

# THE CITY RECORD.

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### COMMISSIONERS OF THE SINKING FUND.

*Abstract of the Proceedings of the Commissioners of the Sinking Fund at the meeting held March 16, 1880.*

Present—Hon. Edward Cooper, Mayor (Chairman); Hon. Frederick Smyth, Recorder; Hon. John Kelly, Comptroller; and J. Nelson Tappan, Esq., Chamberlain.

The minutes of the last meeting were read and approved.

The Comptroller submitted the following resolution, which, on motion was adopted, viz.:

Resolved, That a warrant for Twenty-five hundred dollars (\$2,500) be drawn in favor of the Chamberlain against the Sinking Fund for the payment of interest on the City Debt, for deposit in the City Treasury to credit of account "Croton Water Rent-Refunding Account," for refunding erroneous and overpayments of Croton Water Rent.

The Comptroller submitted the application of Messrs. Gregory & Jones, to purchase the premises No. 399 Cherry street.

The application was laid on the table; and the Secretary directed to notify the applicant that the said premises can be sold only at public auction, to the highest bidder.

The Comptroller submitted the following report in relation to the matter of the will of Charles Miller Case, deceased, viz.:

CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
February 20, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—Herewith I submit a copy of a communication from Messrs. Paines & Co., Solicitors, London, England, to Messrs. Brown, Shipley & Co. of that city, transmitted by them to the Chamberlain, with the copy of a will made by one Charles Miller Case, by which the City of New York is made a residuary legatee of his estate.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the Comptroller be authorized to designate and appoint a solicitor in the City of London, England, to represent in the proper Court in that city "The Treasurer for the time being of the public funds of the City of New York," in the matter of the will of Charles Miller Case, "formerly of the City of New York, in the United States of North America, but now of No. 3 Sea View Cottages, Holloway, in the Parish of Hollywell, in the County of Flint, Gentleman," dated on the 10th day of November, 1876, provided all costs and charges and expenses that may be made or incurred by said solicitor shall be paid out of said estate, and that no liability whatever therefor shall be incurred by the Commissioners of the Sinking Fund, nor the Mayor, Aldermen, and Commonalty of the City of New York.

The report was accepted, and, on motion, the resolution submitted with the report was adopted.

The Comptroller submitted the following report on application for return of "Note of Issue Fee," viz.:

CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
February 20, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—The Comptroller, to whom were referred, on October 23, 1879, several applications for the return of trial fees, paid into the Sinking Fund by the Clerk of the Marine Court,

REPORTS:

That, by a decision of the Marine Court, General Term, there is no authority of law for the return of fees paid to the Clerk of the Court, and I submit a communication from him referring to that decision.

Respectfully,

JOHN KELLY, Comptroller.

THE MARINE COURT OF THE CITY OF NEW YORK,  
NEW YORK, DECEMBER 26, 1879.

Hon. JOHN KELLY, Comptroller, etc.:

DEAR SIR—I beg to call your attention to the following decision, arrived at and promulgated by order of the full bench of Justices of the Marine Court:

BY ALL THE JUDGES.

"Decision in reference to returning fees paid on filing notes of issue in cases discontinued before trial:

"McGivern vs. Lumis—Fees paid upon filing notes of issue are, as soon as they reach the hands of the Clerk, in the constructive possession of the City of New York, and it is made the sworn duty of the Clerk to pay them, with other lawful fees collected by virtue of his office, into the city treasury. The statute requiring the payment of these fees in advance contains no authority for their return in case of the discontinuance of the action before actual trial. The present ex parte application was made to the Special Term Judge, and was by him referred to the General Term, to the end that some uniform rule of practice in respect to such motions be declared for the future guidance of the Clerk and the Bar. It is sufficient for us to say that we find no warrant in law for such applications, and therefore declare the above rule. Motion denied."

When return of fees, in cases alluded to, has been denied by me, and the Justices have declined to order payment, application has been frequently made to the Finance Department, whence the case has been referred back to my office for certification. The decision in the case of McGivern vs. Lumis definitely states that there is no statutory authorization for the return of such fees.

Respectfully,

JOHN SAVAGE, Clerk.

On motion, the report was accepted, and the applications denied.

