

THE CITY RECORD.

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PROCLAMATION BY THE MAYOR.

\$100 REWARD.

MAYOR'S OFFICE,
NEW YORK, October 28, 1875.

ONE HUNDRED DOLLARS reward is hereby offered to any person who shall cause the arrest and conviction of any other person for illegal voting, by reason of having falsely registered his vote, under false personation; or of having given a false residence; or of registering himself or causing himself to be registered in more than one district; or of having registered himself when he was not a citizen, or not entitled to vote because of non-residence or of deficient term of residence; or of having committed perjury in respect to any act of registration; or for the arrest of any other person who may commit perjury in respect to the right of voting, or who shall have fraudulently tampered with any Registry Lists, or, generally, committed any offence against any of the Registration Statutes of this State, or who may commit any offence against any of the Election Laws of the State.

Said arrest and conviction to be had and obtained under and by virtue of the State Laws, and evidenced by the proper certificate of the District Attorney of the County.

WM. H. WICKHAM, Mayor.

LAW DEPARTMENT.

OPINIONS OF THE COUNSEL TO THE CORPORATION.

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 23, 1875.

Hon. FITZ JOHN PORTER, *Commissioner of Public Works*:

SIR—With your letter to me of the 2d instant are transmitted the following papers:

1. A copy of a letter from the Comptroller to yourself, requesting to be furnished with a copy of any existing contract or contracts of the Department of Public Works, with Mr. George Caulfield or any other party for the supply of Croton water to the shipping of this port; to builders for wetting bricks and other purposes in constructing houses; and also for sprinkling streets and other purposes for which Croton water is supplied under special contract, and the authority for the same.
 2. A copy of a letter dated February 18, 1873, from the Hon. George M. Van Nort, formerly Commissioner of Public Works, to the Comptroller, replying to a letter addressed by the Comptroller to Mr. Van Nort, which was in purport similar to the one above referred to, received by you.
 3. A copy of a letter dated August 26, 1875, from the Commissioner of Public Works to the Comptroller, answering the above mentioned letter from the Comptroller of August 23.
- You state in your letter to me that it has been assumed by the Department of Public Works that, under the laws mentioned in the communications transmitted to the Comptroller by your predecessor and yourself, the subject was one wholly under the cognizance and jurisdiction of the Department of Public Works. You request my examination of the matter, as contained in the correspondence transmitted with your letter, and you desire to be informed what control or supervision over this matter is vested in the Finance Department.

Prior to the year 1867, the power to regulate the rates to be charged for Croton water was vested, under the laws of the State, in the Common Council of this city, and the duty of collecting all Croton water rents was devolved upon the Croton Aqueduct Department. Section 2 of chapter 285 of the Laws of 1867 provided that the Commissioners of the Croton Aqueduct Department should establish a scale of rents for the supplying of Croton water, which rents should be collected in the manner then provided by law. The power given to the Croton Aqueduct Department by this and previous laws, to fix a scale of rents and to collect such rents, was transferred to, and is now vested in, the Department of Public Works, created by the Charters of 1870 and 1873. After a careful examination, I am unable to find any law or ordinance which confers any powers or devolves any duties upon the Finance Department in relation to this matter.

Subdivision 5 of section 37 of the Charter of 1870 provided that there should be a Bureau of Licenses, the chief officer of which should be called "Register of Licenses." Subdivision 5 of section 33 of the Charter of 1873 contains the same provision. So far as I am aware, this provision, establishing a Bureau of Licenses, is first found in the Charter of 1870. It is to be presumed, of course, that the Legislatures of 1870 and 1873, in establishing such a bureau, had some definite object in view. What that object was, however, it is impossible for me to say. Under the ordinances of the Common Council, the power to issue licenses to perform various acts and exercise various avocations has always been conferred upon the Mayor of the city, and I presume that the contracts referred to in the letter of the Comptroller of August 23, above referred to, may also properly be regarded as licenses. The Legislature doubtless intended to establish a bureau in the Finance Department, upon which the Common Council might, if it saw fit, devolve some duties or powers in relation to licenses to be granted either by the Mayor, the Commissioner of Public Works, or other head of a department. I do not see, however, how such bureau can exercise any powers or perform any duties in relation to licenses until such powers and duties shall have been defined and established either by an act of the Legislature or by an ordinance of the Common Council.

It follows from the views above expressed, that the Finance Department has no control or supervision over the matters referred to in your letter, and in the correspondence therewith transmitted.

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

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 23, 1875.

Hon. FITZ JOHN PORTER, *Commissioner of Public Works*:

SIR—With your letter to me of the 1st inst. are transmitted the following papers:

1. A copy of a resolution of the Common Council, requesting the Commissioner of Public Works to have the first floor of Fulton market recalled, immediately.
2. A copy of a letter from the Commissioner of Public Works to the Comptroller, requesting to know whether he has refused payment of a bill of Mr. Eugene French for calling the floor of Fulton Market, on the ground that the Department of Public Works had no authority to order the work to be done.

