided in express terms.

The construction placed by the courts upon other provisions of the charter would seem to indicate that Commissioners of Deeds were not covered by the above cited provision of section 25. By section 97, the salaries of all officers paid from the city treasury, whose offices then existed, but were not embraced in any department, were to be fixed by the Board of Apportionment. The courts have, however, held that this provision did not include officers connected with the courts, such as clerks and assistant clerks, nor the judges themselves.

Second—Section 117 of the Charter of 1873, legislated out of office a great number of officers who were in office when the Charter of 1873 passed. It was the evident intent of the Legislature that in all cases in which the power to appoint was given to the Mayor, with the consent of the Board of Aldermen, by section 25, the then incumbents of the offices to be filled should be removed. Commissioners of Deeds are not, however, mentioned in said section 117, nor is there any provision in said section under which it could be claimed that they were removed from office. The term of office of a Commissioner of Deeds is two years, and I think that if the Legislature had intended to confer the power of appointment upon the Mayor, with the consent of the Aldermen, the Commissioners of Deeds in office when the Charter passed would have been removed.

Third—Ever since the passage of the Charter of 1873, as well as before, Commissioners of Deeds, as far as I am aware, have been appointed by the Common Council. If the power of appointment was vested in the Mayor, with the consent of the Aldermen, by that Charter, the appointments by the Common Council would be regarded as nullities, and the acts of all Commissioners of Deeds appointed since 1873 would therefore be void. During this period, thousands of deeds, mortgages, leases, satisfaction pieces, and other papers relating to real estate, have been acknowledged, and innumerable affidavits in legal proceedings have been sworn to before Commissioners of Deeds. The trouble and confusion which would result, if it should now be held that the Common Council did

not have the power to appoint Commissioners of Deeds, would be incalculable. This fact, as well as the other considerations above mentioned, I think would strongly influence the courts, and I feel quite certain that it would be held that the power of appointment was vested in the Common Council.

I am also of the opinion that the power to appoint City Surveyors is vested in the Common Council alone. So far as I have been able to discover, the authority for the appointment of City Surveyors is derived from an ordinance passed April 23, 1839, which provides, among other things, that there shall be so many Surveyors appointed for this city as the Common Council shall from time to time think proper.

Ordinances of 1866, page 514.

City Surveyors are not mentioned in the Charter of 1873, nor is there any provision in said Charter which removes from office those Surveyors who were in office at the time of its passage; and the above Ordinance of 1839 was continued in force by section 119 of said Charter. There is no provision of law or ordinance which establishes the office of City Surveyor, in the sense in which public offices are usually permanently established. The ordinance does provide that City Surveyors shall take an oath of office, but I do not think that the death or resignation of a City Surveyor would create a vacancy to be filled by the appointing power. The number of City Surveyors is to be such as the Common Council may think proper to appoint, and it seems to me that under this ordinance the power of appointment is vested in the Common Council solely.

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

LAW DEPARTMENT,  
OFFICE OF THE COUNSEL TO THE CORPORATION,  
NEW YORK, April 26, 1879.

Hon. EDWARD COOPER, Mayor:

SIR—I have received a communication addressed to you by Mr. Robert C. Noah, in which he applies, on behalf of J. H. Haverly, Esq., proprietor of the Lyceum Theatre, for your Honor's written consent, allowing him to produce on the stage of that theatre Gilbert & Sullivan's operetta of "H. M. S. Pinafore," to be performed entirely by children, some of whom are under the age of sixteen. This application is made under the provisions of section 1 of chapter 122 of the Laws of 1876, and is referred to me with a request for my opinion as to whether the performance therein referred to is one in favor of which permission can legally be given under the provisions of said statute.

The act referred to forbids the exhibition, use, or employment of children under sixteen years of age for certain purposes, but provides that nothing therein contained shall apply to or affect the employment of any child, as a musician, at any concert or entertainment, on the written consent of the Mayor of the city, or the President of the Board of Trustees of the village, where such concert or entertainment shall take place.

I have some doubt whether the consent of the Mayor, provided for in this statute, would authorize the production of "H. M. S. Pinafore" in the manner set forth in Mr. Noah's application. You are authorized by the statute to give a consent that children under sixteen years of age be employed as musicians in the production of that piece. Any violation of the statute is declared to be a misdemeanor, and whether such a consent as this would protect the party producing the play, in case of prosecution, is not entirely clear. This statute does not authorize you to license theatrical performances, but to consent to the performance of any child, as a musician, at a concert or entertainment. Your authority to give a consent for the employment of children as musicians in the production of the operetta in question following the language of the statute, is clear, but whether such a consent would shield the person employing the children from prosecution under the statute is, in my opinion, a matter of some doubt. If the party applying is willing to take the risk, I see no reason why you should not give your consent in the form indicated. The papers transmitted with your letter are herewith returned.

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

LAW DEPARTMENT,  
OFFICE OF THE COUNSEL TO THE CORPORATION,  
NEW YORK, April 23, 1879.

Hon. EDWARD COOPER, Mayor:

SIR—I am in receipt of your letter of the 19th instant, in which you state that in view of the provisions of section 25 of chapter 335 of the Laws of 1873, and of such provisions of law as may relate to the subject, you desire my opinion as to when the terms of office of the Commissioners of Excise now holding office in this city will expire.

The question in regard to which you desire my advice is involved in such doubt and uncertainty as to make it almost impossible to answer it. The following statement of facts will show you into what inextricable confusion this matter has fallen:

Chapter 175 of the Laws of 1870, passed April 11, 1870, provided that there should be a board of Commissioners of Excise in each of the cities, villages, and towns of this State, and that such boards, in cities, should be composed of three members, to be appointed as therein provided. Under this statute, the Mayor of the City of New York was authorized to nominate, and with the approval of the Board of Aldermen, to appoint, three Commissioners of Excise within ten days after the passage of that act. Such commissioners were to hold their offices for three years, and until their successors were appointed, and the Mayor and the Board of Aldermen required on the first Monday of April, in every third year thereafter, to appoint Commissioners of Excise for the next three years, commencing on the first day of May, in that year, and were also, from time to time, as often as vacancies should occur, to appoint persons to fill the unexpired terms of any commissioners who should die, resign, remove from the city, or be removed from office.

Under this statute, on April 7, 1873, the late Mayor Havemeyer nominated and the Board of Aldermen confirmed, J. L. Stewart, D. D. T. Marshall, and John R. Voorhis Commissioners of Excise for the term of three years, from May 1, 1873.

The so-called charter of the City of New York, was passed April 30, 1873. It did not refer specifically to Commissioners of Excise; but section 25 authorized the Mayor to nominate, and by and with the consent of the Board of Aldermen to appoint, various officers therein mentioned, and also members of any other local board, and all other officers not elected by the people. Section 117 of this charter, declared that the terms of office of certain officers therein mentioned, and also of all boards therefore appointed by the Mayor and Aldermen, should expire on or before May 1, 1873. And section 25 of said charter, provided that every head of Department, and person in that section named, except as therein otherwise provided, should hold his office for the term of six years, and in each case until a person was duly appointed in his place, and might be removed by the Mayor for cause, subject to the approval of the Governor.

Although Messrs. Stewart, Marshall and Voorhis had been nominated and confirmed before April 30, 1873, the day the charter passed, their term of office did not begin until May 1, 1873. There was, therefore, a question whether they were removed from office by the above-cited provisions of section 117 of the charter. It was also, as I am informed, considered doubtful whether the provisions of the said act of 1870, in reference to the appointment of Commissioner of Excise for this city, were superseded or repealed by said charter. But whatever reasons may have influenced Mayor Havemeyer, it is certain that while he proceeded to make many other nominations to the Board of Aldermen immediately after the passage of said charter, he did not then nominate any persons to be Commissioners of Excise. Messrs. Stewart, Marshall, and Voorhis qualified, and entered upon the discharge of the duties required by law to be performed by the Commissioners of Excise in this city, and continued jointly to perform such duties until the summer of 1874. In July, 1874, Mr. Voorhis was appointed Police Commissioner, and on November 5, 1874, Mayor Havemeyer nominated William H. Stiner to the Board of Aldermen, for the unexpired term of Mr. Voorhis. The communication from the Mayor, making the nomination, stated that it was made under chapter 175 of the Laws of 1870, and that the term of Mr. Voorhis would expire May 1, 1876. Mr. Stiner's nomination was confirmed by the Aldermen, November 6, 1874; and thereafter, Messrs. Marshall, Stiner, and Stewart acted as Commissioners of Excise, until May 1, 1876.

On April 3, 1876, Mayor Wickham nominated to the Board of Aldermen George W. Morton, Owen Murphy, and Jacob M. Patterson, to be Commissioners of Excise for three years from May 1, 1876, and such nominations having been confirmed, those gentlemen qualified and entered upon the discharge of the duties of the office on May 1, 1876. The communication from the Mayor to the Aldermen, making the nominations, stated that such nominations were made pursuant to chapter 175 of the Laws of 1870. Messrs. Morton, Murphy, and Patterson acted as Commissioners of Excise until December, 1877, when Mr. Murphy ran away, and in January, 1878, Doctor Philip Merkle was appointed in his place. Mr. Patterson resigned in January, and Mr. Richard J. Morrison was appointed in his place.

Said act of 1870 provided that Commissioners of Excise might be removed by the Governor in the same manner as provided by law for the removal of Sheriffs, and in the early part of 1878 Governor Robinson, assuming that this provision was still in force, removed, or attempted to remove Mr. Morton from the office of Commissioner of Excise. Subsequently Mr. Morton sued the city for salary claimed to have accrued after his attempted removal by the Governor, and in that suit a decision was made by the Superior Court of this city that the provisions of said act of 1870, in regard to the appointment and removal of Commissioners of Excise, so far as they related to the city of New York, had been repealed by the provisions of the charter of 1873. The question was fully discussed, and an elaborate opinion was delivered by his Honor Judge Sedgwick. The question came up on demurrer, and the city having leave to amend its answer, such amendment has been made, and the suit is now at issue, and upon the circuit calendar for trial, when it shall be reached.

After this decision was rendered, and apparently relying upon it, Mr. Stiner set up a claim that he was still a Commissioner of Excise, and, as I understand, with the consent of the Attorney-General has brought an action of quo warranto in order to test the question of his right to the office.

You will perceive, from the foregoing statement, that the question as to who are the Commissioners of Excise at the present time, and the question when the terms of such Commissioners will expire, are beset with difficulties.

