

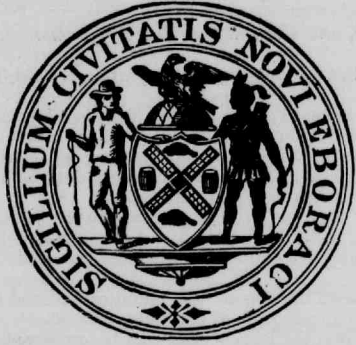
THE CITY RECORD.

OFFICIAL JOURNAL.

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NEW YORK, THURSDAY, MAY 13, 1880.

NUMBER 2,110.



FINANCE DEPARTMENT.

Abstract of transactions of the Department of Finance for the week ending May 8, 1880:

Deposits in the Treasury.	
On account of the Sinking Fund.....	\$133,731 64
“ “ City Treasury.....	2,305,102 94
Total.....	\$2,438,834 58

Bonds and Stock Issued.	
Four per cent. Bonds.....	\$1,027,700 00
Five per cent. Bonds.....	35,000 00
Five per cent. Stock.....	5,000 00
Total.....	\$1,067,700 00

Warrants Registered and Ready for Payment.	
Aqueduct—Repairs, Maintenance and Strengthening.....	\$9,022 10
Armories and Drill-rooms, For wages of Armorer.....	1,170 00
“ “ Rent of.....	10,625 00
Assessment Sales—Moneys Refunded.....	46 75
Boulevards, Roads and Avenues, Maintenance of.....	1,936 86
Bridge across Fourth avenue, at One Hundred and Sixteenth street.....	585 33
Bronx River Bridges—Repairs and Maintenance of.....	7 75
City Parks Improvement Fund.....	5 75
Commissioners of Excise Fund.....	4,229 08
Common Schools for the State.....	854,103 44
Construction of Bridge over Harlem River.....	554 86
Contingencies—Comptroller's Office.....	265 70
“ Department of Public Works.....	100 00
“ Law Department.....	3,666 66
“ Mayor's Office.....	38 50
Coroners' Salaries and Expenses.....	2,322 89
Croton Water Fund.....	4,204 41
Croton Water-main Fund.....	4,160 61
Croton Water Rent, Refunding Account.....	85 00
Dock Fund.....	6,377 50
Election Expenses.....	193 25
Expense of Altering Map of the City, etc.....	150 00
Expense of Laying 4-foot Croton-mains, etc.....	108 00
Fire Department Fund.....	85,077 50
For Laying New Walks and Repairing the Old Walks, etc.....	47 70
For the Equipment and Furnishing of the Building of the Metropolitan Museum of Art.....	37 90
Harlem River Bridges—Repairs, Improvements, and Maintenance.....	491 99
Interest on the City Debt.....	49,654 90
Judgments.....	6,099 39
Lamps and Gas.....	106 67
Laying Croton Pipes.....	4,350 84
Maintenance and Government of Parks and Places.....	12,494 34
Maintenance, Twenty-third and Twenty-fourth Wards.....	1,351 74
Manhattan Square, Improvement of.....	791 60
Maps of Twenty-third and Twenty-fourth Wards.....	596 71
New County Court-house.....	920 69
Police Station-houses—Rents.....	2,572 50
Printing, Stationery, and Blank Books.....	4,992 81
Publication of the CITY RECORD.....	3,380 74
Public Buildings—Construction and Repairs.....	62 15
Public Charities and Correction.....	40,175 60
Public Instruction.....	59,138 78
Refunding Taxes Paid in Error.....	145 08
Rents.....	12,675 00
Repairing and Renewal of Pipes, Stop-cocks, etc.....	3,820 90
Repairs and Renewal of Pavements.....	6,078 85
Reparing Streets and Avenues, under Chapter 476, Laws of 1875.....	8,046 29
Revenue Bonds of 1879.....	10,000 00
Roads and Avenues, Maintenance of, and Sprinkling.....	717 05
Salaries—City Courts.....	14,608 18
“ Department of Public Works.....	9,560 19
“ Janitors of Civil and Police Courts.....	800 00
“ Judiciary.....	416 66
Sewers—Repairing and Cleaning.....	3,557 59
Sheriff's Fees.....	36,922 53
State Taxes.....	217,219 47
Street Improvement Fund.....	12,939 52
Street Improvement Fund—Riverside Avenue.....	31,505 24
Street Improvements above Fifty-ninth street.....	490 84
Supplies for and Cleaning Public Offices.....	428 72
Support of Prisoners in County Jail.....	1,330 08
Surveying, Laying out, etc., Twenty-third and Twenty-fourth Wards.....	911 49
Water-meter Fund.....	987 50
Water Supply for Twenty-fourth Ward.....	91 00
Total.....	\$1,549,562 17

CONTRACTS REGISTERED.

NO.	DATE OF CONTRACT.	DEPARTMENT.	NAMES OF CONTRACTORS.	DESCRIPTION OF WORK.
4845	Mar. 18, 1880	Charities & Correction	Charles P. Woodworth & Co.	Furnishing 1,200 barrels Irish potatoes. Total, \$1,320.
4846	Apr. 16, “	“	S. T. Willets & Co.	Furnishing 25,000 pounds rice, 25,000 eggs, and 12,000 pounds dairy butter. Total, \$4,725.09.
4847	“ 2, “	“	R. M. Masterson.	Furnishing 15,000 pounds Oolong tea. Total, \$3,426.