3. A letter from Mr. Eugene French to the Commissioner of Public Works, stating that the Comptroller has refused to pay his bill for calling Fulton market, upon the ground that the Department of Public Works had no authority to order said work to be done.

4. A letter from the Commissioner of Public Works, dated July 24, 1875, in which he refers to a requisition made upon the Finance Department by the Department of Public Works, for painting Centre and Union markets, and states that he is informed by the Superintendent of Markets that the painting so far done to those buildings is entirely insufficient for their preservation; and also states that the Department of Finance, and not the Department of Public Works, is the proper one to determine as to the necessity of repairs upon the markets.

You refer at length to the various laws and ordinances relating to public markets in this city, and, in substance, request my opinion upon the question whether the Department of Public Works or the Department of Finance is empowered by law to determine as to the necessity of repairs to such markets, and has authority to order work upon them to be done.

Subdivision 20, section 17 of the Charter of 1873, provides that the Common Council may pass ordinances in relation to the construction, repair, care, and use of markets. Subdivision 6 of section 33 establishes in the Finance Department a Bureau of Markets, the chief officer of which is to be called "Superintendent of Markets." Section 71, subdivision 5, declares that the Department of Public Works shall have cognizance and control of the care of public buildings, and section 72, subdivision 7, establishes a Bureau of Repairs and Supplies, which is to have cognizance of all supplies and repairs to public buildings, works, lands, and places, and all other necessary repairs and supplies not provided for in other departments. Section 119 provides, among other things, that the ordinances of the Common Council, in force April 1, 1870, and all other ordinances passed since May 1, 1870, and in force at the time of the passage of that charter, shall be thereby revived and continued in full force as city ordinances.

The provisions above referred to, are the only ones, so far as I am aware, contained in the Charter of 1873 which have any bearing upon the questions submitted by your letter. It is to be observed that while a Bureau of Markets is established in the Finance Department, no attempt is made in the Charter to enumerate or define the duties or powers of that Bureau. The power possessed by the Common Council, under former Charters, to pass ordinances in relation to the construction, repair, care, and use of markets is, moreover, preserved; and it would seem to be necessary, therefore, in order to ascertain what powers are devolved upon the Finance Department and the Bureau and Superintendent of Markets, to refer to the ordinances of the Common Council in relation thereto. I have carefully examined the ordinances of the Common Council now in force, and I do not find any provision which devolves, or attempts to devolve, upon the Finance Department any powers or duties in relation to the construction or repair of public markets. Article 4 of chapter 7 of the Revised Ordinances contains provisions defining the powers and duties of the Superintendent of Markets; and chapter 35 contains elaborate provisions in regard to markets and market days, clerks of the markets, butchers, market fees, and general rules and regulations in relation to markets. The subject of repairs to markets is not, so far as I can ascertain, referred to at all in the ordinances.

As above stated, sections 71 and 72 of the Charter of 1873, devolve upon the Department of Public Works the duty of making all repairs to public buildings. No exception is made in the case of markets, nor in any case, unless special provision therefor is made in other departments. As no provision is to be found either in the Charter or in any other law, nor in the ordinances of the Common Council, which devolves any powers or duties upon the Finance Department in relation to the repairing of markets, it seems to me there can be no question that the authority to determine what repairs are necessary to the markets, and to order the same to be done, is vested exclusively in the Department of Public Works.

This view of the law is confirmed, if confirmation were necessary, by an examination of the laws and ordinances relating to markets, passed by the Legislature and the Common Council prior to the Charter of 1873. Under the Charter of 1857, and the ordinances adopted pursuant thereto in 1859, the care of all public buildings was vested in the Street Department, while jurisdiction over markets was given to the Department of the City Inspector. The ordinances adopted in 1859 are substantially those now in force, and, although containing elaborate provisions in regard to the duty of the Superintendent of Markets, in superintending, inspecting, regulating, and managing the same, they did not give that officer, nor the City Inspector, any power to make repairs; nor in the charter relating to the general subject of public markets, was any provision whatever made for such repairs. The power to make repairs to public buildings (necessarily including markets) was devolved exclusively upon the Street Department.

Neither under the Charter of 1857, the ordinances of 1859, nor, so far as I am aware, any previous law or ordinance, had the Finance Department any powers or duties relating to the public markets, except, perhaps, to collect fees and rents; but in the year 1863 a law was passed by the Legislature transferring from the City Inspector to the Finance Department jurisdiction over markets (see chapter 227 of the Laws of 1863). This law, however, only conferred upon the Finance Department the powers previously possessed by the City Inspector in relation to the inspection, regulation, and management of the markets; and did not take away the powers previously and then possessed by the Street Department to make repairs. The provisions of the Charter of 1870 are similar to those of the Charter of 1873. Section 21, subdivision 22, provided that the Common Council might pass ordinances in relation to the construction, repair, care, and use of markets. Section 37, subdivision 6, established (for the first time) a Bureau of Markets in the Finance Department, the chief officer of which was to be called "Superintendent of Markets." Sections 78 (subdivision 5) and 79 (subdivision 7) devolved upon the Department of Public Works (which was first established by this charter) the care of public buildings and the duty of making all repairs thereto.