The Comptroller submitted the following reports on petitions for "Deeds of Confirmation:":

I.  
CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 15, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—The Comptroller, to whom was referred October 24, 1879, the petition of Wm. Mathews for a confirmatory deed to certain lots of land, sold to him at public auction, by the Mayor, Aldermen, and Commonalty of the City of New York, on May 21, 1866, for the reason that the deed to him of said lots by the corporation was not signed by the Mayor of the city at the time it was given,

REPORTS:

That the sale of said lots was regular, and the terms and conditions thereof have been complied with, and the purchase price paid in full and carried to the credit of the Sinking Fund for the redemption of the city debt. The Counsel to the Corporation has prepared such deed as the facts warrant and require, and has approved the same as to form, which is herewith submitted with said petition.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of William Mathews for a confirmatory deed of certain lots therein described sold at public auction on May 21, 1866, by the Mayor, Aldermen and Commonalty of the City of New York, be granted, and that the deed prepared by the Counsel to the Corporation and approved by him be executed by the Mayor and the Clerk of the Common Council on behalf of the Corporation, and that the Comptroller be authorized to deliver said deed, when duly executed and recorded in his office, to the said petitioner or his attorney.

The report was accepted and the resolution adopted.

II.  
CITY OF NEW YORK, FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 15, 1880.

*To the Commissioners of the Sinking Fund.*

GENTLEMEN—Herewith is presented a petition of the Equitable Life Assurance Society for a confirmatory deed of certain lots of land sold by the Corporation of the City of New York at public auction on April 8, 1852, on and adjoining the southeast corner of Seventy-sixth street and Madison avenue. The sale was regular, the terms and conditions complied with, and the purchase money has been paid in full into the treasury to the credit of the Sinking Fund for the redemption of the City debt. It appears, that, on account of certain legal proceedings, the deed of said property was given by the Corporation under a decree of the Supreme Court, dated August 1, 1856, and a final payment of the purchase money was made December 31, 1869.

The deed given by the Corporation was not signed by the Mayor, as alleged, and the petitioner prays that a confirmatory deed of the property may now be executed.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of the Equitable Life Assurance Society for a confirmatory deed of certain lots of land sold by the Corporation of the City of New York on April 8, 1852, situated on and adjoining the southeast corner of Seventy-sixth street and Madison avenue, and described more particularly in said petition, be granted, and referred to the Counsel to the Corporation, to prepare such a deed or deeds as the facts may warrant and require; and that the Mayor and Clerk of the Common Council be authorized and directed to execute the same when prepared and approved by him; and the Comptroller be directed to deliver said deed or deeds when so duly executed and recorded in his office, to the said petitioner.

The report was accepted and resolution adopted.

III.  
CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 15, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—Herewith I present the petition of John H. and Mary E. McCarty for a confirmatory deed of certain lots of land on Lexington avenue and Seventy-fifth street, bought at public sale of city real estate, May 21, 1866, designated on the map of said sale as Plot T, lots Nos. 1 to 9 and 18 to 20, and 24 and 25, by Thomas Murphy, and lot No. 21 by Alexander Brandon. The said sale was regular, and the said purchasers complied with the terms and conditions of the sale, and the purchase price has been paid in full into the treasury to the credit of the Sinking Fund for the redemption of the city debt, as appears by the books of the Finance Department.

The petitioners pray for a confirmatory deed for the reason, as alleged, that the deeds of said lots by the Corporation were not signed by the Mayor.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of John H. and Mary E. McCarty for a confirmatory deed of certain lots on Lexington avenue, between Seventy-fourth and Seventy-fifth streets, described in said petition, and sold by the Corporation May 21, 1866, at public auction, be granted, and referred to the Counsel to the Corporation to prepare such a deed as the facts may warrant and require; and that the Mayor and the Clerk of the Common Council be authorized and directed to execute such deed, when so prepared and approved by him, in behalf of the Corporation of the City of New York, and the Comptroller be directed to deliver the same, when duly executed and recorded in his office, to said petitioners, or their attorney.

The report was accepted and resolution adopted.