CLAIMS FILED.

NAME OF CLAIMANT.	AMOUNT.	NATURE OF CLAIM.	ATTORNEY.
John K. Green.....	\$1,072 01	Demands for return of purchase money on Certificate No. 215 of tax sale of 1859, of No. 26 Renwick street, \$212.04; Certificate No. 103 of tax sale of 1865, \$348.39; Certificate No. 211 of tax sale of 1866, \$231.51; Certificate No. 492 of tax sale of 1871, \$280.07	
John B. Leddy and Daniel McGroarty, executors of John Lewis, deceased.....		Second demand for payment of claim presented to Comptroller for adjustment, on or about April 5, 1880	J. T. McGowan.
Emma F. Quin.....	10,000 00	For difference of salary due from city to the late John Quin, Warden of the City Prison, between January, 1874, and March, 1878.....	R. S. Crane.
John O'Brien.....	400 00	Demand for payment of claim for salary as Janitor of Fifth District Civil Court, from January 1 to April 30, 1880.....	
David Golden.....	400 00	Demand for payment of claim for salary as Janitor of Tenth District Civil Court, from January 1 to April 30, 1880.....	
John Fagan.....	400 00	Demand for payment of claim for salary as Janitor of Sixth District Civil Court, from January 1 to April 30, 1880.....	
William J. Kennedy.....	400 00	Demand for payment of claim for salary as Janitor of Third District Civil and Second District Police Courts, from January 1 to April 30, 1880.....	

SUITS, ORDERS OF COURT, JUDGMENTS, Etc.

COURT.	PLAINTIFF OR RELATOR	AMOUNT.	NATURE OF ACTION, ETC.	ATTORNEY.
Supreme..	Arthur W. Gardner..	\$15,000 00	For personal injuries received by falling in West Thirty-second street, caused by dangerous condition of sidewalk and an accumulation of ice and snow thereon.....	M. R. Lawrence.
“	Peter Golden vs. Nicholas H. Decker, The Mayor, etc.....	9,781 46	For gravel furnished on Riverside avenue, between Seventy-second and One Hundred and Thirtieth streets.....	W. McDermott, D. A. Levien, Jr.
“	David Closely.....	3,200 00	Transcript of judgment.....	“
“	George McLaughlin..	4,029 15	“ “.....	“
“	James McGinness.....	45 00	Certificate of taxation of costs.....	E. Sandford.
“	Ernest Von Au.....		Orders to vacate sales for assessments for sewer in Seventy-fourth street, between Fifth avenue and East river, and for sewer in Second avenue, between Seventy-fourth and Seventy-fifth streets.....	H. A. Shipman
“	Morris Littman et al..		Order to vacate assessment for flagging Fifty-seventh street, from Sixth to Eighth avenue.....	M. B. Smith.
“	Jacob Ruppert.....		Order to vacate assessment for flagging, etc., Forty-fifth street, between First and Second avenues.....	“
“	Ellen Rogers, adm'x, etc.....		Order to vacate assessment for paving Thirty-second street, between Second avenue and East river.....	W. A. Deering
“	German Hanschel and Anthony Aufenanger.....		Order to vacate assessment for regulating, etc., Ninth avenue, from One Hundred and Twenty-third to One Hundred and Twenty-sixth street.....	A. B. Johnson.
“	Eliza M. V. Farley...		Order to vacate assessment for drains, Sixty-second and Sixty-ninth streets, Boulevard to Hudson river.....	“
“	Bernard Donohue....		Order to vacate assessment for paving Thirty-second street, between Second avenue and East river.....	J. A. Deering.
“	Joel W. Mellick.....		Order to vacate assessment for paving Seventy-second street, between Eighth avenue and Hudson river.....	P. A. Hargous.
“	Rachel T. Whitehead..		Order to vacate assessment for repaving Broadway, from Thirty-second to Fifty-ninth street.....	C. E. Whitehead.
“	William J. Syms.....		Order to vacate assessment for Boulevard sewers, Ninety-eighth street and Ninth avenue, and One Hundredth street.....	K. Simon.
“	Albert Crane & others, Richard S. Roberts, The Knickerbocker Gas-light Co.....		Orders to vacate assessments for sewers in Ninety-fifth and Ninety-eighth streets, between First and Third avenues, etc.....	Develin & M.
“	Albert Crane & others, Richard S. Roberts, The Knickerbocker Gas-light Co.....		Orders affirming order of special term, with \$10 costs and disbursements, in matter of petitions to vacate assessments for sewers in Ninety-fifth and Ninety-eighth streets, etc.....	“
Com. Pleas	Augustus B. Fitch....	2,083 33	For salary as Record Clerk of the Board of Police Justices, from May 1, 1874, to January 1, 1875.....	C. P. Miller.
“	John J. Sheehan.....	966 66	For salary as a regular Clerk in Fire Department, from June 10, 1875, to April 1, 1876.	M. Altmayer.
U.S. Circ't	The New England Transfer Co.....	122 91	Transcript of Judgment.....	S. E. Baldwin.

Opening of Proposals.