It will thus be seen that prior to the passage of the Charter of 1873, the Finance Department, neither by law nor ordinance, had the authority to determine what repairs were necessary to markets, nor to order the same to be done; and, as above stated, not only is no such authority or power conferred upon that Department by the Charter of 1873, but an express authority to make all repairs to public buildings is conferred upon the Department of Public Works.

The original letters of the Comptroller and Mr. French, transmitted with your letter to me, are herewith returned.

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

LAW DEPARTMENT,
OFFICE OF THE COUNSEL TO THE CORPORATION,
NEW YORK, September 24, 1875.

Hon. ANDREW H. GREEN, *Comptroller*:

SIR—Your letter to me of the 13th instant states that at a public letting for regulating, grading, etc., Eighth avenue, from One Hundred and Twenty-eighth street to the Harlem river, on April 19, 1875, the contract was awarded to Messrs. Mills & Ambrose; and that on the 8th of May, 1875, their proposal was returned to the Department of Public Works with the Comptroller's approval of Messrs. Solomon Mehrbach and Charles Devlin as the sureties thereon; that on May 27 the Commissioner of Public Works re-transmitted the proposal to the Comptroller's office for the substitution of another party in place of Mr. Solomon Mehrbach, who, as stated by the Commissioner of Public Works, had declined to sign the contract as surety. You also state that Mr. Mehrbach is now offered as one of the sureties on the proposal of Mr. James Everard for paving Third avenue, from Westchester avenue to the north side of One Hundred and Sixty-third street, the contract for which work was awarded to Mr. Everard at a public letting on September 1, 1875, by the Department of Public Parks. You request my opinion whether, under this state of facts, Mr. Mehrbach can now be taken as a surety on the contract of Mr. Everard, or whether he should have been rejected on the ground of the non-fulfillment of his obligation to serve in "good faith with an intention to execute the bond required," as provided by the ordinances.

As I recently had occasion to advise you in the case of McGuire and Tracy, I do not think that the facts stated in your letter constitute any legal ground for the rejection of Mr. Mehrbach as a surety upon the contract of Mr. Everard. The only provision of law applicable to the matter, so far as I am aware, is section 99 of the Charter of 1873, which is as follows: "No bid shall be accepted from, or contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation."

Even if Mr. Mehrbach could be considered a defaulter as a surety upon an obligation to the corporation, the only penalty to which he might be liable under this statute would be that no bid could be accepted from or contract awarded to him. The accepting of Mr. Mehrbach as a surety upon the contract of Mr. Everard is not accepting a bid from him, nor awarding a contract to him.

Whether it might not be desirable that a law should be enacted rendering a person incompetent as a surety who has once offered to become surety upon a contract with the city and subsequently declined to execute the bond, is not a question for me to consider. The disabilities under section 99 of the Charter are created entirely by the statute, which cannot be extended to include any case not clearly within its purview.

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

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, September 24, 1875.

Hon. ANDREW H. GREEN, Comptroller :

SIR—Your letter to me of the 15th instant, states that on August 12, 1875, the Department of Public Parks awarded the contracts for paving Third avenue, from Westchester avenue to One Hundred and Sixty-third street, to Mr. John Bennett ; and for paving Third avenue, from One Hundred and Sixty-third street to North Broadway, to Mr. John C. Dowling ; that it is stated in a communication from the Department of Public Parks, dated August 18, 1875, that the said Bennett and Dowling were duly notified of the awards, and required to signify their acceptance of the same within forty-eight hours, and having failed to do so within the time prescribed by the Charter, the Commissioners governing the Department of Parks, on the 18th August, 1875, directed that the said works be readvertised and relet ; that this was done, and on September 1, 1875, the Department of Parks opened bids for the same, and awarded the contracts to Mr. Jas. Everard for paving Third avenue, from Westchester avenue to One Hundred and Sixty-third street, and to Mr. John B. Devlin for paving Third avenue, from One Hundred and Sixty-third street to North Broadway ; that the bid of said Everard amounted to \$35,897.50, and was in excess of that of Mr. Bennett \$2,667 ; and that the bid of Mr. Devlin amounted to \$47,007.50, and was in excess of that of Mr. Dowling \$2,512.50. You also state that you are informed that a day or two before the opening of the bids at the last letting, Mr. Dowling addressed a communication to the Department of Public Parks, stating that he was ready to proceed with the work at the prices of his proposal on which the contract had been awarded to him on August 12 ; that such communication was not regarded, however, and the new bids for the work as advertised were opened, and the contracts awarded under them, as above stated. You request my opinion, under these circumstances, whether the Department of Public Parks has acted legally in regard to Dowling's proposal in awarding a contract at higher prices to another party ; and whether an assessment for the work will be valid for the larger expense ; and also whether it would be proper for you to approve the sureties in either or both cases if found adequate and sufficient.