First—Were the provisions of said act of 1870, in regard to the appointment and removal of Commissioners of Excise in this city, and their terms of office, repealed by the provisions of the charter of 1873? Did that charter legislate Messrs. Marshall, Voorhis and Stewart out of office? Was it the duty of Mayor Havemeyer, within twenty days after the passage of that charter, to have nominated new Commissioners of Excise, and were Messrs. Marshall, Voorhis and Stewart, after the passage of that charter, merely holding over under the provisions of the revised statutes?

Second—Voorhis having resigned, and Stiner having been appointed November 5, 1874, for the unexpired term of Voorhis, a question arises, under Judge Sedgwick's decision, as to the status of Stiner. As above stated, Voorhis was appointed under the act of 1870 for three years, and his term would therefore, if that law remained in force, have expired May 1, 1876, and Stiner would have held office for the balance of the term. If Voorhis, however, was merely holding over, what was the effect of Stiner's appointment? The latter was nominated to the Board of Aldermen and confirmed for the unexpired term of Voorhis. But if Voorhis was merely holding over, there was no unexpired term of his to fill. The questions, therefore, arise, (1) Was Stiner's appointment wholly invalid? and (2) if the appointment was not invalid, was his appointment for six years from the time he was confirmed, or (3) was it for the balance of a term of six years, commencing May 1, 1873? In the one case, if he is still a Commissioner of Excise, his term would expire November 6, 1880, and in the other, May 1, 1879.

Moreover, a question arises as to the effect of Stiner's acquiescence in the appointment of his successor. Even though his term of office did not expire May 1, 1876, he may, perhaps, by his conduct, have estopped himself from now setting up a claim to the office.

Third—As above stated, Messrs. Morton, Murphy, and Patterson were nominated by Mayor Wickham, and confirmed by the Board of Aldermen, as was supposed, for the term of three years from May 1, 1876. If Stiner was still in office, then there were three new appointments when there were but two vacancies, and the question arises whether all three appointments were invalid, and if not, which two of the three went into office. Moreover, there is a question, if only two went into office, or if Stiner was out, and all three went in, whether the appointments were for the period of six years from May 1, 1876, or for the balance of a term of six years from May 1, 1873.

Mr. Morton has recently, I understand, been recognized by Messrs. Morrison and Merkle as a Commissioner, and the three persons who are at the present time actually exercising the duties of the office of Commissioners of Excise are Messrs. Morrison, Merkle, and Morton. If the decision of Judge Sedgwick is correct, Mr. Morton is lawfully in office. But the question arises whether his appointment is to be regarded as an appointment for six years from May 1, 1876, and therefore to expire May 1, 1882, or whether such appointment is to be regarded as having been made for the balance of a term of six years from May 1, 1873, and therefore expiring May 1, 1879.

Then, if the Court should decide that Stiner has never been out of office, the question will arise, whose place he is to take, and how long he is to hold it. He cannot take Morton's place, because under Judge Sedgwick's decision Morton is now a lawful Commissioner.

But suppose that Stiner is estopped from claiming the office. Merkle was appointed in the place of Murphy, who ran away, and Morrison in place of Patterson, who resigned. The question when the terms of Merkle and Morrison will expire, therefore, depends upon the question what were the terms of Murphy and Patterson. If Stiner went out of office May 1, 1876, and Murphy, Patterson, and Morton were lawfully appointed, still the question remains as to the terms for which such appointments were made. Their appointments purported to be for three years, under the act of 1870, but Judge Sedgwick decides that the act of 1870, so far as it related to the appointment and removal of Commissioners for this city, and their terms, was repealed by the charter of 1873. If Judge Sedgwick's decision is correct, were the appointments of Messrs. Morton, Murphy, and Patterson for a term of six years from May 1, 1876, or for the balance of a term of six years, commencing May 1, 1873?

This matter has been further complicated by an act of the Legislature passed April 4, 1879, entitled "An act to further amend chapter 175 of the Laws of 1870, entitled 'An act regulating the sale of intoxicating liquors.'" The first part of this statute is as follows:

"Section 1. Section 2 of chapter 175 of the Laws of 1870, entitled 'An act regulating the sale of intoxicating liquors,' is hereby further amended, so as to read as follows:

"Sec. 2. The Mayor of each of the cities, except in the cities of New York, Brooklyn, and Poughkeepsie, shall appoint the Commissioners of Excise in their respective cities within ten days after the passage of this act; but in the cities of New York, Brooklyn, and Poughkeepsie the Mayor shall nominate three good and responsible citizens to the Board of Aldermen of such cities respectively, who shall confirm or reject such nominations. In case of the rejection of such nominees, or any of them, the Mayor shall nominate other persons, as aforesaid, and shall continue so to nominate until the nominations shall be confirmed. The present Commissioners of Excise of the metropolitan district, and the Commissioners for the counties, shall continue to exercise the duties of the office until such appointments or some one of them shall be appointed in such cities respectively, as herein provided."

The remainder of the section is in the exact words of section 2 of chapter 175 of the Laws of 1870, as originally passed, and the portion above quoted is also in the exact language of said section 2, with the exception that it contains the word "Poughkeepsie," which was not in said section 2, as originally passed; and it would seem that the only object of the Legislature in passing this act was to include the city of Poughkeepsie within the provisions of the original act of 1870. But whatever may have been the intention of the Legislature, it is obvious that this act has an important bearing upon the appointment, removal, terms of office, salaries of, and other matters relating to the Commissioners of Excise in this city.

As above stated, Judge Sedgwick decided that the provisions of said section 2 of chapter 175 of the Laws of 1870, so far as they related to the appointment, removal, and terms of office of Commissioners in this city, were repealed by the charter of 1873. But the Legislature has now re-enacted that section, and even if Judge Sedgwick's decision were correct, at the time it was made, it would seem that the provisions of said section 2 have now, at any rate, been re-applied to the City of New York. It is difficult to see any escape from this conclusion, because the declaration of the act that "section 2 of chapter 175 of the Laws of 1870 shall read as follows" is, in legal effect, a re-enactment of that section as it originally stood, with the exception that it now includes the city of Poughkeepsie.

But assuming that this section does now apply to the city of New York, the question at once arises, what effect does the law have upon the tenure of office of the present Commissioners of Excise? According to Judge Sedgwick's decision, Morton was appointed for a term of six years, and if that term was for six years, from May 1, 1876, it will not expire until May 1, 1882. Does the re-application of said section 2 of chapter 175 to this city have the effect of terminating Morton's term of office on the 1st of May next? And if Morrison and Merkle were appointed to fill unexpired terms of six years from May 1, 1876, does such re-application of the act of 1870 to this city terminate their terms of office on the 1st of May next?

It moreover seems probable that the Legislature, in passing this recent act, has inadvertently repealed the provision of law which prescribed the salaries of Commissioners of Excise in this city, and which made provision for the payment of such salaries, and the expenses of their office, out of the excise moneys.

Under said chapter 175 of the Laws of 1870, the salaries of Commissioners of Excise in this city were to be fixed by the Mayor and Common Council, at a sum not exceeding \$2,500, and such Commissioners were to be paid as other city officers are paid. The act contained no provision in regard to the expenses of the Board in conducting their business.

Section 48, of chapter 383, of the Laws of 1870, provided that the excise moneys should be paid to the Chamberlain, to account of the Sinking Fund, after deducting ten per cent., which was to be appropriated to paying the expenses of the Board of Excise, and also the salaries of the Commissioners. This provision was repealed by the Charter of 1873.

Section 8 of chapter 574 of the Laws of 1871, and section 6 of chapter 583 of the Laws of 1871, authorized the Board of Estimate and Apportionment to appropriate excise moneys to charitable purposes, but contained no provision in regard to the salaries or expenses of the Commissioners of Excise. Both these provisions were also repealed by the Charter of 1873. The above provision of chapter 383 of the Laws of 1870, appropriating ten per cent. of the excise moneys for the payment of salaries and expenses, remained in force until 1873. Chapter 549 of the Laws of 1873, amended section 2 of said chapter 175 of the Laws of 1870, by inserting therein a provision fixing the salaries of Excise Commissioners in this city at \$5,000 each, and providing for the payment of such salaries, and also of their expenses, out of the excise moneys. Said section 2 of chapter 175 of the Laws of 1870, was further amended by chapter 642 of the Laws of 1874, and said section 2 of chapter 175 of the Laws of 1870, as it stood on April 4, 1879, contained the following provision:

"Provided, that in the City of New York, the Commissioners of Excise shall receive a salary not to exceed \$5,000 a year each, to be fixed by the Board of Estimate and Apportionment of said city, who shall annually fix such amount as may be necessary for hire of employees, rent, and other necessary expenses of said Board of Commissioners, which amount shall be paid out of moneys received for licenses, and said Commissioners shall receive no other compensation or emolument for services as Commissioners."

The Legislature now, by the act of April 4, 1879, re-enacts said section 2 of chapter 175 of the Laws of 1870, omitting the whole of this provision, and it would seem that, upon well settled rules, this provision is repealed. The effect, therefore, of this act of 1879 would seem to be, that the salary of the Commissioners of Excise is to be fixed under the act of 1870, by the Mayor and Common Council, at a sum not exceeding \$2,500 each, and that such salary must be paid out of taxation in the same manner as the salaries of other city officers are paid; and it would also seem to follow that there is now no provision of law whatever for paying the expenses of conducting the business of the Board of Excise. And it may also be remarked that even if such salaries should be fixed under said act of 1870, there has not been and there cannot be, under existing laws, any appropriation made for their payment until the budget is made up for the year 1880.

Under these circumstances, I think that this whole matter should be submitted to the Legislature which should be urged to pass some law which will do away with the complications and confusion that now exist. If, upon such application, no action shall be taken by the Legislature, I will then advise you, according to the best of my ability, as to the course to be taken by you in regard to making new appointments. In the hope, however, that it may be unnecessary for me to advise you

positively upon this point, I defer a definite answer to the question submitted by your letter, until it shall be ascertained whether or not any relief can be obtained from the Legislature.

I am, sir, yours respectfully,

W. C. WHITNEY, Counsel to the Corporation.

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

Hon. EDWARD COOPER, Mayor:

SIR—I have, as requested by you, examined the following resolution, which was passed by the Common Council on the fourth instant:

"Resolved, That on all contracts for work done by or for the corporation, the Department having charge thereof, shall cause to be inserted a provision that during the progress of the work, the men thereon shall be paid in full, semi-monthly, and upon the completion of the work, satisfactory evidence shall be furnished to every such Department that the workmen have been paid in full before certifying to the Department of Finance that the contractor has performed the work, paid all his workmen, and is entitled to payment in full; and the person or persons becoming security for the faithful performance of the work as now provided by law or ordinance, shall also be held as security by the corporation for the workmen, respectively, for the prompt payment of the wages of the workmen employed by such contractor, as provided in this resolution."