The Comptroller attended the opening of proposals at the following Departments, viz. :
 May 5. The Fire Department, for furnishing 250 chestnut telegraph poles, for the use of said Department.
 May 5. The Department of Docks, for building pier new 21, North river.

Return of Proposal.

May 4. Proposal of Thomas Curry, 229 East Forty-seventh street, for paving Fulton street, between Broadway and South street, and other streets, returned to the Department of Public Works, with affidavit of Joseph Kopetzky, 1,148 Second avenue, one of the sureties, who states that he never swore to the proposal as certified therein.

Approval of Sureties.

The Comptroller approved of the adequacy and sufficiency of the sureties on the following proposals, viz. :
 May 4. For constructing sewers in One Hundred and Twenty-second street, between Seventh avenue and summit east of Seventh avenue, and in One Hundred and Twenty-second street, between Sixth avenue and summit west of Sixth avenue.
 William E. Dean, 531 East One Hundred and Seventeenth street, Principal.
 James Rogers, foot of West One Hundred and Thirty-second street, } Sureties.
 Charles Lutz, 208 East One Hundred and Thirteenth street, }

Manhattan Railway Company shall pay into said city treasury the said five per centum of its gross receipts, as lessee of said companies, from and after April 1, 1880, in lieu of the payment herein required to be made by the said two companies; but if from any cause the leases to the said Manhattan Railway Company, made by the said New York Elevated and Metropolitan Railway Companies, or either of them, shall fail or become void, the provisions of the first section of this act shall apply to the said New York Elevated and Metropolitan Railway Companies the same as if no such lease or leases to said Manhattan Railway Company had been made by them.

Sec. 5. Nothing contained in the said two acts hereinbefore mentioned shall be repealed or affected by anything herein contained, except as above expressly provided; the amount payable to the city by existing laws shall be paid up to the 1st day of April, 1880; and any arrearages in the payments herein provided for shall be a lien on the railway of the company in arrear, having priority over all other claims, and may be collected in the manner now or hereafter provided by law for the collection of taxes on personal property; provided, however, that neither of said companies shall be liable to taxation in said city for the year 1880, except as herein provided.

Sec. 6. All acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed.
Sec. 7. This act shall take effect immediately.

The following preamble and resolution were submitted with the report, viz.:

Whereas, Under acts of the Legislature of this State the New York Elevated and Metropolitan Railway Companies enjoy the use and occupancy of certain streets and avenues in the City of New York; and

Whereas, The said acts and existing laws do not adequately provide for compensation for the use and occupancy of the streets by said railway companies in consideration of the valuable rights and privileges they possess; and

Whereas, Litigation arising out of the inadequate and uncertain provision of existing laws for the payment of compensation to the corporation for the use and occupancy of the streets by said railway companies is now pending in the Court of Appeals, and it is extremely desirable to avoid litigation as far as possible, and provide by positive enactment for such compensation upon a just and equitable basis; and

Whereas, The gross receipts of said companies furnish a good measure of the present and future value of the use and occupancy of the public streets by said companies, and such compensation may be justly and equitably based thereon, by requiring the payment of a percentage thereof into the City Treasury by said companies; therefore

Resolved, That the proposed act submitted by the Comptroller, to provide for the payment of compensation by the New York Elevated, Metropolitan and Manhattan Railway Companies, for the use and occupancy of the streets and avenues in the City of New York, in lieu of taxes and of the percentages now required by law be, and the same is hereby approved by the Commissioners of the Sinking Fund, and the Mayor and Comptroller are requested to present this proposed act to the Legislature, accompanied with a memorial signed by the members of the Board of Commissioners of the Sinking Fund, praying for its immediate passage, with a copy of this preamble and resolution.

The Recorder moved that the resolution be adopted.

The Mayor objected to the adoption of the resolution in its present form, and offered the following resolution, viz.:

Resolved, That a section be added to the draft of the act, providing that the right to amend, alter or repeal the act be reserved by the Legislature.

The resolution was not adopted; the Recorder, Comptroller and Chamberlain voting in the negative and the Mayor in the affirmative.

The Mayor moved to adjourn until to-morrow, to obtain further information; which was not carried; the Recorder, Comptroller, and Chamberlain voting in the negative and the Mayor in the affirmative.

The Mayor moved to amend the resolution by making the rate of tax upon receipts ten per cent., instead of five; which was not carried; the Recorder, Comptroller and Chamberlain voting in the negative and the Mayor in the affirmative.

The Mayor offered the following resolution, viz.:

Resolved, That instead of five per cent. there shall be substituted in the draft of the act a rate which will yield an amount during the year 1880 not less than the amount that would be payable under the law as it now is, as construed by the General Term of the Supreme Court in the matter of the People ex rel. The New York Elevated Railroad Company vs. The Commissioners of Taxes and Assessments for the City and County of New York.

The resolution was not adopted; the Recorder, Comptroller and Chamberlain voting in the negative and the Mayor in the affirmative.

The Mayor moved to substitute seven and one-half per cent. instead of five per cent., as the rate of tax; which was not carried; the Recorder, Comptroller and Chamberlain voting in the negative, and the Mayor in the affirmative.

The Mayor moved to substitute six per cent., instead of five per cent., as the rate of tax; which was not carried; the Recorder, Comptroller and Chamberlain voting in the negative, and the Mayor in the affirmative.