Section 91 of the Charter of 1873, among other things, provides as follows : "If the lowest bidder shall neglect or refuse to accept a contract within forty-eight hours after written notice that the same has been awarded to his bid or proposal, or if he accepts, but does not execute the contract, and give the proper security, it shall be readvertised and relet, as above provided.

It seems to me that, in the matter referred to in your letter, the Park Department has acted in strict accordance with the above quoted provision of the Charter. The statute is mandatory, and I do not see that under it the heads of departments are allowed any discretion. The fact that Mr. Dowling, before the bids were opened at the second letting, offered to take the contract at the price at which it had been awarded to him, does not alter the case. The circumstance that he had neglected to execute the contract within the time prescribed by the statute, and only offered to do so when he found that the work had been readvertised, in the absence of any explanation, would not seem to indicate that it would be particularly advantageous for the city to enter into a contract with him, even at the lower price. Without regard to this point, however, it is sufficient to say that the Department of Parks, as required by the statute, had already readvertised the work, and could not then have allowed Mr. Dowling to go on with it, even if the Commissioners had supposed that such a course would have been to the advantage of the city.

I have no doubt that you should approve the sureties upon both contracts, if they are found adequate and sufficient.

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

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, September 24, 1875.

Hon. ANDREW H. GREEN, Comptroller :

SIR—Your letter to me of the 22d instant, states that the Commissioners for the Erection of a Court-house in the Third Judicial District have certified to the Finance Department a bill of stationery for \$212.20, in favor of Messrs. Francis & Loutrel. You request to be informed whether such Commissioners are authorized by law to incur any expense for stationery.

It does not seem to me that the provisions of the charter in relation to procuring stationery apply to the Commissioners in question. I think that, under the several laws providing for the erection of this building, the Commissioners are authorized to purchase any articles, including stationery, which it may be necessary or proper for them to use in the discharge of their official duties.

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

LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, September 25, 1875.

Hon. ANDREW H. GREEN, Comptroller :

SIR—Your letter to me of the 12th of August, ultimo, states that, by chapter 446 of the Laws of 1874, provision was made for the appointment of commissions to inquire into the sanity of persons in confinement under indictment for various crimes ; and that, pursuant thereto, a number of commissions were appointed by the City Judge ; that such commissions entered upon and discharged their duties during the year 1874, and the early part of 1875, but that no provision was made in said act of 1874 for the payment of the expenses of such commissions. You refer to section 2, of chapter 574 of the Laws of 1875, which amends section 22 of article 2 of title 1 of said chapter 446, and state that bills for services of commissions, performed previous to the amendment of 1875, have been presented to the Finance Department, certified by the City Judge as correct, with demand of payment ; and you request my opinion whether these claims can be legally paid, or whether such amendment applies only to bills incurred subsequent to its passage.

Said section 22, as amended, is as follows : "The costs of any commission of lunacy appointed pursuant to the provisions of this article, shall be a charge upon the county in which the same shall have been executed, and the certificate of the court by which such commission shall have been appointed shall constitute a legal voucher thereof in the hands of the county treasurer. Provided, nevertheless, that the costs of all commissions appointed by the Governor shall be defrayed from the fund appropriated for the contingent expenses of the Executive Department."

It is a general rule in the interpretation of statutes that they will not be regarded as having a retrospective effect unless the intention that they should have such effect is plainly indicated.

While, however, the Legislature cannot pass what are known as ex post facto laws, there is no question as to the power of the Legislature to pass retrospective laws. The fact therefore that this law provides (if it does) for the payment of the costs of commissions appointed prior to its passage does not affect its validity.

It is also a rule in the interpretation of statutes that in cases of doubt the intention of the Legislature is to be ascertained if possible, and such a construction is to be given as will carry out that intention.

It is possible perhaps to construe the amendment above referred to so as to make it apply to the costs of those commissions only which were appointed after its passage. I do not think, however, that such was the intention of the Legislature. It seems to me quite clear that the Legislature intended to provide for the payment of the costs of the commissions appointed before, as well as those appointed after, the passage of this amendment. Such intention is strongly indicated by the language used. The words "any commission of lunacy appointed pursuant to the provisions of this article" are broad enough to cover commissions appointed before, as well as those appointed subsequent to the passage of the amendment ; and if it had been designed that the amendment should apply only to commissions appointed subsequent to its passage, instead of using the words, "shall have been executed" and "shall have been appointed," the ordinary and proper language would have been, "shall be executed" and "shall be appointed."

Besides, as the original act passed in 1874 made no provision for the expenses of the commissions to be appointed thereunder, there was just as much occasion to provide for the expenses of the commissions which had been appointed previous, as for the expenses of those which might be appointed subsequent to the passage of the amendment. I am strongly inclined to the opinion that this statute is to be construed as applying to the commissions appointed previous, as well as those appointed subsequent to its passage. I am confirmed in this opinion by the fact that this view has been taken of the matter by the very experienced lawyer who now holds the position of City Judge.

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

POLICE DEPARTMENT.