After such examination, I think that this resolution is objectionable, for the following reasons: First—Without considering the general question as to the power of the Common Council, under existing laws, to prescribe the forms of contract for work to be done, and supplies to be obtained for the city, there is a question whether the Common Council can lawfully require the provisions mentioned in said resolution to be inserted in such contracts.

The ordinances of the Common Council have for many years provided that city contracts should contain a provision that the payment of the last installment, due in pursuance thereof, should be retained until the head of department should have satisfactory evidence that all persons who have done work or furnished materials under any such contract, and who may have given written notice to such head of department, at any time within ten days after the completion of said work, that any balance for such work or materials is still due, have been fully paid or secured such balance.

It has been recently claimed, in a suit now pending in the Supreme Court, that this old provision of the ordinances has been abrogated by the above quoted provision of the act of 1872. The question has not yet been decided by the court, but if such claim is well founded, it necessarily follows that the Common Council cannot now pass the resolution under consideration.

Section 4 of chapter 580 of the Laws of 1872 contains, among other things, the following provision:

"Thirty per cent. and no more, shall be reserved from the amount or value of work specified and certified from time to time to said Comptroller, by the proper officer, to have been done by any contractor; and such reserved thirty per cent. shall be paid to such contractor, on or before the expiration of thirty days from the completion and acceptance of the work."

Second—I am not quite certain as to the meaning of the last clause of the resolution. If it is intended to provide that workmen who are not paid may bring actions against the sureties, the provision would prove ineffectual. The form of bond to be given by sureties upon city contracts is now prescribed by ordinance of the Common Council, and it is doubtful whether the form could be changed unless authority for such change was given by a new ordinance; and, under the present form of bond, I should not suppose that sureties could be successfully sued by workmen who had not received their wages. If it is intended to provide that in cases where workmen are not paid the city may bring actions upon the bond of the sureties to recover their wages, the provision is certainly objectionable, because if it were valid, the city might be compelled to bring hundreds of actions to collect small amounts due to workmen. It is undoubtedly desirable that the workmen should receive their pay, but I do not think that the duty of collecting a great number of claims of this character should be imposed upon the city. It is possible that the clause in question admits of some construction other than the two above mentioned, but none other occurs to me.

Third—Under the old ordinance above cited, workmen were protected, and, as you are aware, the Legislature last year passed an act under which it was supposed they would receive like protection. There is a question, as above stated, whether the old ordinance has been abrogated by the act of 1872, and as to the effect upon said ordinance of the act passed last year. The resolution now proposed would add doubt and uncertainty to the matter. The two ordinances transmitted to me are herewith returned.

I am, sir, yours respectfully,

W. C. WHITNEY, Counsel to the Corporation.

LAW DEPARTMENT,  
OFFICE OF THE COUNSEL TO THE CORPORATION,  
NEW YORK, January 31, 1879.

Hon. EDWARD COOPER, Mayor:

DEAR SIR—The provision of the Metropolitan Police Act, to which I referred last evening, is as follows:

"The said superintendent, and each captain within his precinct, may, by authority in writing, empower any member of the metropolitan police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, or evidence to convict any person charged with crime, to examine the books of any pawnbroker, or his business premises."

2 Hoffman's Laws, page 267.

This provision is still in force, but is not so broad as I had supposed; for, you will observe, the authority to examine can be given to members of the police force only. There can be no question as to your power to give any person written authority to examine the book referred to in the ordinance, either of a particular pawnbroker of all the pawnbrokers in the city. The extent of the authority to be given rests in your discretion.

The case to which I referred, in which a property owner obtained a judgment against the city for damages caused by market sheds placed, by authority of the city, across the curbstone in front of his premises, was *St. John against The Mayor* (3 Bosw., 483; 6 Duer, 315).

The form of the resolution of the Common Council, under which a building has been put up on the west side of Church street, near Cortlandt street, was as follows:

"Resolved, That permission be and the same is hereby granted to Jane E. Emmons to erect a pie and coffee stand, of iron and glass, within the stoop lines on the westerly side of Church street, between Cortlandt and Liberty streets; the same to stand during the pleasure of the Common Council."

City Record, January 2, 1877, page 4.

Mrs. Emmons owns, or claims to own, a narrow strip of land on the west side of Church street, one hundred and six (106) feet and five (5) inches long, two (2) feet eleven and three-quarters (11¾) inches wide at one end, and one foot wide at the other end.

Under the authority conferred by the above resolution she has erected upon said narrow strip, and a portion of the street immediately in front of the same, a two-story building, the dimensions of which, as I am informed, are about eighty-five feet in length, and nine (9) feet eleven (11) inches wide at one end, and seven (7) feet and ten (10) inches at the other.

Yours truly,

GEORGE P. ANDREWS, Assistant Corporation Counsel.

## DEPARTMENT OF DOCKS.

At a meeting of the Board of Docks, held April 30, 1879,

Present—Commissioners Dimock and Vanderpoel.

On motion, Commissioner Dimock took the chair.

The reading of the minutes of the meetings held April 17 and 23 was, on motion, dispensed with.

The following communications were received, read, and, on motion, laid on the table to await action, as stated, to wit:

From Finance Department—In reference to voucher 5,253, for repairing tables at the Department offices. The Secretary directed to notify Thomas C. Townsend to call on the Commissioners in reference to the same.

From Engineer-in-Chief—

1. Report as to repairs needed to pier at Forty-sixth street, East river.

2. Report as to dredging needed in slip between Piers, old 28 and 29, North river.

The Secretary directed to notify D. S. Babcock, President of the Providence and Stonington Steamship Company, to be present at the next meeting of the Board in reference to the amount of dredging required at said slip to accommodate the boats of said company.

From John Kelly, Comptroller—Giving his consent and sanction to the settlement of the claim against Charles E. Heuberger & Co., for rent due from them as lessees of bulkhead between Twenty-third and Twenty-fourth streets, East river, for the sum of \$362.50, being a deduction of \$62.50 from the total amount of rent remaining unpaid. The Secretary directed to request said lessees to inform this Department if they will pay the sum of \$362.50 in settlement of said arrearages of rent, and at what time.

From Police Department—To have piers and platform at Twenty-second and Forty-sixth streets, East river, assigned for the use of the Street Cleaning Bureau. The Secretary directed to

request Capt. John Gunner to be present at the next meeting of the Board in reference to said application.

The following communications were received, read, and

On motion, placed on file, action being taken where necessary, as stated, to wit:

From W. D. Bruns, Jr., and others—Withdrawing their remonstrance against the retention of the grain hoppers on the bulkhead between Twenty-third and Twenty-fourth streets, East river. The said remonstrance taken from the table and placed on file.

From Empire City Ice Co.—Application to erect platform and place scales on pier at Fortieth street, North river. Applicant informed that this Department has no objection to their placing and retaining, under the supervision of the Engineer-in-Chief of this Department, a platform six feet wide by 100 feet long, and scales on the southerly side of pier at Fortieth street, North river, to facilitate the landing of ice, the consent of the lessee of said premises, and also of the Harbor Master of the district having been given thereto; but the Department reserves the right to cause the removal of said platform and scales at any time it may so elect.

From Police Department—To have a small quantity of old material belonging to the Department delivered to them, for the purpose of repairing the surface of pier at Thirty-seventh street, North river, occupied by them as a dumping board. Action of the Commissioners, in delivering said material as requested, approved.

From Leonard & Stephenson—To erect platform and scales on pier at Twenty-eighth street, East river. Applicants notified that this Department has no objection to their placing and retaining, under the supervision of the Engineer-in-Chief of this Department, an ice bridge and platform scales on pier at the foot of Twenty-eighth street, East river, for the accommodation of their business, the consent of the lessee of said premises and also of the Harbor Master of the District having been given thereto, but the Department reserves the right to cause their removal at any time it may so elect.

From Engineer-in-Chief—

1. Suggesting that the Pilot Commissioners be requested to send an officer on board the tug towing the scows with dredged material, in order to point out the proper limits where such material is to be deposited. The Secretary directed to address a communication to the Pilot Commissioners, requesting that they detail an officer to accompany the tug for the purpose above referred to.

2. Report as to work performed during week ending April 26, 1879.

3. Report as to dredging performed at Pier, new No. 40, North river.

From Stephen A. Jenks & Co.—For permission to drive eight oak fender piles at the west side of Pier 18, East river. Action of the Commissioners, granting the permission asked for on 26th April, approved.

From John Story—Application for position in Department.

A report was received from the Engineer-in-Chief, stating that the east side of Pier 58, East river, needed to be resheathed for a space of 122 feet; and, being read,

On motion, the application of Carl, Smith & Son, lessees, to have said pier repaired, was taken from the table, placed on file, and the following resolution adopted:

Resolved, That Carl, Smith & Son, lessees of north half Pier 58, and half of bulkhead adjoining, East river, be and are hereby notified and directed to make the necessary repairs to said premises, to put the same in safe and proper condition, in accordance with the terms and conditions of sale held March 14, 1878, under which the lease of said premises was purchased by said lessees, the work to be done under the supervision of the Engineer-in-Chief of this Department.

A report was received from the Engineer-in-Chief, stating in detail the number of cubic yards of material necessary to be excavated and removed in order to secure a depth of ten feet at mean low water from the east side of Pier 2 to the west side of Pier 6, East river, and the quantity to be removed from the east side of Pier 6 to the west side of Pier 8, in order to secure a depth of fifteen feet at mean low water; and being read,

On motion, the following resolutions were adopted:

Resolved, That the owners and lessees of the east side of Pier 2, Piers 3, 4, 5, and west side of Pier 6, East river, be and are hereby notified and directed to dredge, under the supervision of the Engineer-in-Chief of this Department, the slips adjacent to said piers, so as to secure a depth of ten feet at mean low water, to accommodate the vessels usually berthed thereat.

Resolved, That the lessees of the east side of Pier 6, Pier 7, and west side of Pier 8, East river, be and are hereby notified and directed to dredge, under the supervision of the Engineer-in-Chief of this Department, the slips adjacent to said piers, so as to secure a depth of fifteen feet at mean low water, to accommodate the vessels usually berthed thereat.

The Secretary stating that the right to collect and retain all wharfage accruing at the following named piers and bulkheads had been sold to the highest bidder thereof, as named below, at public sale held by James M. Oakley & Co., auctioneers, on 28th instant, pursuant to the action of the Board on 17th instant, and for the terms and prices as stated opposite each lot respectively, to wit:

### ON NORTH RIVER.

Lot 3. Bulkhead at West Twenty-third street, including the land under water westerly thereof, together with the adjoining land under water extending southerly, all being the premises now covered by platforms occupied by a ferry—the lease is to stipulate for the continued occupation of said premises for ferry purposes, (these premises will not be dredged, westerly of said platforms, or repaired by the Department, and the purchaser of this lot will be required to take the premises in the condition in which they may be on May 1, 1879)—to the New York, Lake Erie and Western Railroad Company, for two years from May 1, 1879, at \$500 per annum, upset bid, \$500.

