



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS.
COMMISSIONERS
J. SERGEANT CRAM, PRES.
JAMES J. PHELAN, Treas. * ANDREW J. WHITE.
PIER "A" N.R.
BATTERY PLACE.
New York

AUGUSTUS T. DOCHARTY, Secy.

Jan. 17th, 1895

Hon. William L. Strong,
Mayor and Chairman of the
Commissioners of the Sinking Fund.

File

Sir:-

At a meeting of the Board of Docks held this date, a communication was received from Alfred C. Chapin, attorney, withdrawing from further consideration, the agreement for the sale to the City of the property owned by the Screw Dock Company in the vicinity of Market Slip, East River; and the Counsel to the Corporation was thereupon requested to institute legal proceedings to acquire the same by condemnation. This Board therefore requests that no further action be taken upon the agreement heretofore entered into between said company and this Department, which is now before the Commissioners of the Sinking Fund.

Yours respectfully,

Andrew J. White

President pro tem.

125



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OF NEW YORK,
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COMMISSIONERS
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AUGUSTUS T. DOCHARTY, Secy.

PIER "A" N.R.
BATTERY PLACE.

New York

Feb. 14th, 1895

Hon. William L. Strong,

Mayor of the City of New York.

Sir:-

Enclosed please find the report containing transactions of this Department for the quarter ending January 31st, 1895, sent in accordance with section 49, chapter 410 of the New York City Consolidation Act of 1882, as amended by chapter 62 of the Laws of 1887.

Yours respectfully,


Commissioner.



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS.
COMMISSIONERS
J. SERGEANT CRAM, PRES.
JAMES J. PHELAN, Treas. * ANDREW J. WHITE.
PIER "A" N.R.
BATTERY PLACE.
New York
March 16, 1895

AUGUSTUS T. DOCHARTY, Secy.

Messrs C. H. Mallory & Co.,

Pier 20 East River.

Gentlemen:

I beg to acknowledge receipt of your favor of the 15th instant, respecting the order of March 7th, directing you to remove the platform between Piers 19 and 20 East River.

In reply thereto, I have been directed by the Commissioners governing this Department to call your attention to the permit dated March 27th, 1878 under which this platform was built and which provides that it shall be maintained only during the pleasure of the Board of Docks at a rental of \$200. per annum, commencing May 1st, 1878, the terms of which were accepted by you April 10th, 1878.

The rental seems to have been paid by you up to May 1st, 1878 and since that time no compensation has been received by the City for the use thereof; therefore, in accordance with the custom of the Department, the removal of the platform was ordered.



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AUGUSTUS T. DOCHARTY, Secy.

PIER "A" N.R.
BATTERY PLACE.

New York

If you are willing to pay the rental as agreed for the platform from May 1st, 1888, and will agree to pay this rental during the continuance of the permit, the resolution of the 7th instant, directing the removal of the platform will be rescinded and the permit to use and occupy same during the pleasure of the Board, continued.

Yours respectfully

H
P

ANNEXED DISTRICT WHARF PROPERTY .

By the Act of June 6th, 1895, all of the township of Westchester and parts of Eastchester and Pelham were annexed to New York from Westchester County. This brought to the harbor of New York about twenty-seven additional miles of water front. Of this water front about four miles are along the limits of Pelham Bay Park, and the remainder are along lands of private individuals, and it is of immense value.

The state of New York claimed to own the land under water ~~and~~ between high and low water mark, and attempted to assert such right before Westchester was annexed, but the town authorities claimed that the lands under water adjacent to Westchester belonged to the township, and that the state had no interest therein.

Upon annexation the town authorities went out of office and the question remained unsettled. The counsel for the supervisor of the town claimed that the state had released all right and title it had in these lands and in all the state lands of Westchester by the ratification of a certain grant or charter made by Governor Nicholls and subsequently confirmed by Governor Dongan, and that the Township held the lands through Trustees and town officers down to the time of annexation, and that the State Legislature had from time to time by acts recognized the said Trustees and their title.

By the Act of June 6th, 1895, the City of New York succeeded to the full rights of the town to those lands, and now owns the land under water.

In support of this contention, the case of Trustees of Brookhaven vs. Strong, 60 N. Y., page 56, and the case of Roe vs. Strong, 107 N. Y., 350 are cited, and from reading these cases it appears that the Court of Appeals has upheld the patents of Governor Nicholls and Governor Dongan, which were issued to Trustees of Brookhaven Township

17
on Long Island, and which cases it is believed are identical with the patents granted to the Trustees of Westchester, etc.