The Board of Police met on the 26th day of October, 1875. Present—Messrs. Matsell, Disbecker, Voorhis, and Smith, Commissioners.

Leaves of Absence Granted.

Table with 4 columns: Name, Precinct, Days Without Pay, Days Without Pay. Includes Patrolman Wm. Z. Ripley, Theo. E. Beeck, Barth. Horgan, T. F. Thompson, Patrolman Cornelius Regan, Maurice Finn, Patrick Powers, and Doorman William Cronin.

On motion of Commissioner Voorhis, the following applications for leaves of absence were referred to the Superintendent for further particulars :

Table with 4 columns: Name, Precinct, Days, Days. Includes Roundsman Patrick McGinle, Patrolman Thomas Bell, John McEvoy, Patrolman Peter Byrnes, Moses McCarty, Doorman Peter Waters.

- Parades Allowed. German Democratic Association, October 26. Parade. Americus Chapter, R. A. M., October 24. Funeral. Herman Sons' Benevolent Society, October 26. Funeral. Ancient Order Hibernians, No. 17, October 26. Funeral. Ancient Order Hibernians, No. 19, October 27. Funeral.

A petition of Mary Palmer, widow of late Patrolman Francis L. Palmer, for a pension, was referred to the Committee on Rules and Discipline.

An application of Henry Dyer, for re-appointment as Patrolman, was referred to the Committee on Rules and Discipline.

The following statement of the Treasurer, in response to Circular No. 12, from the Finance Department, was ordered to be entered in the minutes, and a copy to be transmitted to the Comptroller :

NEW YORK, October 25, 1875.

To the Board of Police :

GENTLEMEN—In accordance with Circular No. 12, issued by the Department of Finance, I herewith submit statement, showing balance remaining to the credit of the following accounts, and the estimated liability for the week ending October 23, 1875 :

Financial statement table with 2 columns: Account Name, Amount. Includes Account, Salaries; Account, Supplies; Account, Alterations and Repairs; Account, Construction of Nineteenth Precinct Station-house; Account, Construction of Stable, Thirty-third Precinct; Account, Election Expenses; Account, Bureau of Street Cleaning.

Respectfully, JOHN R. VOORHIS, Treasurer.

Per GEORGE P. GOTT, Book-keeper.

Communication from Jacob Webb, Janitor, submitting a list of articles unfit for use and for sale at auction, was referred to the Committee on Repairs and Supplies.

On motion of Commissioner Smith, it was Resolved, That the Superintendent be directed to publish the following as a General Order : When there are two or more Roundsmen on a platoon, Captains will divide the Precinct equally between them, and assign one Roundsman to each division for two tours of duty, viz., the first and last. Captains will then change the Roundsmen to the opposite divisions, and under no circumstances will a Roundsman perform more than two tours of duty consecutively on the same division.

Captains will enter in the Blotter, immediately under each roll-call, the part of the Precinct in which each Roundsman is assigned to patrol ; for instance—Roundsman A. B. or C. to patrol that part of Precinct east, west, north or south of — street.

Inspectors, when examining Blotters, will note all violations or omissions of this order, and report the same to the Board.

The Committee on Rules and Discipline presented the following resolutions, which were adopted.

Resolved, That the Board of Examiners for Promotion be directed to cite before them for examination and report the following applicants for promotion :

Table listing promotion applicants: Sergeant William Murray (15th Precinct), Sylvester Osborn (12th), Roundsman John Fitzgerald (21st), Edward Lucas (35th), Thomas F. McAvoy (32d), Patrolman Bernard Tully (19th), Thomas Clarke (16th), Patrick O'Hara (19th), Charles E. Spiegel (19th), Robert Orr (16th), Owen O'Neil (18th), Michael Doherty (8th), Leon Phillips (19th), Joseph Hall (5th).

Resolved, That the Superintendent be instructed as follows, viz. : That all applications from members of the force for leave of absence for attendance upon funerals, shall state explicitly the relationship existing between the deceased person and the applicant, where the funeral is to take place, and also the time and place of interment.

Resolved, That the request of the Board of Health for detailment of two officers from the Sanitary Company to visit all vessels arriving from foreign ports, to enforce an ordinance with reference to landing cargoes, be respectfully denied, on the ground that this Department has no authority to make such detailment.

Resolved, That honorable mention be made of Captain Charles McDonnell, Eighth Precinct, and that his name be placed on the Record Book of Meritorious Services, for causing the arrest of Charles Weston, one of the alleged murderers of the paddler Abraham Weisberg.

On hearing the report of the Finance Committee, and on motion of Commissioner Smith, it was Resolved, That the following bills be ordered paid—all voting aye.

Table with 2 columns: Name, Amount. Includes Robert C. Brown, plumbing (\$17 18), Underhill, Bouyng & Adams (\$87 40), P. Fitzsimmons, repairs (\$49 50), S. L. Goodrich, plumbing (\$53 62), W. & J. Sloane, carpet (\$71 09), Total \$511 44.