The Recorder moved the previous question on the resolution; which was carried; the Recorder, Comptroller and Chamberlain voting in the affirmative and the Mayor in the negative.

The question was taken on the original resolution; which was adopted; the Recorder, Comptroller and Chamberlain voting in the affirmative, and the Mayor in the negative.

The Comptroller moved that a memorial to accompany the Act be signed by the Commissioners; which was adopted; the Recorder, Comptroller and Chamberlain voting in the affirmative, and the Mayor in the negative.

W. H. DIKEMAN, Secretary.

POLICE DEPARTMENT.

The Board of Police met on the 8th day of May, 1880.
Present—Commissioners French, Wheeler, Voorhis, and Nichols.

Leave of Absence Granted.

- Surgeon David Matthews, seven days.
- Patrolman James Malley, Twenty-seventh Precinct, three days, without pay.
- Leaves of absence granted under Rule 564. Approved.
- May 3. Patrolman John Kelly, Thirtieth Precinct, one day.
- " 4. " Henry Schmitz, Fourteenth Precinct, half day.
- " 4. " Edward Keeley, Seventeenth Precinct, three days.
- " 4. " James R. Kelsey, Tenth Precinct, half day.
- " 4. " Michael Johnson, Tenth Precinct, half day.
- " 5. " George J. Godfrey, Eighteenth Precinct, one day.
- " 7. " John Roach, Twentieth Precinct, three days.

Parades Referred to the Superintendent.

- Germania Schutzen Bund, May 3. Street Drill.
- " " Nos. 1 and 2, May 4. Parade.
- Bohemian Society Soomost, May 8. Parade.
- Beethoven Lodge No. 214, May 11. Parade.
- Koltes Post G. A. R., May 7. Funeral.
- Howard Union Lodge, May 9. Funeral.
- Reports of Captain Ryan, Twenty-first Precinct, and Thomas Smith, relative to meritorious conduct of Patrolman Richard Cahill, was referred to the Committee on Rules and Discipline.
- Report of Messrs. Van Tassel & Kearney, relative to sale of a horse, and transmitting \$47.25, the proceeds of such sale, was referred to the Treasurer for transmittal to the Comptroller.
- Report of Isaac L. Moe relative to supply of hats, was referred to the Committee on Repairs and Supplies.

Death Reported.

- Doorman James Logue, Fourth Inspection District, at 10.30 A. M., 7th inst.
- Report of the Superintendent relative to an arrest and seizure of lottery tickets from William Dauphin, was referred to the Committee on Rules and Discipline.
- Report of the Superintendent relative to enforcement of the Excise Law on Sunday, 2d instant, was ordered on file.

Weekly statement of the Comptroller showing condition of the several accounts of the Police Department, was referred to the Treasurer.

- Applications referred to the Committee on Rules and Discipline:
- Patrolman Philip Fitzpatrick, Twentieth Precinct, for transfer.
- " James Moody, Thirtieth Precinct, for detail.
- Percy R. Pyne and Samuel D. Babcock for transfer of Patrolman Jeremiah Donohue, Nineteenth Precinct.

Application of Patrolman Michael Flanagan, Tenth Precinct, for transfer, was denied.

Application of Roundsman Thomas Farley, Thirteenth Precinct, for promotion, was referred to the Superintendent to cite for examination, if he has not been examined under the rule.

The following applications for promotion were referred to the Superintendent to cite for examination, and report to the Committee on Rules and Discipline:

- Patrolman Harry Halpin, First Precinct.
- " John J. Donovan, Twenty-third Precinct.
- " John J. Donohue, Fourth Precinct.
- " Conrad H. Griessel, Steamboat Squad.

Application of Mary A. Wells for pension, was referred to the Committee on Pensions.

Application of C. Robert Peters and others, for the abatement of a nuisance at Fifty-ninth street, between Fifth and Sixth avenues, was referred to the Superintendent.

Application of Patrolman Peter H. Higgins, Fourteenth Precinct, for full pay while sick, was referred to the Superintendent for report from the Board of Surgeons.

A requisition for repairs to engine in basement of Central Office, was referred to the Committee on Repairs and Supplies.

Communication from E. M. Knox proposing to furnish hats for summer wear, was referred to Commissioners French and Voorhis, as a special committee.

Communication from John McCormick, Prince Edward's Island, transmitted by the Mayor, calling attention to circular of James Horman, 74 Suffolk street, presumed to refer to counterfeit money, was referred to the Superintendent.

Communication from the Gold and Stock Telegraph Co., relative to telegraph pole in front of 120 Grand street, was ordered on file.

Communication from Robert W. Taylor, relative to breech-loading carbines, was referred to the Committee on Repairs and Supplies.

Communication from H. F. Harding, complaining of a nuisance in front of 241 West Thirteenth street, was referred to the Superintendent.

The following communication from Philip Brummerhop and others was ordered to be entered in the minutes, referred to the Committee on Rules and Discipline, and a copy to be furnished to each of the officers named therein.

HOBOKEN, May 4, 1880.