Lot 4. Pier at Gansevoort street (except reservation of the right to cancel the lease at any time during its existence, should the premises be required for the uses and purposes of a public market, now proposed to be erected in the vicinity thereof), to Daniel Shea, for three years from May 1, 1879, at \$1,500 per annum, upset bid, \$1,500.

Lot 6. Bulkhead at West Fifty-second street (these premises will not be repaired or dredged by the Department, and the purchaser of this lot will be required to take the premises in the condition in which they may be on May 1, 1879), to Canda, Kane & Duke, for three years from May 1, 1879, at \$365 per annum, upset bid, \$200.

### ON EAST RIVER.

Lot 7. Bulkhead at East Thirty-ninth street (these premises will not be repaired or dredged by the Department, and the purchaser of this lot will be required to take the premises in the condition in which they may be on May 1, 1879), to Watrous & Willson, for two years from May 1, 1879, at \$150 per annum, upset bid, \$150.

Lot 10. Bulkhead and stone dump at East Forty-ninth street (these premises will not be repaired or dredged by the Department, and the purchaser of this lot will be required to take the premises in the condition in which they may be on May 1, 1879), to George W. Powe & Co., for two years, from May 1, 1879, at \$300 per annum; upset bid, \$300.

Lot 11. Bulkhead at East Forty-third street (these premises will not be repaired or dredged by the Department, and the purchaser of this lot will be required to take the premises in the condition in which they may be on May 1, 1879), to Michael Kane, for two years, from May 1, 1879, at \$200 per annum; upset bid, \$200.

Lot 13. Bulkhead at Corlear's street, to Ezra Quimby, for three years, from May 1, 1879, at \$100 per annum; upset bid, \$100.

Lot 16. Pier at East Twenty-fifth street, to Edward L. Carpenter, for three years, from May 1, 1879, at \$1,190 per annum; upset bid \$800.

Lot 17. Southerly half, except outer end, of Pier 55, and about fifty-four feet of bulkhead adjoining to East River Bathing Co., for three years, from November 1, 1879, at \$800 per annum; upset bid, \$800.

On motion, it was

Resolved, That the sale of the said right, at the said several lots of wharf property, upon the terms as reported by the Secretary, be and is hereby approved and confirmed, and the officers of the Board be and are hereby authorized and empowered to execute the necessary leases therefor, when prepared and approved as to form by the Counsel to the Corporation.

A communication and tracings was received from the Engineer-in-Chief, in reference to changing the lines of Pier, new 26, 27 and 28 North river, and being considered,

On motion, the following preamble and resolutions were adopted:

Whereas, This Board, at the request of the Pennsylvania Railroad Company, lessees and occupants of Pier, old 38, and north Battery, North river, adopted on December 11, 1878, a resolution changing the location and width of Pier new 27, as laid down on the plans for the improvement of the water front, adopted by this Board, and approved by the Commissioners of the Sinking Fund on April 27, 1871, so that the said new pier should be erected on the site of the above-named premises, thereby securing a large saving to the Corporation by avoiding the necessity of removing a considerable quantity of rock bottom which would then be covered by the new structure, and which change of width and location was consented to and approved of by the said Commissioners of the Sinking Fund, on March 4, 1879; and

Whereas, The said company has since informed this Board, that upon a reconsideration of the subject, the business of the company will require two piers of a width of 80 feet each, instead of one pier of 160 feet width, as proposed; therefore

Resolved, That the Commissioners of the Sinking Fund be and are hereby respectfully requested to rescind and annul the resolution adopted at a meeting of said Commissioners, held 4th March, 1879, whereby a change in the width and location of Pier, new 27, North river, from those laid down in the plan therefor adopted 27th April, 1871, was consented to and approved, the application made by this Department for such consent and approval being hereby respectfully withdrawn.

Resolved, That the Commissioners of the Sinking Fund be and are hereby respectfully

requested, in pursuance of the power vested in them by chapter 738, Laws of 1872, to consent to and approve of the width and location of Piers, new 26, new 27, and new 28, North river, being so changed and altered from the plans theretofore adopted by this Department, approved by said Commissioners on 27th April, 1871, as to establish the northerly and southerly lines of Pier, new 26, at points on the new bulkhead line, about sixty-two feet southerly of those laid down therefor on said plans; and the southerly line of Pier, new 27, at a point on said new bulkhead line about sixty-five feet southerly of that laid down therefor on said plans, and the width of the said pier at eighty feet, instead of seventy-five feet; and the southerly line of Pier, new 28, at a point on said new bulkhead line about fifty-five feet southerly of that laid down therefor on said plans, and the width of said pier at eighty feet instead of seventy-five feet.

An application was received from the Nassau Ferry Company, lessees of ferry premises at the foot of Houston street, East river, asking that they be permitted to erect a building for the protection of passengers upon the "A" pier lately built by said company, and being read,

On motion, it was Resolved, That permission be and is hereby granted to the Nassau Ferry Co., lessees of ferry franchise and wharf property at Houston street, East river, to erect and maintain during the pleasure of this Board, upon the "A" pier, lately constructed by said Company, a building to be used as a ferry waiting-room, fifty feet long, thirty-five feet wide, and sixteen feet high, with the necessary closets, etc., for the shelter of passengers carried by said ferry, and for the protection of property received and discharged thereat by steam transportation; the said building, etc., to be constructed subject to the regulations of the Superintendent of Buildings, as required by chapter 249, Laws of 1875, and in accordance with plans to be first submitted to and approved by the Engineer-in-Chief of this Department, and the work to be done under the supervision of that officer.

A communication was received from Bogert & Morgan, agents Morgan's Louisiana & Texas R. R. & Steamship Co., requesting that consent be given by this Department to the Empire Transportation Company, assignee, to assign to said Company the lease of Pier, old 36, North river, for the unexpired term of said lease, viz., February 1, 1880; and being read,

On motion, it was Resolved, That the consent of this Board be and is hereby given to the Empire Transportation Company, assignee, to assign to Bogert & Morgan, agents Morgan's Louisiana & Texas Railroad & Steamship Co., the lease of Pier, old 36, North river; but this Department does not thereby release the present lessees or sureties from any liability under the provisions of said lease.

On motion, M. Reilly, was appointed Watchman.

On motion, the Board adjourned.

EUGENE T. LYNCH, Secretary.

## RAPID TRANSIT COMMISSION.

MAYOR'S OFFICE,  
NEW YORK, April 2, 1879.

### Appointment of Commissioners.

It appearing by the application, made to me on the 4th day of March, 1879, by fifty reputable householders and taxpayers of the City and County of New York, in the State of New York, verified upon oath before a Justice of the Supreme Court, that there is need in said city and county of a street railway or railways for the transportation of passengers, mails and freight; and thirty days not having expired since said application, now, in pursuance of the provisions of the act entitled, "An Act further to provide for the construction and operation of a steam railway or railways in counties of the State," passed June 18, 1875, three-fifths being present, I, Edward Cooper, Mayor of the City of New York, do hereby appoint the following five persons, residents of said city and county, to be commissioners under and in pursuance of the provisions of said act, namely: Henry F. Spaulding, Benjamin G. Arnold, Henry G. Stebbins, Lewis G. Morris, Samuel R. Filley.

In witness whereof, I have hereunto signed my name, the 2d day of April, 1879.

EDWARD COOPER, Mayor.

## APPROVED PAPERS.

Resolved, That S. Albert Reed be and he is hereby appointed a City Surveyor.

Adopted by the Board of Aldermen, April 22, 1879.

Received from his Honor the Mayor, May 5, 1879, without his approval or objections thereto; therefore, as provided in section 11, chapter 335, Laws of 1873, the same became adopted.

Resolved, That Frank McMullen be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in the place and stead of Emanuel Lowenstein, who has failed to qualify.

Adopted by the Board of Aldermen, April 22, 1879.

Received from his Honor the Mayor, May 5, 1879, without his approval or objections thereto; therefore, as provided in section 11, chapter 335, Laws of 1873, the same became adopted.

Resolved, That permission be and the same is hereby given to the Department of the Interior, office of Indian Affairs, to place and keep a bridge over the gutter in front of Nos. 65 and 67 Wooster street and Nos. 171 and 173 South Fifth avenue, the work to be done at the expense of said Department, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, April 22, 1879.

Received from his Honor the Mayor, May 5, 1879, without his approval or objections thereto; therefore, as provided in section 11, chapter 335, Laws of 1873, the same became adopted.

Resolved, That permission be and the same is hereby given to Patrick Quinn to retain sign now in front of premises No. 571 Seventh avenue, said sign is erected in the shape of horseshoe, on a post eight inches in diameter, situated on curb-stone line; such permission to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, April 22, 1879.

Received from his Honor the Mayor, May 5, 1879, without his approval or objections thereto; therefore, as provided in section 11, chapter 335, Laws of 1873, the same became adopted.

Resolved, That permission be and is hereby given to William McBride to keep a sign in front of his premises No. 326 Grand street, not to exceed in dimensions 2 x 3 feet; such permission to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, April 15, 1879.

Received from his Honor the Mayor, April 22, 1879, with his objections thereto.

In Board of Aldermen, May 6, 1879, taken up and considered, as provided in section 13, chapter 335, Laws of 1873, and adopted, notwithstanding the objections of his Honor the Mayor, three-fourths of all the members elected voting in favor thereof.

Resolved, That permission be and the same is hereby given to Samuel Baer to place and keep signs in front of his place of business, No. 152 Bowery; such permission to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, April 15, 1879.

Received from his Honor the Mayor, April 22, 1879, with his objections thereto.

In Board of Aldermen, May 6, 1879, taken up and considered, as provided in section 13, chapter 335, Laws of 1873, and adopted, notwithstanding the objections of his Honor the Mayor, three-fourths of all the members elected voting in favor thereof.

Resolved, That Croton mains be laid in Western Boulevard, from Eightieth (80th) to One Hundredth (100th) street, as provided in section 2, chapter 477, Laws of 1875.

Adopted by the Board of Aldermen, April 29, 1879.

Approved by the Mayor, May 6, 1879.

Resolved, That Paul S. Brown be and he is hereby exempted from the payment of the usual fee for vaults under the sidewalk, for vault caused to be built in front of his premises on Ninth street, near Third avenue, in order to facilitate public travel for pedestrians, which was greatly impeded by the stairs leading to the depot of the New York Elevated Railroad, and which rendered the covering of the area, thereby converting it into a vault, a matter of necessity.