Communication from R. H. Channing, relative to an injunction in the action of Dahlman against Baugh, was, on motion of Commissioner Disbecker, referred to the Counsel of the Board.

The following applications for transfer were referred to the Committee on Rules and Discipline.

Table with 2 columns: Name, Precinct. Includes Sergeant William W. Sullivan (34), Patrolman John T. Disbrow (13), Levi Crowe (11).

Application of Patrolman William H. Mead, Thirty-second Precinct, for promotion, was referred to the Committee on Rules and Discipline.

On reading opinion of the Counsel to the Board, and, on motion of Commissioner Disbecker, it was Resolved, That the property owned by Charles Wilson, now in the custody of the Property Clerk, be delivered to said Wilson in accordance with the opinion of counsel—Commissioner Matsell, Disbecker, and Smith voting aye ; Commissioner Voorhis voting no.

The following resolution of the Board of Apportionment, adopted September 27, 1875, was ordered to entered in the minutes:

Resolved, That the sum of \$2,000 is hereby transferred from the appropriation, "Police Fund," 1874, the same being in excess of the amount required for the purposes and objects thereof, to the appropriation "Health Fund," 1875, for the purpose of continuing gratuitous vaccination for another month.

Whereupon, it was Resolved, That a copy of said resolution be forwarded to the Treasurer, and that the Treasurer be authorized to draw a check for the amount in accordance therewith—all voting aye.

On motion of Commissioner Voorhis, the following resolution of the Board of Aldermen, passed on the 14th instant, was ordered to be entered in the minutes, and a copy forwarded to the Committee on Repairs and Supplies:

Resolved, That the Mayor and Common Council do hereby authorize and approve, pursuant to the provisions of section 47 of chapter 335 of the Laws of 1873, and as requested by the Commissioners or Board of Police, of setting apart and transferring to the Police Department of this city, for the purpose of erecting a Station-house thereon, all that certain piece or parcel of land belonging to the Corporation of the City of New York, situate on the north side of Fifty-first street, 159 feet 9 inches west of Third avenue, immediately adjoining and westerly of the property now used by the Fire Department as an Engine-house, being 35 feet 5 inches in width in front and rear of lot, by 100 feet 5 inches in depth; also, for the purpose of erecting a Station-house and Prison thereon, all that other certain piece or parcel of land belonging to the City, situate on the north side of Sixty-seventh street, commencing at a point 120 feet west of Third avenue, and running thence westerly to the property now occupied by the Fire Department as an Engine-house, being 50 feet in width in front and rear of lot, by one-half of the block in depth.

Dismissals.

Table with 2 columns: Precinct, Name, Precinct. Includes Patrolman Patrick Fleming, Michael Foley, Doorman William Hutton.

Fines Imposed.

Table with 4 columns: Precinct, Name, Days' Pay, Precinct, Days' Pay. Includes Patrolman James Reilly, Orlando R. Phenes, Thomas Hogan, Samuel B. Wells, Bernard O'Rourke, Charles Tiernan, Sergeant Thos. F. Westerman, Patrolman Peter Byrne, George H. Hewitt, Patrolman James Lynch, Daniel Matthison, Thomas Burleigh, Henry Kuhlwein, George T. Paton, Jeremiah Mahoney, John R. Nevins, Launcelot J. Tiernan, Henry W. Phillips.

Reprimands.

Table with 2 columns: Precinct, Name, Precinct. Includes Patrolman Louis Wolters, Patrolman Patrick H. Lyons.

Complaints Dismissed.

Table with 2 columns: Precinct, Name, Precinct, Days' Pay. Includes Patrolman Francis Kelly, Michael Roughan, James Keenan, Daniel McInerney, Patrolman Thomas Burns, John Farrell, William Ryan, James Layburn.

Street Cleaning.

Communication from the Health Department, transmitting a report of the Sanitary Superintendent on the protest of citizens of the Twelfth Ward against the dumping board foot of East One Hundred and Tenth street, and requesting the Board of Police to ascertain the location of the signers to the protest, was received; whereupon, on motion of Commissioner Voorhis, it was

Resolved, That the request of the Health Department be complied with, and the information, when received, be forwarded to that Department.

Bureau of Elections.

Commissioner Disbecker offered the following preamble and resolution: Whereas, it is, in the opinion of this Board, of great public advantage that all Inspectors of Election who have faithfully acted in the discharge of their duty as Inspectors during the days of registration, should continue to discharge their duties as Inspectors of Election on Election day; and Whereas, it has been represented that for political considerations some of the political organizations in the city have endeavored to obtain, and in some instances have received, the resignations of certain of said Inspectors, with the intent to present, on the eve of election, such resignations with the names of substitutes; and

Whereas, Under such circumstances due and proper inquiry could not be made as to the character, qualifications, and fidelity of such substitutes to discharge the high trust of presiding at and securing an honest election in their respective districts; and

Whereas, In view of the public importance of the matters herein presented, and that this Board may discharge its whole duty in the matter, it is necessary that the Board should be at once advised as to its legal powers in reference to resignations; therefore

Resolved, That the Counsel to the Corporation be and he is hereby requested to advise this Board forthwith, whether, upon a resignation of an Inspector of Election being received by the Board, the same takes effect and the Board is bound to proceed and appoint a successor, or whether the resignation before it can take effect must be accepted by the Board, and until such acceptance, if it is the duty of the Inspector to attend in the discharge of his duties, and be held responsible in the event of his failing to do so.