IV.  
CITY OF NEW YORK—DEPARTMENT OF FINANCE,  
COMPTROLLER'S OFFICE,  
March 15, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—The petition is herewith submitted of John Q. Preble for a confirmatory deed of two lots of land on Fifth avenue, between Sixty-seventh and Sixty-eighth streets, sold at public auction by the Corporation to Terence Farley on May 1, 1866, and designated as lots Nos. 3 and 4 of Plot H on map of said sale. The said sale was regular, the terms complied with, and the purchase price has been paid in full to the credit of the Sinking Fund for the Redemption of the City Debt. It is alleged that the deed of said lots from the Corporation to said Farley was not signed by the Mayor as the reason for said petition.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of John Q. Preble for a confirmatory deed of two lots of land on Fifth avenue, between Sixty-seventh and Sixty-eighth streets, sold at public auction by the Corporation of the City of New York on May 1, 1866, be granted and referred to the Counsel to the Corporation to prepare such a deed thereof as the facts may warrant and require, and that the Mayor and Clerk of the Common Council be authorized and directed to execute such deed when so prepared and approved by him, and that the Comptroller be authorized to deliver the same, when duly executed and recorded in his office, to said petitioner.

The report was accepted and resolution adopted.

V.  
CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 15, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—Herewith is presented a petition of the New York Life Insurance Company for a confirmatory deed of five lots of land on the northeast corner of Madison avenue and Sixty-seventh street, which were sold at public auction by the corporation on May 21, 1866, and April 23, 1867. The sales were regular, the terms and conditions complied with, and the purchase money has been paid in full into the Sinking Fund for the redemption of the City debt. The deeds of the property made by the corporation to the purchasers were not signed, as alleged, by the Mayor, and on account of this defect, a confirmatory deed is prayed for by the petitioner.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of the New York Life Insurance Company for a confirmatory deed of five lots of land on the northeast corner of Madison avenue and Sixty-seventh street, which were sold by the corporation at public auction on May 21, 1866, and April 23, 1867, and described as lots Nos. 62 to 66, on Plot H., be granted, and referred to the Counsel to the Corporation, to prepare such deed or deeds as the facts may warrant and require, and that the Mayor and Clerk of the Common Council be authorized and directed to execute the same when prepared and approved by him, and the Comptroller be directed to deliver said deed or deeds, when so duly executed and recorded in his office, to said petitioner.

The report was accepted and resolution adopted.

VI.  
CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 16, 1880.

*To the Commissioners of the Sinking Fund:*

GENTLEMEN—The petition of Matilda Wall is herewith submitted for a confirmatory deed of two lots on Eighty-second street, between Fifth and Madison avenues, designated as lots Nos. 6 and 7, on Plot M, on the map of a sale of city real estate, sold at public auction on May 21, 1866, to Thomas Wall. The sale was regular, the terms complied with, and the amount of the purchase price has been paid in full into the City Treasury to the credit of the Sinking Fund for the redemption of the City Debt. The deed from the Corporation was not signed, as alleged by the petitioner, by the then Mayor of the city, and for this reason a new deed is prayed for.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of Matilda Wall for a confirmatory deed of two lots on Eighty-second street, between Fifth and Madison avenues, sold to Thomas Wall by the Corporation at public auction May 21, 1866, be granted and referred to the Counsel to the Corporation, to prepare such a deed as the facts may warrant and require, and that the Mayor and the Clerk of the Common Council be authorized and directed to execute such deed when so prepared and approved by him, and the Comptroller be directed to deliver the same, when duly executed and recorded in his office, to the said petitioner or her attorney.

The report was accepted and resolution adopted.

## VII.

CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 16, 1880.

To the Commissioners of the Sinking Fund:

GENTLEMEN—The Comptroller, to whom was referred, December 29, 1879, the petition of Anderson Fowler for a confirmatory deed of certain parcels of land sold by the Corporation at public auction May 21, 1866, as therein described, respectfully reports:

That the sale of said parcels of land was regular and the terms of sale complied with; and the amount of the purchase price thereof has been paid in full into the Treasury to the credit of the Sinking Fund.