To the President of the Board of Police, New York City:

DEAR SIR—We, the undersigned, wish to tender our sincere thanks for the assistance rendered to us by members of your Harbor Police Force. While out sailing Monday night, we were coming near the Hoboken shore, and all of a sudden our boat capsized, and the strong current drew us right in front of the Hoboken Ferry Slip, when the brave and gallant Harbor Police came up and rescued us at the risk of their own lives, for the ferry boat had started out and was within a few yards of us. The night was dark, and our lamp was extinguished by the going down of the boat, and we were in immediate danger of being run over by the ferry-boat. Therefore, we respectfully tender our most heartfelt thanks to the following members of your Harbor Force: Roundsman Charles A. L. Schier, Officers Daniel Quigley and Miles Keon.

Respectfully yours,

PHILIP BRUMMERHOP, 158 Bloomfield street,
RUDOLPH BRUMMERHOP,
ALBERT BLUHM,
THOMAS LEE.

On reading report of Captain Schultz relative to adjournment of sale of Steamer Seen ac, it was

Resolved, That the Chief Clerk be directed to advertise the sale of the Steamer Seneca at public auction.

On application of Captain Washburn, Twentieth Precinct, it was

Resolved, That Patrolman Thomas Reilly, Twentieth Precinct, be remanded to patrol duty; and that Patrolman Matthew McConnell, be detailed to special duty in said Precinct.

Transfer.

Patrolman Christian Gohe, from Fourteenth Precinct to Eleventh Precinct.

Appointments as Patrolmen.

- Lawrence McGovern, Twenty-first Precinct.
- Edward O'Hara, Twenty-third Precinct.
- John Stuart, Twenty-ninth Precinct.

Resolved, That returns to the writs of certiorari from the Supreme Court in the cases of John Mohr against the Board of Police, and Lawrence Tallon against the Board of Police, be verified by the signatures of the President of the Board and Chief Clerk, and transmitted to the Counsel to the Corporation.

Judgments—Fines Imposed.

- Patrolman John Hickey, Fourth Precinct, half day's pay.
- " Joseph A. Gardiner, Fourth Precinct, three days' pay.
- " Richard Adamson, Fourth Precinct, three days' pay.
- " James McQuade, Fourth Precinct, half day's pay.
- " George R. Braisted, Seventh Precinct, two days' pay.
- " James McMahan, Seventh Precinct, half day's pay.
- " James Sarvis, Seventh Precinct, one day's pay.
- " David Bartley, Eighth Precinct, half day's pay.
- " William Moore, Ninth Precinct, half day's pay.
- " Michael Flanagan, Tenth Precinct, one day's pay.
- " Bernard F. Bermingham, Thirteenth Precinct, two days' pay.
- " George T. Leeson, Fourteenth Precinct, three days' pay.
- " Augustus B. Palmer, Fourteenth Precinct, one day's pay.
- " Frederick E. Fisher, Fourteenth Precinct, two days' pay.
- " Thomas J. Coyle, Fourteenth Precinct, two days' pay.
- " Alonzo Fosket, Fourteenth Precinct, half day's pay.
- " James Hunter, Fourteenth Precinct, one day's pay.
- " John M. O'Keefe, Fifteenth Precinct, half day's pay.
- " Thomas F. Wall, Sixteenth Precinct, half day's pay.
- " George H. Covert, Sixteenth Precinct, one day's pay.
- " John McDonald, Seventeenth Precinct, one day's pay.
- " Justin McCarthy, Eighteenth Precinct, three days' pay.
- " George A. Schenck, Eighteenth Precinct, one day's pay.
- " James E. Monahan, Eighteenth Precinct, two days' pay.
- " James Brennan, Eighteenth Precinct, two days' pay.
- " Timothy Falvey, Eighteenth Precinct, one day's pay.
- " John G. Burke, Eighteenth Precinct, three days' pay.
- " John G. Burke, Eighteenth Precinct, one day's pay.
- " Samuel T. Ferguson, Eighteenth Precinct, one day's pay.
- " Philip Meany, Nineteenth Precinct, ten days' pay.
- " James Youngs, Nineteenth Sub-Precinct, two days' pay.
- " Charles O. Davenport, Twentieth Precinct, three days' pay.
- " Philip Farley, Twenty-first Precinct, one day's pay.
- " James Lawler, Twenty-first Precinct, one day's pay.
- " James Lawler, Twenty-first Precinct, two days' pay.
- " Dennis Cronin, Twenty-first Precinct, one day's pay.
- " Peter Byrnes, Twenty-second Precinct, two days' pay.
- " John G. McGuire, Twenty-second Precinct, five days' pay.
- " George W. Richards, Twenty-second Precinct, three days' pay.
- " Charles D. Sands, Twenty-seventh Precinct, two days' pay.
- " Frederick S. White, Twenty-seventh Precinct, half day's pay.
- " James Carroll, Twenty-seventh Precinct, one day's pay.
- " Eli Van Leuven, Twenty-eighth Precinct, three days' pay.
- " Christopher E. Martin, Twenty-ninth Precinct, one day's pay.
- " James Duff, Twenty-ninth Precinct, two days' pay.
- " Michael J. Connolly, Thirtieth Precinct, two days' pay.

Reprimands.

- Patrolman Alexander Mains, Eighth Precinct.
- " Thomas Keeley, Twenty-second Precinct.
- " Patrick H. Lyons, Twenty-fifth Precinct.
- " Bernard Falconer, Thirtieth Precinct.