Adopted by the Board of Aldermen, April 29, 1879.

Approved by the Mayor, May 8, 1879.

## OFFICIAL DIRECTORY.

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

### EXECUTIVE DEPARTMENT.

#### Mayor's Office.

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

#### Mayor's Marshal's Office.

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

#### Fermit and License Bureau Office.

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

### 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.  
JACOB M. PATTERSON, JR., 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. HAMILIN, 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. 11 City Hall, 9 A. M. to 4 P. M.  
JOSEPH BLUMENTHAL, Superintendent.

#### 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.

#### 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 KRECH, 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.

### 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. SLOPER, Deputy Comptroller.

#### 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.

#### 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.

### 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 Cortland and Church streets.  
JOHN A. FOLEY, Attorney.

### POLICE DEPARTMENT.

#### Central Office.

No. 300 Mulberry street, 9 A. M. to 4 P. M.  
WILLIAM F. SMITH, 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; EDMONDS 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 B. ASTEN, President; WM. H. JASPER, Secretary.

### DEPARTMENT OF BUILDINGS.

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

### BOARD OF EXCISE.

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

### SEALERS OF WEIGHTS AND MEASURES.

No. 236 West Forty-third street.  
ELIJAH W. ROE.

### 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.  
WYLLIS 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, ROBERT F. HATFIELD.

### COMMISSIONER OF JURORS.

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

### COUNTY CLERK'S OFFICE.

Nos. 7 and 8 New County Court-house, 9 A. M. to 4 P. M.  
HUBERT O. THOMPSON, County Clerk; J. HENRY FORD, Deputy County Clerk.

### DISTRICT ATTORNEY'S OFFICE.

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

### THE CITY RECORD OFFICE.

And Bureau of Printing, Stationery, and Blank Books.  
No. 2 City Hall, 8 A. M. to 6 P. M.; Saturdays, 8 A. M. to 5 P. M.  
THOMAS COSTIGAN, Supervisor; R. P. H. ABELL, Book-keeper.

### CORONERS' OFFICE.

No. 40 East Houston street.  
HENRY WOLTMAN, MORITZ ELLINGER, RICHARD CROKER, and RICHARD FLANAGAN, Coroners.

### RAPID TRANSIT COMMISSIONERS.

HENRY F. SPAULDING, 15 Nassau street.  
BENJAMIN G. ARNOLD, 125 Front street.  
HENRY G. STEBBINS, 48 Exchange place.  
LEWIS G. MORRIS, 25 Pine street.  
SAMUEL R. FILLEY, Prospect avenue and 165th street.

### SUPREME COURT.

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

### SUPERIOR COURT.

Third floor, New County Court-house, 11 A. M. to 4 P. M.  
General Term, Room No. 29.  
Special Term, Room No. 33.  
Chambers, Room No. 33.  
Part I, Room No. 34.  
Part II, Room No. 35.  
Part III, Room No. 36.  
Judges' Private Chambers, Room No. 30.  
Naturalization Bureau, Room No. 32.  
Clerk's Office, 9 A. M. to 4 P. M., Room No. 31.  
WILLIAM E. CURTIS, Chief Judge; THOS. BOESCH, Chief Clerk.

### COURT OF COMMON PLEAS.

Third floor, New County Court-house, 11 A. M. to 4 P. M.  
Clerk's Office, 9 A. M. to 4 P. M., Room No. 22.  
General Term, Room No. 24.  
Special Term, Room No. 21.  
Chambers, Room No. 21.  
Part I, Room No. 25.  
Part II, Room No. 26.  
Part III, Room No. 27.  
Naturalization Bureau, Room No. 23.  
CHARLES P. DALY, Chief Justice; NATHANIEL JARVIS, Jr., Chief Clerk.

### MARINE COURT.

General Term, Trial Term Part I, Room 15, City Hall.  
Trial Term Part II, Trial Term Part III, third floor, 27 Chambers street, 10 A. M. to 3 P. M.  
Special Term, Chambers, second floor, 27 Chambers street, 10 A. M. to 3 P. M.  
Clerk's Office, basement, Brown-stone building City Hall Park, 9 A. M. to 4 P. M.  
HENRY ALKER, Chief Justice; JOHN SAVAGE, Chief Clerk.

### COURT OF GENERAL SESSIONS.

Brown-stone building, City Hall Park, 10 A. M. to 4 P. M.  
Clerk's Office, Brown-stone building, City Hall Park, second floor, Room 14, 10 A. M. to 4 P. M.  
JOHN K. HACKRETT, Recorder; RUFUS B. COWING, City Judge; HENRY A. GILDERSLEEVE, Judge-Sessions; JOHN SPARKS, Clerk.

### OVER AND TERMINER COURT.

General Term, New County Court-house, second floor southeast corner, room 13, 10:30 A. M.  
Clerk's Office, Brown-stone building, City Hall Park, second floor, northwest corner.

### COURT OF SPECIAL SESSIONS.

At Tombs, corner Franklin and Centre streets, Tuesdays, Thursdays, and Saturdays, 10 A. M.  
Clerk's Office, Tombs.

### DISTRICT CIVIL COURTS.

First District—First, Second, Third, and Fifth Wards, southwest corner of Centre and Chambers streets, 10 A. M. to 4 P. M.  
JOHN CALLAHAN, Justice.  
Second District—Fourth, Sixth, and Fourteenth Wards, Nos. 112 and 114 White street, 9 A. M. to 4 P. M.  
CHARLES M. CLANCY, Justice.  
Third District—Eighth, Ninth, and Fifteenth Wards, Sixth avenue, corner West Tenth street.  
GEORGE W. PARKER, Justice.  
Fourth District—Tenth and Seventeenth Wards, Nos. 20 and 22 Second avenue, 9 A. M. to 4 P. M.  
JOHN A. DINKEL, Justice.

Fifth District—Seventh, Eleventh, and Thirteenth Wards, No. 154 Clinton street.  
TIMOTHY J. CAMPBELL, Justice.  
Sixth District—Eighteenth and Twenty-first Wards, Nos. 389 and 391 Fourth avenue.  
WILLIAM H. KELLY, Justice.  
Seventh District—Nineteenth and Twenty-second Wards, Fifty-seventh street, between Third and Lexington avenues.  
CHARLES H. INGERSOLL, Justice.

Eighth District—Sixteenth and Twentieth Wards, south-west corner of Twenty-second street and Seventh avenue.  
FREDERICK G. GEDNEY, Justice.  
Ninth District—Twelfth Ward, One Hundred and Twenty-fifth street, near Fourth avenue.  
HENRY P. MCGOWN, Justice.  
Tenth District—Twenty-third and Twenty-fourth Wards, corner of College avenue and Kingsbridge Road.  
JOHN FLANAGAN, Justice.

## POLICE COURTS.

Judges—BUTLER H. BIXBY; PATRICK G. DUFFY; CHARLES A. FLAMMER; GEORGE E. KASIMIR; JAMES T. KILBRETH; BANKSON T. MORGAN; HENRY MURRAY; MARCUS OTTERBOURG; F. SHERMAN SMITH; BENJAMIN C. WANDER; and NELSON K. WHEELER.  
GEORGE W. CREIGER, Secretary.  
Office of Secretary, Fifth District Police Court, One Hundred and Twenty-fifth street, near Fourth avenue.

## FIRE DEPARTMENT.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
155 AND 157 MERCER STREET,  
NEW YORK, May 9, 1879.

SEALED PROPOSALS FOR FURNISHING THIS Department with the following articles, to wit:  
1,600 tons Egg Coal.  
1,000 tons Stove Coal.

To be of the best quality of Pittston, Scranton, or Lackawanna Valley, weigh 2,000 pounds to the ton, and be well screened and free from slate.  
100 cords of Wood, to be best Virginia Pine, cut twice, will be received at these Headquarters until 9 o'clock A. M., on Wednesday, the 28th instant, when they will be publicly opened and read.

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

Proposals may be made for one or more of the items, specifying the price per ton for Coal, and per cord for Wood.

All of the coal is to be delivered and weighed upon scales furnished by the Department, in the presence of an Inspector to be designated by the Department for that purpose, at the various houses, etc., of the Department, in such quantities and at such times as may be from time to time directed.

Two responsible sureties will be required upon each proposal, amounting in the aggregate to One Thousand dollars, or more, who must each justify in one-half the amount thereof upon the same, prior to its presentation.

Proposals must be indorsed "Proposals for furnishing Fuel," with the name of the bidder, and be addressed to the Board of Commissioners of this Department.

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

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

VINCENT C. KING,  
JOSEPH L. PERLEY,  
JOHN J. GORMAN,  
Commissioners.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
(155 & 157 MERCER STREET),  
NEW YORK, May 9, 1879.

SEALED PROPOSALS FOR FURNISHING THIS Department with five hundred (500) chestnut telegraph poles, will be received at these headquarters until 9 o'clock A. M., on Wednesday, the 28th instant, when they will be publicly opened and read.

The poles are to be of the following dimensions and descriptions:

Four hundred (400) poles, each 35 feet long; one hundred (100) poles, each 40 feet long; all to be straight, well-proportioned, peeled, trimmed and abutted, not less than six inches diameter at the top, and to be delivered at such times and places in this city as may be designated by the Superintendent of Telegraph.

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

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

Blank proposals and further information will be furnished upon application at these headquarters, where the form of contract to be entered into may also be seen.

Proposals must be addressed on the envelope to the Board of Commissioners, with the indorsement "Proposals for furnishing Telegraph Poles," and the name of the bidder.

The Commissioners reserve the right to reject any or all of the proposals submitted, if deemed to be for the interests of the city.

VINCENT C. KING,  
JOSEPH L. PERLEY,  
JOHN J. GORMAN,  
Commissioners.

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
(155 & 157 MERCER STREET),  
NEW YORK, May 9, 1879.

SEALED PROPOSALS FOR DOING THE WORK, and furnishing the materials required in the proposed alterations and repairing of the building Nos. 155 and 157 Mercer street, will be received as above until 9 o'clock A. M., on Wednesday the 28th instant, when they will be publicly opened and read. No proposals will be received or considered after the hour named.

Plans and specifications and the form of contract to be entered into by the successful bidder, may be seen, and blank proposals will be furnished on application at these Headquarters.

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

Proposals must be addressed on the envelope to the Board of Commissioners, with the indorsement, "Proposals for Alterations and Repairs, No. 155 and 157 Mercer street," and the name of the bidder.

The Commissioners reserve the right to reject any or all of the proposals submitted, if deemed to be for the interests of the city.

VINCENT C. KING,  
JOSEPH L. PERLEY,  
JOHN J. GORMAN,  
Commissioners.