As alleged by the said petitioner, the deed of said parcels of land from the Corporation was not signed by the then Mayor of the city, and he therefore prays for a confirmatory deed of the premises, which has been prepared and approved by the Counsel to the Corporation.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of Anderson Fowler for a confirmatory deed of certain lots of land sold by the Corporation of the city at public auction on May 21, 1866, being the lots designated in plot H, on the map of said sale as Nos. 47, 48, 49, 50, and parts of 51, 52, 53 and 54, be granted, and that the deed prepared and approved by the Counsel to the Corporation, be executed by the Mayor, and Clerk of the Common Council in behalf of the said Corporation, and the Comptroller be directed to deliver the same when so duly executed and recorded in his office to the said petitioner.

The report was accepted and resolution adopted.

## VIII.

CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 16, 1880.

To the Commissioners of the Sinking Fund:

GENTLEMEN—The Comptroller, to whom was referred on December 2, 1879, the petition of The Mercantile Safe Deposit Company for a deed of release by the Corporation, and to confirm title to a lot on the south side of Sixty-first street, between Fourth and Madison avenues, respectfully reports:

That the said petition was submitted by him to the Counsel to the Corporation for an examination of the facts and the power of the Commissioners of the Sinking Fund to grant the same, and that, as appears by a communication from him, dated February 25, 1880, presented herewith, it would not be proper, in his opinion, for the Commissioners of the Sinking Fund to grant said petition.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the petition of The Mercantile Safe Deposit Company for a deed of release, and to confirm title to a lot of land on the south side of Sixty-first street be not granted by the Commissioners of the Sinking Fund for the reasons set forth in a communication from the Counsel to the Corporation to the Comptroller, dated February 25, 1880; and the Secretary is hereby directed to send a copy of this resolution to the said Safe Deposit Company, together with a copy of said communication from the Corporation Counsel.

The report was accepted and resolution adopted.

The Comptroller submitted the following communication in relation to vacations of assessments for local improvements, viz.:

FINANCE DEPARTMENT—COMPTROLLER'S OFFICE,  
NEW YORK, March 16, 1880.

To the Commissioners of the Sinking Fund:

GENTLEMEN—Under recent decisions of the courts many orders of vacation of assessments for local improvements have been served upon the Comptroller. The expense of costly local improvements is thus thrown upon the city at large, instead of upon the property benefited by them, as intended by the laws under which the improvements were executed. Some legislative action is required to protect the city treasury and the Sinking Fund from loss through vacations of assessments.

Under existing provisions of law, assessments for local improvements for a large amount are pledged to the Sinking Fund for the redemption of the city debt. I think, therefore, that it is incumbent upon the Commissioners of the Sinking Fund to adopt some measures for the protection of the Sinking Fund against loss of revenues of that fund, by the vacation of such assessments, and recommend that the Counsel to the Corporation be invited to confer with them upon this subject.

Respectfully,

JOHN KELLY, Comptroller.

The communication was approved, and, on motion, the following resolution, submitted by the Comptroller, was adopted, viz.:

Resolved, That the Counsel to the Corporation be invited to meet the Commissioners of the Sinking Fund for the purpose of conferring with them upon the subject of assessments for local improvements, and the consideration of measures for the protection of the city treasury and the Sinking Fund against loss by the vacation of assessments, and that he be requested to fix an early day for such meeting and conference with him.

The Comptroller submitted the following report in relation to sale of real estate at public auction, viz.:

CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE, March 15, 1880.

To the Commissioners of the Sinking Fund:

GENTLEMEN—The leases of various premises belonging to the Mayor, Aldermen, and Commonalty of the City of New York have expired, or will expire on May 1, 1880 and 1882; as this property, consisting of improved and vacant lots, is not required for public use, it would seem to be advisable to sell it at the present time. A list of the premises is submitted herewith.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the following described premises be sold at public auction, as provided by section 102 of the Charter of 1873, for the highest marketable price, after public advertisement and appraisal, subject to the approval of this Board, under the direction of the Comptroller; and that he be authorized to make the necessary arrangements for said sale, and that Wm. Kennelly be appointed to make said appraisal.

## Improved Property.

House and lot No. 118 Sullivan street.  
House and lot No. 70 Barrow street.  
House and lot No. 399 Cherry street.  
House and lot No. 48 Chatham street.

## Unimproved Property.

Lot No. 84 Mangin street.  
Lot No. 86 Mangin street.  
Lot No. 67 Tompkins street.  
Lot No. 69 Tompkins street.