Complaints Dismissed.

- Patrolman Otto Weinkauff, Fourth Precinct.
- " George C. Frost, Eighth Precinct.
- " Michael Dugan, Ninth Precinct.
- " Peter J. Donnelly, Eleventh Precinct.
- " John Gallagher, Twelfth Precinct.
- " Stephen O'Brien, Thirteenth Precinct.
- " William Herrlich, Fifteenth Precinct.
- " John G. Burke, Eighteenth Precinct.
- " Charles O. Dooley, Eighteenth Precinct.
- " Charles Fogarty, Nineteenth Precinct.
- " Michael Hartigan, Twenty-first Precinct.
- " Theodore A. Moritz, Twenty-third Precinct.
- " Napoleon B. Remley, Twenty-ninth Precinct.
- " Huge Gilgan, Twenty-ninth Precinct.
- " Michael J. Connolly, Thirtieth Precinct.

Resignation Accepted.

Patrolman Michael Duffy, Twenty-first Precinct.
" Eli Van Leuven, Twenty-eighth Precinct.

Street Cleaning.

Communication from William H. Gebhard, relative to condition of One Hundred and Third street, between Third and Lexington avenues, was referred to the Committee on Street Cleaning.
Communication from D. J. Ely & Co., relative to condition of Jones Alley, was referred to the Committee on Street Cleaning.
Communication from the Health Department on condition of Monroe street, was referred to the Committee on Street Cleaning.

Resolved, That the Pay-rolls of the Bureau of Street Cleaning for the month of April, 1880, amounting to \$38,285.14, as per schedule, be and are hereby ordered to be paid by the Treasurer—all voting aye.

On report of the Committee on Street Cleaning, it was Resolved, That the proposal of James D. Leary, to furnish to the Police Department, for the use of the Bureau of Street Cleaning, one scow eighty feet long, twenty-seven feet wide and eight feet deep, built of white oak and yellow pine, diagonally braced, and bolted throughout with iron bolts, and constructed in accordance with specifications, for the sum of \$4,200, be and the same is hereby accepted; and that the Treasurer be authorized to pay for the same on its delivery and its acceptance by the Inspector of Street Cleaning—all voting aye.
Resolved, That the proposal of C. & R. Poillon, to furnish to the Police Department, for the use of the Bureau of Street Cleaning, one scow eighty feet long, twenty-seven feet wide and eight feet deep, built of white oak and yellow pine, diagonally braced, and bolted throughout with iron bolts, and constructed in accordance with specifications, for the sum of \$4,200, be and the same is hereby accepted; and that the Treasurer be authorized to pay for the same on its delivery and its acceptance by the Inspector of Street Cleaning—all voting aye.
Adjourned.

S. C. HAWLEY, Chief Clerk.

EXECUTIVE DEPARTMENT.

SUPREME COURT.

The People, ex rel. James O'Reilly vs. The Mayor, etc., of the City of New York, Allen Campbell, Commissioner of Public Works, and Joseph Blumenthal, Superintendent of Incumbrances.
Daniels, J.

The application in this case is for a writ of peremptory mandamus requiring the removal of obstructions in Forty-second street, between Eighth and Ninth avenues.

The applicant is a physician having his residence and office at No. 303 West Forty-second street, which is about seventy feet west of the Eighth avenue, and, since the 6th of June, 1879, vendors of various articles have occupied this portion of Forty-second street, from six o'clock until twelve in the evening, with horses, wagons, merchandise, and assistants for the purpose of selling their property. It appears by the affidavit of the applicant that the street at this point has been occupied by about fifty of these vehicles selling various descriptions of produce, meat, fish, and other goods, to persons resorting to that locality for the purpose of making their purchases. The vehicles, together with their patrons, appropriate so much of the street and sidewalks as to prevent their free use and enjoyment by persons having occasion to pass along them. The vehicles are backed up to the walks and the articles exposed for sale in them, and purchased by persons standing upon the walks. The obstruction occasioned in this manner is shown to have been so great as to seriously impair and interfere with the enjoyment of the applicant's property, he is unable to approach or leave it with his own vehicle and prevented by the noise and disturbance of the street from properly practicing his profession, and his patients appear to be incommoded in passing to and from his residence. The injury to him is both personal and substantial, and one which he has a right to have redressed through the instrumentality of the Courts, if the occupancy of the streets and walks shall be found to be unlawful. The primary object of streets and walks upon them is the accommodation of persons having occasion to use them, and they are entitled to their enjoyments, free from needless obstructions, and if this street has been occupied in this manner without lawful authority, such occupancy is substantially a nuisance, requiring to be terminated by the interposition of the courts. It is claimed on the part of the officers proceeded against on whom alone the papers were served, that the persons using the street in this manner, had been authorized to do so by the license of the Common Council of the City, and that this license was a legal exercise of existing authority.