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

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

By order of the Board,  
VINCENT C. KING, President,  
JOSEPH L. PERLEY,  
JOHN J. GORMAN, Treasurer,  
Commissioners.

CARL JUSSEN,  
Secretary

HEADQUARTERS  
FIRE DEPARTMENT, CITY OF NEW YORK,  
(155 & 157 MERCER STREET),  
NEW YORK, May 9, 1879.

SEALED PROPOSALS FOR DOING THE WORK, and furnishing the materials required in the proposed alteration and repairing of the building No. 108 John street will be received as above until 9 o'clock A. M., on Wednesday, the 28th instant, when they will be publicly opened and read.

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

Plans and specifications and the form of contract to be entered into by the successful bidder may be seen, and blank proposals will be furnished on application at these headquarters.

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

Proposals must be addressed on the envelope "To the Board of Commissioners," with the indorsement, "Proposal for alterations and repairs No. 108 John street," and the name of the bidder.

The Commissioners reserve the right to reject any or all of the proposals submitted, if deemed to be for the interests of the city.

VINCENT C. KING,  
JOSEPH L. PERLEY,  
JOHN J. GORMAN,  
Commissioners.

## DEPARTMENT PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,  
COMMISSIONER'S OFFICE, ROOM 19, CITY HALL,  
NEW YORK, May 9, 1879.

## TO CONTRACTORS.

PROPOSALS, ENCLOSED IN A SEALED ENVELOPE, which must be indorsed with the name of the bidder, and the title of the work, as in the advertisement, will be received at this office, until Thursday, May 22, 1879, at 12 o'clock M., at which hour they will be publicly opened by the Head of the Department, and read, for the following:

FOR SODDING THE TOP and south face of the dam and the ground below the dam of the new reservoir on the middle branch of the Croton river in the Town of South East, Putnam County, New York.

Blank forms of proposals, the specifications and agreements, the proper envelopes in which to inclose the bids, and any further information desired, can be obtained at the office of the Chief Engineer Croton Aqueduct, Room 11, City Hall.

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

ALLAN CAMPBELL,  
Commissioner of Public Works

## DEPARTMENT OF PUBLIC PARKS.

DEPARTMENT OF PUBLIC PARKS,  
35 UNION SQUARE,  
NEW YORK, May 8, 1879.

## TO CONTRACTORS.

PROPOSALS, ENCLOSED IN A SEALED ENVELOPE, which must be indorsed with the name of the bidder, the title, and number of the work, as in the advertisement, will be received at this office until Wednesday, the 21st day of May, 1879, at NINE O'CLOCK, A. M., at which hour they will be publicly opened and read by the head of the Department, for each of the following works:

No. 1. For constructing sewer and appurtenances in One Hundred and Forty-second street, from Alexander avenue to Brook avenue, with branches in Alexander avenue and Willis avenue.

No. 2. For constructing sewer and appurtenances in One Hundred and Thirty-fourth street, from 410 feet east of Willis avenue to Brook avenue, with branch in Brown place.

No. 3. For constructing sewer and appurtenances in One Hundred and Forty-first street, from Alexander avenue to Brook avenue, with branches in Alexander avenue to Willis avenue.

No. 4. For constructing drains on and for the lands bounded by George street on the north, Union avenue and White's lane on the east, Delmonico and Concord avenues on the west, thence southerly to Long Island Sound, in the Twenty-third Ward of the City of New York, and denominated "Woodstock drains."

Each proposal must state both in figures and in writing a price for each item or class of work as called for in the specifications.

Bidders are required to state in their proposals their several names and places of residence, the names of all persons interested with him or them therein; and if no other person be so interested they shall distinctly state that fact, also that the bid is made without connection with any other person making any estimates for the same purpose, and that it is in all respects fair and without collusion or fraud, and also that no member of the Common Council, Head of a Department, Chief of a Bureau, Deputy thereof, or Clerk therein, or other Officer of the Corporation, is directly or indirectly interested in said proposal or estimate, or in the work or supplies to which it relates, or in any portion of the profits thereof; which proposals must be verified by the oath in writing of the party or parties making the estimate, that the several matters stated therein are in all respects true.

Where more than one person is interested it is requisite that the verification be made and subscribed by all the parties interested.

Each proposal or estimate shall be accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person making the estimate they will, on its being so awarded, become bound, as his sureties, for its faithful performance, and that if he shall omit or refuse to execute the same they will pay to the corporation any difference between the sum to which he would be entitled on its completion and that which the corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested.

The consent above mentioned shall be accompanied by the oath or affirmation in writing of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract, over and above all his debts of every nature, and over and above his liabilities as bail, surety, and otherwise; and that he has offered himself as a surety in good faith, and with the intention to execute the bond required by section 27 of chapter 8 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety.

The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

Forms of proposals, the specifications and agreement settled as required by law, the proper envelope in which to enclose the bid, and any further information desired may be obtained at the office of the Department as above mentioned.

The envelope enclosing the proposal must be addressed to the President of the Department of Public Parks.

The Department reserves the right to reject any or all proposals if deemed for the interest of the city.

JAMES F. WENMAN, President,  
W. C. WETMORE,  
SAMUEL CONOVER,  
SMITH E. LANE,  
Commissioners

E. P. BARKER,  
Secretary.

## SUPREME COURT.

In the matter of the application of the Department of Public Parks for and on behalf of the Mayor, Aldermen, and Commonalty of the City of New York relative to the opening of that certain continuous road and avenue known as Boston road and Westchester avenue (in West Farms), from Third avenue to the eastern line of the City at the Bronx river.

PURSUANT TO THE STATUTES OF THE State of New York, in such case made and provided, the Department of Public Parks, for and on behalf of the Mayor, Aldermen, and Commonalty of the City of New York, hereby gives notice that the Counsel to the Corporation of said city will apply to the Supreme Court in the First Judicial District of the State of New York, at a Special Term of said court to be held at the Chambers thereof in the County Court House in the City of New York, on Friday, the Thirtieth day of May, A. D. 1879, at 11 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate and Assessment in the above entitled matter.

The nature and extent of the improvement hereby intended is the acquisition of title in the name and on behalf of the Mayor, Aldermen, and Commonalty of the City of New York to all the lands and premises, with the buildings thereon and the appurtenances thereto belonging, required for the opening of that certain continuous road and avenue known as Boston road and Westchester avenue (in West Farms), from Third avenue to the Eastern line of the city at the Bronx river, and more particularly bounded and described, as follows:

Beginning at a point (on the northern line of Teasdale place 752/100 feet easterly from the northeastern corner of Teasdale place and Boston avenue, as the same is laid down on the map adopted by the Commission authorized by act of May 19, 1868,) 9,588 686/1000 feet easterly from the eastern line of Tenth avenue, measured at right angles to the same, and from a point 2,518 94/100 feet northerly from the southeastern corner of Tenth avenue and One Hundred and Fifty-fifth street.

Thence northerly for 412 323/1000 feet to a point 9,659 379/1000 feet easterly from the eastern line of Tenth avenue, measured at right angles to the same, and from a point 2,925 157/1000 feet northerly from the southeastern corner of Tenth avenue and One Hundred and Fifty-fifth street. Thence deflecting 11° 03' 02" to the right northeasterly for 720 638/1000 feet; thence deflecting 8° 54' 25" to the left northeasterly for 1,721 517/1000 feet; thence deflecting 4° 57' 03" to the right, northeasterly for 347 578/1000 feet; thence deflecting 66° 49' 40" to the right, easterly for 36 983/1000 feet to the southern line of One Hundred and Sixty-ninth street; thence deflecting 66° 49' 40" to the left, northeasterly across One Hundred and Sixty-ninth street for 879 393/1000 feet; thence deflecting 12° 15' 53" to the right northeasterly for 919 635/1000 feet to a point of curve; thence to the left on the arc of a circle of 700 feet radius for 253 884/1000 feet to a point of tangency; thence on a tangent northeasterly for 351 259/1000 feet to a point of curve; thence to the right on the arc of a circle of 300 feet radius for 251 560/1000 feet to a point of tangency; thence on a tangent easterly for 693 685/1000 feet; thence deflecting 33° 29' 40" to the left for 1,826 48/1000 feet to a point of curve; thence to the right on the arc of a circle of 1,150 feet radius for 771 002/1000 feet to a point of reverse curve; thence to the left on the arc of a circle of 921 804/1000 feet radius for 460 314/1000 feet to a point of tangency; thence on a tangent northeasterly for 318 859/1000 feet; thence deflecting 36° 45' 33" to the right easterly for 421 feet to the eastern line of the city, in the Bronx river.

Thence deflecting 66° 22' 16" to the left northeasterly along the eastern line of the city for 87 321/1000 feet; thence deflecting 113° 37' 44" to the left westerly for 216 feet; thence deflecting 38° 45' 33" to the left southeasterly for 313 665/1000 feet to a point of curve; thence to the right on an arc of a circle of 821 804/1000 feet radius for 420 378/1000 feet to a point of reverse curve; thence to the left on the arc of a circle of 1,250 feet radius for 838 046/1000 feet to a point of tangency; thence on a tangent southwesterly for 1,555 638/1000 feet to a point of curve; thence to the right on an arc of a circle of 800 feet radius for 467 671/1000 feet to a point of tangency; thence on a tangent westerly for 422 864/1000 feet to a point of curve; thence to the left on an arc of a circle of 400 feet radius for 335 413/1000 feet to a point of tangency; thence on a tangent southwesterly for 351 259/1000 feet to a point of curve; thence to the right on an arc of a circle of 600 feet radius for 217 614/1000 feet to a point of tangency; thence on a tangent southwesterly for 936 379/1000 feet; thence deflecting 12° 15' 53" to the left southwesterly for 68 662/1000 feet to a point of curve; thence to the right on an arc of a circle of 272 388/1000 feet radius for 317 704/1000 feet to a point of tangency on the northern line of One Hundred and Sixty-ninth street; thence on a tangent along the northern line of One Hundred and Sixty-ninth street for 100 feet to the southern line thereof; thence to the left on an arc of a circle of 109 29/1000 feet radius, whose centre lies on the prolongation southerly of the last previously described course for 206 429/1000 feet to a point of tangency; thence on a tangent southwesterly for 1859 51/1000 feet; thence deflecting 8° 54' 25" to the right, southwesterly, for 722 146/1000 feet; thence deflecting 11° 03' 02" to the left, southwesterly, for 310 91/1000 feet; thence deflecting 22° 46' 17" to the left, southerly, for 130 84/1000 feet; thence deflecting 89° 08' 03" to the left, easterly, for 32 67/1000 feet to the place of beginning.

WM. C. WHITNEY,  
Counsel to the Corporation.