The Mayor moved, as a substitute for the resolution submitted with the report:—

That — be appointed to appraise the value of the property designated in the list submitted by the Comptroller and report the same to this Board;—  
Which was not carried, the Recorder, Comptroller and Chamberlain voting in the negative, and the Mayor in the affirmative.

The Mayor offered the following as an amendment to the resolution submitted by the Comptroller:—  
That the compensation to be paid for making the appraisement be reported to this Board before the appraisement is made.

The Comptroller moved to amend the amendment offered by the Mayor, so as to read:—

That the Comptroller be directed to make the best arrangement with Mr. Kennelly in regard to the compensation to be paid for the appraisal of said property;—  
Which was carried, the Recorder, Comptroller, and Chamberlain voting in the affirmative and the Mayor in the negative.

The Mayor moved to substitute the name of S. C. Holmes, in the resolution, for that of William Kennelly, which was not carried; the Recorder, Comptroller, and Chamberlain voting in the negative and the Mayor in the affirmative.

The original resolution, as amended, viz.:

Resolved, That the following described premises be sold at public auction, as provided by section 102 of the Charter of 1873, for the highest marketable price, after public advertisement, and appraisal, subject to the approval of this Board, under the direction of the Comptroller; and that he

be authorized to make the necessary arrangements for said sale, and that William Kennelly be appointed to make said appraisal; and that the Comptroller be directed to make the best arrangement with Mr. Kennelly in regard to the compensation to be paid for the same;—was, on motion, adopted; the Recorder, Comptroller, and Chamberlain voting in the affirmative and the Mayor in the negative.

The Comptroller submitted the following report in relation to sale at public auction of leases of market cellars, Fulton Market, and premises in Duane street, the leases of which have expired, or will expire on the first day of May next, viz.:

CITY OF NEW YORK—FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE,  
March 15, 1880.

To the Commissioners of the Sinking Fund:

GENTLEMEN—The leases of market cellars Nos. 14, 15, 19, 20, and 21 in Fulton market, and premises in Duane street, have expired, or will expire on May 1, 1880, and it is necessary, therefore, that action be taken to authorize the sale of leases thereof for another term.

Respectfully,

JOHN KELLY, Comptroller.

Resolved, That the upper floors of No. 5 Duane street, and the market cellars in Fulton market, Nos. 14, 15, 19, 20, and 21, be leased for the term of two years from the first day of May, 1880, for the highest marketable price or rental thereof respectively, at public auction, after public advertisement and appraisal, as required by section 102 of the Charter of 1873, under the direction of the Comptroller, and that he be authorized to make the necessary arrangements to lease said premises, and that Wm. Kennelly be appointed to make said appraisal.

The Mayor moved, as a substitute for the resolution submitted with the report;—

That — be appointed to appraise the value of the leases of the property designated in the report, submitted by the Comptroller, and report the same to this Board;—

Which was not carried; the Recorder, Comptroller, and Chamberlain voting in the negative, and the Mayor in the affirmative.

The Mayor offered the following as an amendment to the resolution submitted by the Comptroller:—

That the compensation to be paid for making the appraisement be reported to this Board before the appraisement is made.

The Comptroller moved to amend the amendment, offered by the Mayor, so as to read:

That the Comptroller be directed to make the best arrangements with Mr. Kennelly in regard to the compensation to be paid for the appraisal of said leases;—

Which was carried, the Recorder, Comptroller, and Chamberlain voting in the affirmative, and the Mayor in the negative.

The Mayor moved to substitute the name of S. C. Holmes, in the resolution for that of William Kennelly;—which was not carried, the Recorder, Comptroller, and Chamberlain voting in the negative, and the Mayor in the affirmative.

The original resolution, as amended, was, on motion, unanimously adopted, as follows, viz.:

Resolved, That the upper floors of No. 5 Duane street and the market cellars in Fulton Market, Nos. 14, 15, 19, 20, and 21, be leased for the term of two years from the first day of May, 1880, for the highest marketable price or rental thereof, respectively, at public auction, after public advertisement and appraisal, as required by section 102 of the Charter of 1873, under the direction of the Comptroller, and that he be authorized to make the necessary arrangements to lease said premises, and that Wm. Kennelly be appointed to make said appraisal, and that the Comptroller be directed to make the best arrangement with Mr. Kennelly in regard to the compensation to be paid for the same.