The question being on the adoption of the preamble and resolution was lost—Commissioners Mattsell and Disbecker voting aye; Commissioners Voorhis and Smith voting no.

Charges having been preferred against Frank Miller, Fourth Election District, Nineteenth Assembly District—Intoxication and absence without leave—heretofore appointed by this Board to the office of Inspector of Election for the election district named, and a full hearing of the evidence having been had, after a notice in writing to said Inspector, it was

Resolved, That the said Frank Miller be adjudged guilty of the charges preferred, and is hereby removed from the office of Inspector of Election—all voting aye.

Resolved, That the names of persons embraced in list marked "F. F." be selected for Inspectors and Poll Clerks of Election in the place and stead of those previously selected and who have failed to appear, or have been found disqualified; and the Chief of the Bureau of Elections directed to make the same investigation as in the case of those originally named—all voting aye.

Adjourned.

S. C. HAWLEY, Chief Clerk.

DEPARTMENT OF PUBLIC WORKS.

NEW YORK, October 27, 1875.

In accordance with section 110, chapter 335, Laws of 1873, the Department of Public Works makes the following report of its transactions for the week ending Saturday, October 23, 1875:

Public Moneys Received and Deposited with the City Chamberlain.

Table with 2 columns: Description, Amount. Includes For Croton Water Rent, For Penalties on Croton Water Rent, For Tapping Croton Pipes, For Vault Permits, For Sewer Permits, For Removing Obstructions, Total.

Contracts Entered Into.

For sewer in Avenue A, between Eighty-ninth and Ninety-second streets, etc. Contractor—Jas. J. Jones, of 343 East Eighty-fifth street. Sureties—Patrick Sheehy, of 259 East Eighty-third street; Patrick Corbett, of 308 East Eighty-fourth street.

Paving Thirteenth avenue, between Eleventh and Sixteenth streets. Contractor—Jas. Everard, of 307 and 309 East Fortieth street. Sureties—Isaac Mehrbach, of 141 East Twenty-sixth street; Solomon Mehrbach, of 145 East Twenty-sixth street.

Paving Fifty-fifth street, between Madison and Fourth avenues. Contractor—James Everard, of 307 and 309 East Fortieth street. Sureties—Isaac Mehrbach, of 141 East Twenty-sixth street; Solomon Mehrbach, of 145 East Twenty-sixth street.

Paving One Hundred and Fifth street, between First and Third avenues. Contractor—James Everard, of 307 and 309 East Fortieth street. Sureties—Isaac Mehrbach, of 141 East Twenty-sixth street; Solomon Mehrbach, of 145 East Twenty-sixth street.

Paving One Hundred and Twenty-seventh street, between Third and Sixth avenues. Contractor—James Everard, of 307 and 309 East Fortieth street. Sureties—Isaac Mehrbach, of 141 East Twenty-sixth street; Solomon Mehrbach, of 145 East Twenty-sixth street.

Paving One Hundred and Thirty-first street, between Fifth and Sixth avenues. Contractor—James Everard, of 307 and 309 East Fortieth street. Sureties—Isaac Mehrbach, of 141 East Twenty-sixth street; Solomon Mehrbach, of 145 East Twenty-sixth street.

Paving Thirty-third street, between First avenue and East river. Contractor—C. P. Devlin, of 213 East Eighty-second street. Sureties—Charles Jones, of 343 East Eighty-fifth street; Alexander Lutz, of 522 East One Hundred and Twenty-first street.

Paving One Hundred and Twentieth street, between First avenue and East river. Contractor—C. P. Devlin, of 213 East Eighty-second street. Sureties—Charles Jones, of 343 East Eighty-fifth street; Alexander Lutz, of 522 East One Hundred and Twenty-first street.

Paving One Hundredth street, between Eighth and Tenth avenues. Contractor—P. Mulholland, of Seventy-third street, between First and Second avenues. Sureties—Charles Devlin, of 311 East Fifty-seventh street; John Mulholland, of Seventy-third street, between First and Second avenues.

Regulating, grading, etc., Eighty-fourth street, between Eighth and Tenth avenues. Contractor—John S. Masterson, of Eighty-fourth street, between Eighth and Tenth avenues. Sureties—Peter Masterson, of 245 West Fifty-eighth street; Michael Treacy, of 338 West Fifty-ninth street.

Furnishing Scotch Invert Blocks, etc. Contractor—Wm. Nelson, Jr., of 24 Old Slip. Sureties—George Bell, of 222 West Forty-second street; Wm. De Groot, of 21 West Twenty-sixth street.