Dated New York, May 5, 1879.

In the matter of the application of the Department of Docks, for and on behalf of the Mayor, Aldermen, and Commonalty of the City of New York, relative to acquiring right and title to and possession of Pier No. 44, old number, North river, in the City of New York.

PURSUANT TO THE STATUTES OF THE State of New York, in such case made and provided, the Commissioners of the Department of Docks, for and on behalf of the Mayor, Aldermen, and Commonalty of the City of New York, hereby give notice that the Counsel to the Corporation of said City will apply to the Supreme Court, in the First Judicial District in the State of New York, at a Special Term of said court, to be held at the Chambers thereof, in the County Court-house, in the City of New York, on Wednesday, May the 14th, 1879, at the opening of said court, or as soon thereafter as counsel can be heard thereon, for the appointment of Commissioners of Estimate and Assessment in the above entitled matter.

The nature and extent of the improvement hereby intended is the acquisition of right and title by the Mayor, Aldermen, and Commonalty of the City of New York, for the use of the public to the Pier known as number Forty-four (44), old number, North river, bounded and described as follows:

Beginning at a point about 268 feet northerly from the northeast corner of Spring and West streets, and 70 feet west of the east side of West street, said point lying on the city boundary line of 1807, and the south side of Pier 44, as existing in 1846, thence westerly along the southerly side of Pier 44, as existing in 1846, and continued westerly out to the new Pier line, as established in 1871, a total distance of 770 feet, thence northerly along said Pier line 40 feet, thence easterly 410 feet parallel with the south side of said Pier 44, thence northeasterly about 10 feet, thence easterly along the northerly side of said Pier 44, 350 feet to the old city boundary line, thence southerly along said line 46 feet and 10 inches to the point of beginning.

Dated New York, April 16, 1879.

WM. C. WHITNEY,  
Counsel to the Corporation

## 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.

## JURORS.

## NOTICE IN RELATION TO JURORS FOR STATE COURTS

OFFICE OF THE COMMISSIONER OF JURORS,  
NEW COUNTY COURT-HOUSE,  
NEW YORK, June 1, 1877.

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

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

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

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

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

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

## CORPORATION NOTICE.

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

No. 1. Regulating, grading, curb, flagging, and superstructure of One Hundred and Fifty-fifth street, from Ninth avenue to the Hudson river.

No. 2. Paving Seventy-sixth street, from Eighth avenue to the Riverside Park, with granite blocks.

No. 3. Sewer in Tenth avenue, between Seventy-seventh and Eighty-first streets, with branches in Seventy-seventh, Seventy-eighth, Seventy-ninth, and Eightieth streets.

No. 4. Extension of sewer at foot of Fifty-seventh street and East river.

No. 5. Laying crosswalks across Fordham avenue, near Eleventh street, in the Twenty-fourth Ward (Central Morrisania).

No. 6. Receiving-basin on the northeast corner of Seventieth street and Fifth avenue.

No. 7. Tree planting on Seventh avenue, from One Hundred and Tenth to One Hundred and Fifty-fourth street.

No. 8. Sewers in First avenue, between Ninety-second and One Hundred and Tenth streets, and in Second avenue, between Ninety-fifth and One Hundred and Ninth streets, with branches in Ninety-third, Ninety-sixth, Ninety-seventh, Ninety-ninth, One Hundredth, One Hundred and First, One Hundred and Second, One Hundred and Third, One Hundred and Fourth, One Hundred and Fifth, One Hundred and Seventh, and One Hundred and Eighth streets.

No. 9. Paving intersection of Sixty-eighth street and Fourth avenue with granite blocks.

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

No. 1. Both sides of One Hundred and Fifty-fifth street, from Ninth avenue to the Hudson river, and to the extent of half the block at the intersecting avenues.

No. 2. Both sides of Seventy-sixth street, from Eighth avenue to the Riverside Park, and to the extent of half the block at the intersecting avenues.

No. 3. Both sides of Tenth avenue, between Seventy-seventh and Eighty-first streets, and both sides of Seventy-seventh, Seventy-eighth, Seventy-ninth, and Eightieth streets, between the Eighth and Ninth avenues, and south side of Seventy-eighth street, extending 200 feet westerly from Tenth avenue.

No. 4. Both sides of Fifty-seventh and Fifty-eighth streets, between First avenue and the East river, and both sides of Avenue A and east side of First avenue, between Fifty-seventh and Fifty-eighth streets.

No. 5. Both sides of Fordham avenue, extending 275 feet 4 inches north of Eleventh street, in the Twenty-fourth Ward.

No. 6. East side of Fifth avenue, between Seventieth and Seventy-first streets, and north side of Seventieth street, extending 175 feet easterly from Fifth avenue.

No. 7. Both sides of Seventh avenue, from One Hundred and Tenth to One Hundred and Fifty-fourth street.

No. 8. All that property situated between Ninety-third and One Hundred and Ninth streets, and First and Second avenues (including the east side of First avenue). Also property situated between Ninety-sixth and One Hundred and Ninth streets and Second and Third avenues.

No. 9. To the extent of one-half the block on all sides of the intersection of Fourth avenue and Sixty-eighth street.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to the Board of Assessors, at their office, No. 114 White street, within thirty days from the date of this notice.

The above described list will be transmitted as provided by law to the Board of Revision and Correction of Assessments for confirmation, on the 15th day of May ensuing.

THOMAS B. ASTEN,  
JOHN MULLALLY,  
EDWARD NORTH,  
DANIEL STANBURY,  
Board of Assessor

OFFICE BOARD OF ASSESSORS,  
NO. 114 WHITE STREET (COR. OF CENTRE),  
NEW YORK, April 15, 1879.

## POLICE DEPARTMENT.

CENTRAL DEPARTMENT OF THE MUNICIPAL POLICE,  
PROPERTY CLERK'S OFFICE,  
No. 300 MULBERRY STREET, ROOM 39,  
NEW YORK, April 16, 1879.

**OWNERS WANTED BY THE PROPERTY**  
Clerk of the Police Department, City of New York.  
300 Mulberry street, Room 39, for the following property  
now in his custody without claimants: Lot silver-plated  
watches, male and female clothing, boots, rope, gold  
and silver watches, bag and trunk and contents, furniture  
and bedding, molasses, canned fruit, two cases drawing  
pads, small amount of cash found and taken from pris-  
oners.

C. A. ST. JOHN,  
Property Clerk.

## HEALTH DEPARTMENT.

HEALTH DEPARTMENT, OFFICE OF THE SECRETARY,  
No. 301 MOTT STREET,  
May 6, 1879.

**PROPOSALS FOR THE ERECTION OF A RECEP-  
TION HOSPITAL FOR CONTAGIOUS DIS-  
EASES.**

**PROPOSALS, SEALED AND INDORSED AS**  
herein required, will be received by the Commis-  
sioners of the Health Department, at their office, No. 301  
Mott street, until 12 o'clock M. of the 20th day of May,  
1879, at which time they will be publicly opened and  
read by said Commissioners, for the erection of a Recep-  
tion Hospital for Contagious Diseases, at the foot of East  
Sixteenth street, near the East river.

The proposals must be addressed to the Board of Health  
of the Health Department of the City of New York, be  
indorsed "Proposals for Building a Reception Hospital,"  
with the name and address of the parties making the  
same, and date of presentation.

Two responsible securities, freeholders in this city, will  
be required with each proposal, who may justify in the  
sum of five thousand dollars each.

The Department reserves the right to reject any or all  
proposals not deemed beneficial or for the public interest.  
Plans may be examined and specifications and blank  
proposals obtained by application to the Secretary of the  
Board, at his office, 301 Mott street, New York, on Satur-  
day, May 10, 1879.

CHARLES F. CHANDLER,  
EDWARD G. JANEWAY,  
S. OAKLEY VANDERPOEL,  
WILLIAM F. SMITH,  
Commissioners.

## COLLEGE OF THE CITY OF NEW YORK.

**ASTATED SESSION OF THE BOARD OF**  
Trustees of the College of the City of New York,  
will be held on Tuesday, May 20, 1879, at 4 o'clock P. M.,  
at the Hall of the Board of Education (No. 146 Grand  
street), New York City.

LAWRENCE D. KIERNAN,  
Secretary.

## DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, May 9, 1879.

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

At City Prison, Sarah Arnold; aged 35 years; 5 feet  
high; brown hair and eyes. Had on black overskirt,  
black and white undershirt, white cotton waist, dark cloth  
sacque, shoes, white stockings. Nothing known of her  
friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, May 7, 1879.

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

At Morgue, Bellevue Hospital, from Pier 48, East  
river—Unknown man; aged about 40 years; 5 feet 7  
inches high; dark brown hair and chin whiskers. Had  
on black pea jacket, black pants, blue flannel shirt, red  
flannel shirt, blue cotton overshirt, blue socks, and brogan  
shoes.

Unknown man, from foot of Eleventh street, North  
river; aged about 30 years; 5 feet 8 inches high; brown  
hair; black moustache and goatee. Had on blue flannel  
suit, green woollen shirt, and woollen socks.

At Charity Hospital, Blackwell's Island—Catherine  
Sweeney; aged 60 years; 5 feet 1 inch high; dark brown  
hair; blue eyes. Had on when admitted, red and blue  
plaid shawl, brown alpaca sacque and skirt. Nothing  
known of her friends or relatives.

Joseph Lowerback; aged 66 years; 5 feet 9 inches  
high; gray hair; blue eyes. Had on when admitted,  
brown coat, black vest and pants, colored shirt, and black  
felt hat. Nothing known of his friends or relatives.

At Lunatic Asylum, Blackwell's Island—Bridget Welsh;  
aged 40 years; 5 feet 4 inches high; gray hair; blue  
eyes. Nothing known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, May 5, 1879.

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

At Morgue, Bellevue Hospital, from foot of Charlton  
street—Unknown man; aged about 35 years; 5 feet 7  
inches high; light brown hair, moustache, and chin whis-  
kers. Had on black diagonal coat, pants, an i vest, white  
cotton flannel shirt and drawers, blue flannel blouse, gray  
ribbed socks, and gaiters.

Unknown man, from 351 East Thirtieth street—Aged  
about 40 years; 5 feet 8 inches high; light brown hair,  
moustache, and chin whiskers; blue eyes. Had on black  
diagonal coat and vest, black ribbed pants, white shirt,  
and gaiters.

At New York City Asylum for Insane, Ward's Island—  
James Conroy; aged 38 years; 5 feet 5 inches high; blue  
eyes; light hair. Nothing known of his friends or rela-  
tives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, May 8, 1879.