The State has in recent years assumed the right to grant to private individuals the lands under water, and the Counsel to the Corporation was requested by the Board of Docks to make a thorough examination of the local condition of affairs in the annexed district, so far as concerned the water front which by the annexation is under the control of the Department of Docks, in order that the valuable rights of the City might not be lost or imperilled. The Counsel to the Corporation advised this Board that he had retained special counsel to take charge of these questions. A new wharfage district, covering the annexed territory, was created, and a Dockmaster assigned in control thereof, under the rules and regulations of the department.

118

118

Some of the benefits derived and to be derived from the dock improvements made under the present administration.

At the close of the present fiscal year, the City will have expended through this Department, about eight millions of dollars, of which nearly five million dollars will have been for acquired property, and the balance for labor. In addition to this, the steamship companies, the lessees of the five new piers between Charles and Gansevoort Streets, North River, made the statement ~~that~~ before the Commissioners of the Sinking Fund that when these piers were occupied by them, they would expend annually the sum of \$862,000. for labor. The Department of Docks is now employing directly, five hundred men, and it is estimated that the contractors doing work for this Department are employing five hundred more. In addition to this, the steamship companies will employ about fifteen hundred men.

At the close of the last fiscal year of the Tammany administration, the City employed only 300 men, and expended ^{about} \$1,000,000 for labor *and material*.

In round numbers, the Department of Docks has provided employment for two thousand ⁸⁷⁰⁰ more men. This, in addition to the furnishing of pure and cheap food for the people.

Aside from this the Department of Docks will have expended at the close of the present fiscal year, about one half a million dollars for recreation piers, for the purpose of healthful recreation of the inhabitants in the crowded sections of the City.

117



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS.
COMMISSIONERS
EDWARD C. O'BRIEN, PRES.
EDWIN EINSTEIN, Treas. * JOHN MONKS.
PIER "A" N.R.
BATTERY PLACE.
New York

GEO. S. TERRY, Secretary.

June 7th, 1895

Hon. William L. Strong,

Mayor of the City of New York.

Sir:-

I am directed to acknowledge the receipt of your favor of the 31st ultimo, enclosing letter from A. W. Quimby, Esq., concerning the condition of Pier 35, East River, and to inform you that at a meeting of the Board of Docks held on the 6th instant, it was referred to the Engineer in Chief to examine and report at the earliest practicable time, and the Superintendent of Repairs and Dock Master were directed to appear at the next meeting of the Board and explain why they have failed to report the dangerous condition of the pier.

Respectfully yours,

G. S. Terry
Secretary.

128

(Copy)

New York, May 31st, 1895.

Gen. E. C. O'Brien,
President, Department of Docks.

Dear Sir:

By direction of the Civil Service Commissioners, I have the honor to request the report called for by the third paragraph of Civil Service Regulation 68, Labor Service, which reads as follows:

"It shall be the duty of each Department of the City Service to report in writing to the Secretary of the Civil Service Commissioners, within ten days after a written request from him for such report, the names, duties and salaries of all employees hereby classified in Schedule G., who shall, at the date of such request, be in the service of such Department."

Yours very respectfully,

(Signed) Lee Phillips,

Secretary & Executive Officer.

(Copy)

June 11th, 1895.

Lee Phillips, Esq.,

Secretary and Executive Officer,

New York City Civil Service Boards.

Sir:

In accordance with the request expressed in your letter of the 31st ultimo, but received by this Department June 3rd, I am directed to transmit herewith a list of all employees in this Department classified in schedule G, with compensation at the rate of twenty-three cents per hour, unless otherwise noted.

Yours respectfully,

(Signed) Geo. S. Terry.

Secretary.

(Copy).

New York, June 14th, 1895.

George S. Terry, Esq.,
Secretary Dock Department.

Dear Sir:

I beg to acknowledge the receipt of your letter of the 11th inst., transmitting a list of the names and compensation of employees in your Department classified in Schedule G. I am directed by the Commissioners to say that this does not fully comply with the requirements of the rules, and to request that you furnish also the date of appointment of each person on said list, and the title of his position.

Respectfully yours,

(Signed) Lee Phillips,

Secretary and Executive Officer.

(Copy)

June 15th, 1895.

Lee Phillips, Esq.,
Sec'y & Executive Office,
N. Y. City Civil Service Boards.