The license was provided for by a resolution adopted by the Board of Aldermen upon the report of the Committee on Streets, on the 6th of June, 1879, and it declared that licensed vendors should be permitted to occupy Forty-second street west of Eighth avenue, and within 325 feet of the avenue, Saturday nights, from six to twelve o'clock, but not to interfere with public travel on the street. The effect of the resolution, as well as its terms, were to permit an occupancy of this street during the hours mentioned upon every recurring Saturday night. It was not simply to pass along the street, or to use it as streets ordinarily are used for the convenience of the public, and supplying the wants of those who reside on them, but it was, for the time mentioned, an exclusive appropriation of so much of the streets as should be found necessary for the occupancy so mentioned in the resolution. The charter of the city then in force authorized the Common Council to regulate traffic and sales in the streets, highways, and public places of the city, but it evidently was not intended that such authority should be exercised in the manner in which it has by means of this resolution, for a succeeding subdivision of the same section in which this provision is contained declared that the Council should have no power to authorize the placing or containing of any obstruction upon any street or sidewalk, except the temporary occupation thereof during the erection or repair of a building on a lot opposite the same. Laws 1873, 487-8-17, subs 1, 4. These two provisions require, as they relate to the same subject, to be construed together, and the latter so far restrains and limits the former as was attempted to be exercised through this resolution.

Under the latter subdivision no obstruction of any street or sidewalk of the description of that permitted by the resolution can be authorized by the Common Council, and such was the view which was taken of these provisions by Mr. Justice Van Vorst in the case of Ely vs. Campbell. Ms. opinion. To permit the street to be occupied and obstructed in this manner was clearly unlawful. It not only prevented its use and enjoyment for the ordinary purposes for which it is maintained, but also deprived the owners and residents upon it of the complete and beneficial use and enjoyment of their own property. As to them the obstruction was substantially a nuisance, and a party suffering special injury from it has a right to appeal to the courts for redress.

That might probably have been secured by means of an indictment, or to a certain extent by an action for damages, but those remedies were somewhat doubtful in their nature, and would not afford that immediate assistance which the residents upon the street had the right to require. For that reason the application for the writ of mandamus has been made, requiring the officers of the city having supervision of the streets, to interpose and remove these obstructions. These officers have been requested to exercise their authority to secure this result; but they have declined to do so for the reason, it was supposed, that the resolution of the Common Council legally permitted this use to be made of the street.

One of the officers to whom this application was made was the Commissioner of Public Works, who in terms was authorized to keep the streets clear of obstructions, Laws 1873, 502, section 71, sub. 9. And for the purpose of more effectually accomplishing that end, it has been provided further that there should be a Bureau in his Department for the removal of incumbrances of the streets and sidewalks. The chief officer should be called the Superintendent of Incumbrances to whom all complaints should be made, and by whom such incumbrances should be removed, Id., 503, section 72, sub. 8.

These two provisions confirm the construction already given to these contained in the preceding section, for they were enacted in such terms as to indicate the unlawful character of obstructions of this nature, and they render their removal by the Commissioner of Public Works and the Superintendent of Incumbrances a positive and unqualified duty. They have the authority, and in addition to that, are required to use it by removing these obstructions in this street, which have been maintained and continued without lawful authority; it was their duty to remove them notwithstanding the existence of the resolution adopted by the Common Council, for that resolution was in conflict with the provisions of the Charter upon this subject, and consequently invalid. Where ministerial officers like these are charged with the performance of a duty which any citizen is interested in having performed, and has a right to insist on its being performed, the officer may be required to act by means of the writ of mandamus. In this case the officers have no discretion, but the statute is plain and mandatory, and it is their duty under its provisions to remove these obstructions existing in this street; and the writ of mandamus is an appropriate means through which they may be required to exercise their authority and perform this duty (2 Cray Sp. Proceedings, 2 El., 556). This writ may be allowed whenever a party has a legal right, and is entitled to a specific remedy to enforce it, and a public officer whose duty it is to afford that remedy refuses to act (Wood on Mandamus, 27 People vs. Asten, 40 Howard, 406). If no particular remedy be given, and there is no other plain and effectual mode of relief, a mandamus is proper in all cases where it is adopted to enforce the right and duty in question; and it will not be refused merely because there is a remedy in equity or an imperfect remedy at law not adequate to the purpose as an action for damages, which not remove the obstruction would be, or because the officer or adverse party may be prosecuted criminally for neglect of duty, 2 Dillon on Municipal Corporation, 2 Ed., sec. 666; People vs. Commissioner of Emigration, 22 How., 291; People vs. Collkins, 19 Wend., 561. The principle now established entitles the party to their writ whenever a legal right exists, and his legal remedy either fails or is

inadequate, and the fact that the party may be indicted does not constitute any proper objection to the issuing of the writ, People vs. Mayor, etc., 10 Wend., 395.

Although as a general rule a mandamus will not issue where the party has another remedy, it is not universally true in relation to Corporations and Ministerial officers, for, while they may be liable in an action for neglect of duty, they may still be compelled by this writ to exercise their functions according to law, McCullough vs. Mayor, 23 Wend., 458. Under the principle maintained by these authorities, this applicant appears to have just grounds to support him in this application. The obstruction is unlawful. It has been specifically injurious to him as an occupant of property and no legal authority for its creation or continuance exists. It has been made the duty of the officers proceeded against, to remove it and in that manner restore the street to the state of usefulness and convenience it was designed to afford. They have refused to perform that duty, and as the applicant has a right to insist on its performance he is entitled to this writ for the purpose of setting these officers in motion and securing that degree of redress in the premises which he is legally entitled to receive.