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

At Charity Hospital, Blackwell's Island—James Sykes;  
aged 33 years; 5 feet 9 inches high; sandy hair; brown  
eyes. Had on when admitted, gray coat and pants, black  
vest, white shirt, black felt hat. Nothing known of his  
friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

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

## TO CONTRACTORS.

**SEALED BIDS OR ESTIMATES FOR FURNISH-  
ing** two new boilers at Bellevue Hospital will be  
received at the office of the Department of Public Char-  
ities and Correction, in the City of New York, until 9  
o'clock A. M., of Tuesday, the 13th day of May, 1879.  
The person or persons making any bid or estimate shall  
furnish the same in a sealed envelope, indorsed "Bid or  
Estimate" for two new boilers at Bellevue Hospital, and  
with his or their name or names, to the head of said De-  
partment, 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 re-  
serves the right to decline any and all bids or estimates if  
deemed to be for the public interest, and to accept any bid  
or estimate as a whole, or for any one or more articles in-  
cluded therein. No bid or estimate will be accepted from,  
or a contract awarded to, any person who is in  
arrears to the Corporation upon debt or contract, or who  
is a defaulter, as surety or otherwise, upon any  
obligation to the Corporation.

The award of the contract will be made as soon as prac-  
ticable after the opening of the bids.

The entire work will be required to be finished within  
ninety (90) working days after the date of the contract.

Any bidder for this contract must be known to be en-  
gaged in and well prepared for the business, and must  
have satisfactory testimonials to that effect; and the per-  
son or persons to whom the contract may be awarded will  
be required to give security for the performance of the  
contract by his or their bond, with two sufficient securities,  
in the penal sum of an amount equal to one-half of the  
amount of the bid.

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

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

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

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

Bidders will state the price for furnishing the boilers and  
putting them in place, by which the bids will be tested.

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

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

Bidders are informed that no deviation from the speci-  
fications will be allowed, unless under the written instruc-  
tion of the Commissioners of Public Charities and Correc-  
tion.

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

Dated April 29, 1879.

TOWNSEND COX,  
THOMAS S. BRENNAN,  
ISAAC H. BAILEY,  
Commissioners of the Department of  
Public Charities and Correction.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, May 1, 1879.

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

At Morgue, Bellevue Hospital, from foot of Broome  
street, East river—Unknown man; aged about 45 years;  
5 feet 6 inches high; brown hair mixed with gray; sandy  
beard and moustache. Had on black cloth overcoat,  
dark pants, white shirt, blue cotton overshirt, dark barred  
stockings, woman's white cambric jacket, gaiters.

At Homeopathic Hospital, Ward's Island—Samuel  
Smith; aged 35 years; 5 feet 7 inches high; gray eyes;  
dark hair. Had on when admitted, brown overcoat, black  
pants and vest. Nothing known of his friends or relatives.

At Hart's Island Hospital—Dora Hyer; aged 55 years;  
brown hair; blue eyes; 5 feet 1 inch high. Had on when  
admitted, purple calico skirt, brown cloth jacket. Nothing  
known of her friends or relatives.

By Order,  
JOSHUA PHILLIPS,  
Secretary.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION,  
No. 66 THIRD AVENUE,  
NEW YORK, April 28, 1879.

**LOST FROM STEAM-TUG "FIDELITY,"** APRIL  
19, 1879, in East river, opposite Thirty-third street,  
one row boat, 16 feet long, 2 feet wide, painted white,  
"Fidelity" marked on her stern. Any information regard-  
ing the boat may be sent to the office of the Department.

JOSHUA PHILLIPS,  
Secretary.

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

PROPOSALS FOR DRY GOODS, GRO-  
CERIES, ETC.

## TO CONTRACTORS.

**SEALED BIDS OR ESTIMATES FOR FURNISH-  
ing**

DRY GOODS.

250 Blue Flannel Blouses.

GROCERIES.

10,000 pounds Coffee Sugar.

10,000 pounds Oolong Tea.

5,000 gallons Molasses.

1,000 gallons Vinegar.

50 barrels Family Mess Pork.

10 barrels Pickles.

POTATOES.

1,000 barrels Potatoes.

CASE STEEL, ETC.

50 bars  $\frac{3}{4}$  octagon Cast Steel.

50 bars  $\frac{1}{2}$  square Cast Steel.

500 pounds Block Tin.

LUMBER.

100 ( $\frac{1}{4}$ M) bundles Shingles.

—or any part thereof, will be received at the office of the  
Department of Public Charities and Correction, in the  
City of New York, until 9 o'clock A. M. of Friday the 16th  
day of May, 1879. The person or persons making any  
bid or estimate shall furnish the same in a sealed envelope,  
indorsed "Bid or Estimate" for Dry Goods, Groceries,  
Potatoes, Cast Steel, etc., and with his or  
their name or names and the date of presentation, to the  
head of said Department, at the said office, on or before  
the day and hour above named, at which time and place  
the bids or estimates received will be publicly opened by  
the head of said Department and read.

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

The award of the contract will be made as soon as prac-  
ticable after the opening of the bids.

Delivery will be required to be made from time to time,  
at such times and in such quantities as may be directed by  
the said Department; but the entire quantity will be re-  
quired to be delivered on or before thirty (30) days after  
the date of the contract.

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

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

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

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

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

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

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

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

Bidders are informed that no deviation from the speci-  
fications will be allowed, unless under the written instruc-  
tion of the Commissioners of Public Charities and Correc-  
tion.

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

Dated May 3, 1879.

TOWNSEND COX,  
THOMAS S. BRENNAN,  
ISAAC H. BAILEY,  
Commissioners of the Department of  
Public Charities and Correction.

## THE CITY RECORD.

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

## ASSESSMENTS.

## COMMISSIONERS' NOTICE.

**NOTICE IS HEREBY GIVEN THAT THE**  
undersigned Commissioners, appointed to estimate  
the expense of regulating and grading Concord avenue,  
from Home street to Westchester avenue, in the old Town  
of Morrisania, now the Twenty-third Ward of the City of  
New York, have completed their assessment roll and  
report, and deposited the same at the office of John A.  
Henry, One Hundred and Sixty-seventh street, between  
Washington and Railroad avenues, for public inspection;  
and that the said Commissioners will meet at the said  
place on the 17th day of May, 1879, between the hours of  
four and six o'clock P. M., to review their said report, when  
all parties interested can appear and object thereto in  
writing.

M. KUNTZ,  
J. A. HENRY,  
A. C. UNDERHILL,  
Commissioners.

Dated May 1, 1879.

## FINANCE DEPARTMENT.

WILLIAM KENNELLY & HUGH N. CAMP,  
Auctioneers.

## CORPORATION SALE OF REAL ESTATE.

**PUBLIC NOTICE IS HEREBY GIVEN THAT BY**  
virtue of the powers vested in the Commissioners of  
the Sinking Fund of the City of New York, they will offer  
for sale, at public auction, on Thursday, April 24, 1879, at  
noon, at the Exchange Salesroom, No. 111 Broadway, in  
the City of New York, the following real estate belonging  
to the Corporation of the City of New York, viz:

No. 18 Renwick street.  
No. 128 East 50th street.  
Lots Nos. 13, 14, 15, Harlem market property, south  
side 121st street, near Third avenue.

West side 3d avenue, between 67th and 68th streets,  
lots Nos. 1 to 7.  
South side 68th street, between 3d and Lexington ave-  
nues, lots Nos. 10 to 16.

East side Lexington avenue, between 67th and 68th  
streets, lots Nos. 22 to 25.  
North side 67th street, between Lexington and 3d ave-  
nues, lots Nos. 26 to 33.

Lithographic maps of the above real estate may be ob-  
tained at the Comptroller's office at the New County  
Court-house, on and after April 15, 1879.

Full warrant deeds will be given to all purchasers.  
COMPTROLLER'S OFFICE,  
NEW COUNTY COURT-HOUSE,  
March 24, 1879.

JOHN KELLY,  
Comptroller.

The sale of the above premises is adjourned to Thurs-  
day, May 22, 1879, at the same hour and place.  
NEW YORK—COMPTROLLER'S OFFICE,  
NEW COUNTY COURT-HOUSE,  
May 8, 1879.

JOHN KELLY,  
Comptroller.

DEPARTMENT OF FINANCE,  
BUREAU FOR COLLECTION OF ASSESSMENTS,  
FIRST FLOOR (NEW WING), NEW COURT-HOUSE,  
CITY HALL PARK,  
NEW YORK, April 25, 1879.

## NOTICE TO PROPERTY-HOLDERS.

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

CONFIRMED AND ENTERED APRIL 18, 1879.

94th street, sewer, between 3d and 4th avenues, and in  
4th avenue, east side, between 93d and 94th streets.  
96th street, regulating, grading, etc., from Boulevard to  
Hudson river.

88th street, regulating, grading, setting curb and gutter  
stones, and flagging, between 1st avenue and Avenue A.  
100th street, regulating, grading, setting curb and gut-  
ter stones, and flagging, between Bloomingdale road and  
the Boulevard.

West street, sewer, between Barclay street and Park  
place.

70th street, sewer, between 1st and 2d avenues.  
11th avenue, paving, from 59th to 65th street.  
108th street, paving, from 4th to Madison avenue.

120th street, paving, between 2d and 3d avenues.  
4th avenue, crosswalks, at 107th, 108th and 109th streets.

All payments made on the above assessments on or  
before June 24, 1879, will be exempt (according to law)  
from interest. After that date interest will be charged  
at the rate of seven (7) per cent. from the date of entry.

The Collector's office is open daily, from 9 A. M. to 2  
P. M., for the collection of money, and until 4 P. M. for  
general information.

EDWARD GILON,  
Collector of Assessments.

DEPARTMENT OF FINANCE,  
BUREAU FOR COLLECTION OF ASSESSMENTS,  
FIRST FLOOR (NEW WING), NEW COURT-HOUSE,  
CITY HALL PARK,  
NEW YORK, April 12, 1879.

## NOTICE TO PROPERTY-HOLDERS.

**PROPERTY-HOLDERS ARE HEREBY NOTI-  
fied** that the following assessment list was received  
this day in this Bureau for collection:

CONFIRMED MARCH 28, ENTERED APRIL 12, 1879.

One Hundred and Twenty-seventh street opening, from  
the northeasterly line of Lawrence street, parallel with  
One Hundred and Twenty-sixth street, to the westerly  
side of a road or avenue, closed by chapter 290, section  
10, Laws of 1871.

All payments made on the above assessment on or be-  
fore June 11, 1879, will be exempt (according to law)  
from interest. After that date interest will be charged  
at the rate of seven (7) per cent. from the date of entry.

The Collector's office is open daily from 9 A. M. to 2 P. M.,  
for the collection of money, and until 4 P. M., for general  
information.