The Comptroller called up the plan adopted by the Commissioners of Docks, for the location of the piers at the foot of Sixty-third, Sixty-fourth, and Sixty-fifth streets, North river, transmitted to the Commissioners of the Sinking Fund for their approval, and laid over for consideration December 4th, 1879; and submitted the following resolution, viz.:

Resolved, That so much of "the Plan for the location of the piers at the foot of Sixty-third, Sixty-fourth and Sixty-fifth streets, North river, as adopted by the Commissioners of Docks," November 13th, 1879, and submitted to the Commissioners of the Sinking Fund for approval December 2d, 1879, as relates to the location of the proposed pier at the foot of Sixty-fifth street, North river, be and the same is hereby approved.

After a general discussion of the subject the Comptroller moved:

That the plans for the location of the piers at the foot of Sixty-third, Sixty-fourth, and Sixty-fifth streets, North river, adopted by the Commissioners of Docks, dated November 13th, 1879, and submitted to this Board for their approval, December 2d, 1879, be returned to the Commissioners of Docks, and that they be requested to prepare a plan for the location of the contemplated pier at the foot of Sixty-fifth street, for the approval or disapproval of this Board;—

Which, on motion, was carried, the Recorder, Comptroller, and Chamberlain voting in the affirmative, and the Mayor in the negative.

W. H. DIKEMAN, Secretary.

## APPROVED PAPERS.

Resolved, That permission be and the same is hereby given to James F. Malloy to place and keep a watering-trough on the sidewalk in front of No. 398 Eighth avenue, the work done and water supplied at his own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, March 2, 1880.

Approved by the Mayor, March 11, 1880.

Resolved, That Morris Wasel be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of Benjamin F. Russell, whose term of office expired April 19, 1877.

Adopted by the Board of Aldermen, March 2, 1880.

Approved by the Mayor, March 9, 1880.

Resolved, That Marvin E. Parrott be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of William H. Winder, deceased.

Adopted by the Board of Aldermen, March 2, 1880.

Approved by the Mayor, March 9, 1880.

Resolved, That permission be and the same is hereby given to Samuel J. Arkush to place and keep one ornamental lamp-post and lamp on the sidewalk in front of No. 524 Third avenue, provided the post shall not exceed the dimensions prescribed by resolution of the Common Council, and that the work be done and gas supplied at his own expense, under the direction of the Commissioner of Public Works; such permission to continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, March 2, 1880.

Approved by the Mayor, March 9, 1880.

Whereas, A bill for the removal of the Murray Hill Reservoir, and converting the land into a park, has been introduced in the Senate by Hon. W. W. Astor of that body, without the consent of the City, which owns the fee, and of the Sinking Fund Commissioners, to whom the proceeds of all real estate are pledged for the payment of the city debt; and

Whereas, The bill in question, by appropriating the land to a use other than that to which it has long been applied, is in derogation of the rights of the city, which acquired the title, as part of the common lands under the ancient Dongan and Montgomerie charters, a title recognized and prescribed by the successive state constitutions; and

Whereas, The passage of such an act would create a precedent which exposes all the real estate held and owned by the city to hostile and injurious legislation, in disregard of the wants and interests of the city; and

Whereas, The Sinking Fund Commissioners have protested against the passage of such a bill and numerous associations and bodies have joined in such protest; and

Whereas, Such reservoir holds, when full, 24,006,000 gallons, a quantity which gives 600 gallons to each of 40,000 houses below, which quantity it formerly supplied, and under proper management can still supply, and it gains an accumulation in the night two miles nearer to those houses, than are the Park Reservoirs, which accumulation it supplies in the morning, and in our judgment the reservoir is a necessary part of the water system; therefore

Resolved, That the representatives in the Senate and Assembly from the City of New York be respectfully requested to oppose the passage of the bill in question; and be it further

Resolved, That the Clerk of the Board be and he is hereby directed to transmit a copy of this preamble and resolution to the President of the Senate, the Speaker of the Assembly, and to each representative from this city to the Legislature.

Adopted by the Board of Aldermen, February 10, 1880.

Received from his Honor the Mayor, February 24, 1880, with his objections thereto.

In Board of Aldermen, March 9, 1880, 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.