Furnishing 655 Tons of Anthracite Coal. Contractor—Samuel P. French, of 111 Broadway. Sureties—Patrick Carroll, of 129 East One Hundred and Eighteenth street; Fred. Schloefel, of 153 East Fifty-third street.

Earth filling on First avenue, between Ninety-ninth and One Hundred and Fourth streets. Contractor—Thos. McQuade, of Lexington avenue and Eighty-ninth street.

Certificates of the cost of completed improvements, transmitted to the Board of Assessors.

Table with 2 columns: Description, Amount. Includes For receiving-basin at northwest corner of Sixty-first street and Eighth avenue, For curb, guttering and flagging Fifty-seventh street, between Second and Third avenues, For flagging in Fourth avenue, between Forty-second and Forty-fourth streets, For flagging in Sixty-third street, between First and Second avenues, For paving Second avenue, between One Hundred and Twenty-fifth and One Hundred and Twenty-eighth streets, For paving Sixty-first street, between Eighth and Tenth avenues, For paving One Hundred and Thirty-first street, between Fourth and Fifth avenues, Total.

Laying Croton Pipes.

Laying 20-inch pipe in Fifth avenue, between Forty-first and Forty-third streets. Laying 30-inch pipe in Eighth avenue, between Eightieth and Eighty-first streets. Laying 6-inch pipe in One Hundred and Thirty-sixth street, between Lincoln and Willis avenues. Laying 48-inch pipe in Eightieth street, between First and Fifth avenues.

Replacing Pavements over Croton Mains.

In Fifty-seventh street, between Fifth and Madison avenues. In Forty-fourth street, between Tenth and Eleventh avenues. In Sixty-first street, between Madison and Fourth avenues. In Sixty-third street, between Lexington and Third avenues. In Sixty-second street, between Lexington and Fourth avenues. In Lexington avenue, between Sixtieth and Sixty-fifth streets. At southeast corner of Broadway and Forty-fifth street.

Repairing Stone Pavements.

In Third avenue, between Sixtieth and Sixty-fourth streets. In Twenty-ninth street, between Eighth and Ninth avenues. In Twenty-second street, between Eighth and Ninth avenues. In Second avenue, between Twenty-sixth and Twenty-ninth streets. In New Chambers street, between Pearl and Water streets. In Varick street, between Laight and Canal streets. In Duane street, between Greenwich and Church streets. In Ludlow street, between Delancey and Rivington streets. In Market street, between Monroe and South streets. In Albany street, between West and Greenwich streets. In Fletcher street, between Pearl and Water streets. In Bowery, between Hester and Grand streets. In Madison street, between Catharine and Pike streets. In Mott street, between Houston and Bleecker streets. In Bond street, between Bowery and Broadway. In Seventh street, between Avenues B and D.

Repairing Wooden and Concrete Pavements.

In Second avenue, between Fourteenth and Fifteenth streets. In Seventh avenue, between Twenty-fourth and Fortieth streets. In Maiden Lane, between Broadway and William street. In Nassau street, between John and Fulton streets. In Murray street, between Broadway and College place. In New street, between Exchange place and Beaver street. In Waverly place at Fifth avenue.

Repairing Crosswalks.

At Twenty-fourth street and Seventh avenue. At Broome and Houston streets. At Twenty-fourth street and Tenth avenue.

Permits Issued.

2 permits to construct vaults under sidewalks. 11 permits to flag sidewalks and set curb and gutter stones. 23 permits to make sewer connections. 1 permit to remove shade trees. 15 permits to repair sewer connections. 37 permits to place building material on streets.

Discharged on Completion of Work.

James Britt, Inspector of Paving. John A. Weth, Inspector on Sewer. John Glass, Inspector on Sewer.

Resigned.

Charles Kinkel, Inspector on Sewer.

Appointments.

William H. Green, Inspector on Sewer. Wm. R. W. Chambers, Inspector on Paving. Harry Palmer, " " Oliver H. Kingsland, " " William Harney, " " John Hurley, " " John Mulholland, " Paving. Nicholas Murphy, " " J. N. W. Roome, " " Meyer Elsass, " " Anderson McDevitt, " " Matthew Rourke, " " Bryan Gaughan, " " Hubert O. Thompson, Clerk to Water Purveyor.

STATEMENT of Laboring Force employed in the Department of Public Works during the week ending October 23, 1875.

Table with 5 columns: NATURE OF WORK, MECHANICS, LABORERS, TRAMS, CARTS. Includes Alteration of Aqueduct on Tenth avenue, Maintenance of Aqueduct and Reservoirs, Finishing work around Storage Reservoir, In Pipe Yard, foot of East Twenty-fourth street, Construction of roads and avenues, Laying and repairing Croton pipes, Repairing pavements, Maintenance and sprinkling roads and avenues, Total, Increase over previous week, Decrease over previous week.

Requisitions on the Finance Department.

The total amount of requisitions drawn by the Department upon the Finance Department during the week is \$115,069.12.

FITZ JOHN PORTER, Commissioner of Public Works.