An order will therefore be entered directing the writ to issue to the Superintendent of Incumbrances and the Commissioner of Public Works requiring them to remove the obstructions from the street, which has been created and continued by the persons who have resorted there under the liberty secured by the terms of this resolution for the purpose of selling their wares and products, but under the circumstances no costs of the application will be allowed.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DAILY MEETINGS, APRIL 26 TO MAY 1, 1880.

Communications Received.

From Penitentiary—
List of prisoners received during week ending April 24, 1880: Males, 20; females, 10. On file.
List of 25 prisoners to be discharged from May 2 to 8, 1880. On file.
From Lunatic Asylum, Blackwell's Island—History of 13 patients received during week ending April 24, 1880. On file.
From N. Y. City Asylum for Insane, Ward's Island—History of 11 patients received during week ending April 24, 1880. On file.
From City Prison—Amount of fines received during week ending April 24, 1880, \$224. On file.
Proposals for groceries, dry goods, lumber, etc.:
By the Board—
Resolved, That the proposals of S. T. Willets & Co. to furnish 30,000 fresh eggs, at 11 40-100 cents per dozen.
H. K. & F. B. Thurber & Co., 800 pounds creamery butter, at 23 99-100 cents per pound; 50 dozen canned tomatoes, at \$1.19 per dozen; 20 barrels crushed wheat, at \$5.99 per barrel.
R. M. Masterton, 50 barrels oat meal, at \$3.20 per barrel.
Charles F. Matilage, 5 barrels mess pork, at \$12.92½ per barrel.
D. D. Mangam, 300 bags bran, at \$1.25 per 100 pounds.
H. B. Claffin & Co., 100 dozen women's stockings, at \$1.90 per dozen.
John M. Conway, 508 pounds knitting cotton, at 29½ cents per pound.
F. W. Devoe & Co., 5 tons white lead, at 8 1-8 cents per pound; 10 pounds English vermilion, at 62½ cents per pound.
Union Porcelain Works, 10 gross bowls, at \$18 per gross.
S. Blumenthal, 1 gross spit-cups, at \$19 per gross.
James D. Trimble, lumber, as per specifications, for \$219.
—be accepted, and the awards made to them.
Adopted.

Appointments.

April 26. Edward Mason, Orderly, Alms-house.
26. James McGrady, Attendant, N. Y. City Asylum for Insane.
26. Patrick Hagan, Attendant, N. Y. City Asylum for Insane.
27. James Coughlan, Watchman, Blackwell's Island.
27. Kate M. Cole, Nurse, Charity Hospital.
27. Elizabeth Morris, Attendant, Lunatic Asylum.
27. Sarah Costello, Attendant, Lunatic Asylum.
27. Fanny Prian, Attendant, Lunatic Asylum.
30. Francis B. Tafts, Attendant, Lunatic Asylum.
May 1. William I. Barrett, Nurse, Homeopathic Hospital.

Resignations.

April 26. John Noonan, Orderly, Randall's Island Hospital.
26. James Garry, Watchman, Blackwell's Island.
27. Thomas W. Gibbons, Attendant, N. Y. City Asylum for Insane.
30. Alex. P. McKelvey, Orderly, Homeopathic Hospital.
May 1. Mary Rynne, Attendant, Lunatic Asylum.
1. Bridget Kane, Attendant, Lunatic Asylum.
1. Mattie M. Broadwell, Attendant, Lunatic Asylum.

Dismissals.

April 26. Thomas P. Ryan, Orderly, Alms House.
26. Geg Theall, Orderly, Homeopathic Hospital.
28. Mary Irwin, Nurse, Randall's Island Hospital.

G. F. BRITTON, Assistant Secretary.

APPROVED PAPERS.

Resolved, That Croton mains be laid in Seventieth street, between First and Second avenues, as provided in chapter 381, Laws of 1879.

Adopted by the Board of Aldermen, April 27, 1880.
Approved by the Mayor, May 1, 1880.

Resolved, That gas-mains be laid, lamp-posts erected, and street-lamps lighted in Seventieth street, between First and Second avenues, under the direction of the Commissioner of Public Works.

Adopted by the Board of Aldermen, April 27, 1880.
Approved by the Mayor, May 1, 1880.

Resolved, That permission be and the same is hereby given to Dillon & Mallon to place and keep a watering-trough on the sidewalk in front of their premises, No. 652 Hudson street, the work done and water supplied at their 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, April 19, 1880.
Approved by the Mayor, May 3, 1880.

Resolved, That the name of D. Brittan, recently appointed a Commissioner of Deeds, be and is hereby corrected to read Diederich Brettmann.

Adopted by the Board of Aldermen, April 27, 1880.
Approved by the Mayor, May 4, 1880.

Resignation of John J. Lynch as a Commissioner of Deeds.
Resolved, That Bryan O'Hara be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of John J. Lynch, who has resigned.

Resignation accepted and resolution adopted by the Board of Aldermen, April 27, 1880.
Approved by the Mayor, May 4, 1880.

Resolved, That permission be and the same is hereby given to the Manhattan Polo Club to place a bridge over gutter in front of their premises in Sixth avenue, between One Hundred and Eleventh and One Hundred and Twelfth streets, the work done at their 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, April 27, 1880.
Approved by the Mayor, May 5, 1880.