Sir:

In reply to your favor of the 14th inst., in which you state the list of names and compensation of employees in schedule "G", forwarded you on the 11th inst., "does not fully comply with the requirements of the rule," and requesting that we furnish also, the date of appointment of appointment of each person on said list, and the title of his position I am directed to say, that as many of the employees have been in the service of this Department for a long term of years, such a request would entail very considerable work, and it would be a number of weeks before we could furnish such a list, owing to the great pressure of business in this Department; besides the Commissioners are of the opinion, that they have complied with regulation No. 68 of your regulations, which reads as follows:

" x x x x x x x x It shall be the duty of each Department of the City Service to report in writing to the Secretary of the Civil Service Commissioners, within ten days after a written request from him for such report, the names, duties and salaries of all employees hereby classified in schedule "G", who shall, at the date of such request, be in the service of such Department."

Respectfully yours,

(Signed) George S. Terry,

Secretary.

(Copy)

New York, June 24th, 1895.

George S. Terry, Esq.,

Secretary, Dock Department.

Dear Sir:

Referring to your letter of June 15th, in relation to the list of employees in your Department classified in Schedule G., I am directed by the Civil Service Commissioners to call your attention to the fact that while the rule does not specifically require the date of appointment of such employees, it does call for the duties and those were not given in the list furnished. Please send us the title of the position or the nature of the duties of each of said persons, and oblige,

Yours respectfully,

(Signed) Lee Phillips,

Secretary & Executive Officer.

(Copy)

New York City Civil Service Boards,
New Criminal Court Building,
New York, June 27th, 1895.

Hon. Ashbel P. Fitch,
Comptroller.

Dear Sir:

Regulation 68 of the New York City Civil Service Regulations provides that "Schedule G shall include all laborers and other employees in the City Service who shall not be subject to examination under the Civil Service Rules or be specifically exempted from examination by said rules or be the statutes of this State."

Regulation 70 provides that "On and after the 1st day of May, 1895, appointments to positions included in Schedule G shall be made from said registry."

Regulation 68 provides that "It shall be the duty of each Department of the City Service to report, in writing, to the Secretary of the Civil Service Commissioners, within ten days after a written report, the name, duties, and salaries of all employees hereby classified in Schedule G who shall, at the date of such request, be in the service of such Department."

On May 31st, the Secretary of the Civil Service Board made a written request upon each Department of the City for the report of names, duties and salaries of all employees classified in Schedule G upon that date.

The Department of Docks, in response to said request made a report to this Board giving the names of 889 employees so classified in Schedule G, with the salaries of said employees, but did not include in said report the account of the duties of each of said employees.

It having been publicly reported that after April 20, and before May 1st, 1895, the Dock Department had made numerous appointments to what is known as the "reserve list" of said Department, this Board requested said Department to give the date of appointment of each of the employees on the list which it had reported, which request the Dock Department declined to accede to.

This Board thereupon caused to be made, in the office of the Comptroller of the City an examination of the payrolls of the Dock Department for the months of April and May, 1895, for the purpose of determining which of the employees upon the list reported by that Department had been actually employed, and which of them had been placed upon a so-called "reserve list."

Such examination of the pay-rolls showed that but 235 of the names reported appeared upon the pay-rolls for either April or May, 1895, and that 654 of said names did not appear upon said pay-rolls.

The Civil Service Commission is of the opinion that the regulations quoted in this letter prohibit the employment after May 1st, 1895, by any city department, of employees scheduled in Schedule G unless said employees shall have been certified to said Department by the Labor Clerk of the Civil Service Boards.

The Civil Service Commission is of the opinion that the constitution by a Department of a so-called "Reserve list" is an evasion of the Civil Service Regulations, and that the employment after May 1st, 1895, of persons taken from said "reserve list" instead of from the labor registration list of the Civil Service Board will be a violation of the Civil Service Law.

We herewith send you the names of 654 persons who it would appear from the investigation of this Board are held by the Dock Department to be upon its so-called "reserve list."

We claim that such of them as were not actually upon the pay-rolls of the Dock Department before June 1st, 1895, cannot be legally employed by said Department.

We therefore respectfully request that you will refuse to pay any such employee hereafter certified to you by the Dock Department until proof has been furnished you by said Department that said employee, if appointed during the month of April, 1895, was actually employed in that month, and was not merely placed upon a so-called "reserve list," or collection of names from which appointments might be made after May 1st, in violation of the law.

By order of the Board.

Respectfully yours,
(Signed) Lee Phillips,
Secretary and Executive Officer.

(Copy)

June 28, 1895.

Lee Phillips, Esq.,

Secretary and Executive Officer,

New York City Civil Service Boards.

Sir:

In reply to your favor of the 24th inst, I am directed to say, that it would be almost impossible to comply with your request, to furnish the "title of the position or the nature of the duties of each of said persons," in Schedule G, from the fact that they are all laborers or day workmen, and are assigned from time to time to various positions; one week for example, being a blacksmith's helper, the next week a sweeper, the next week a cleaner, etc., all these positions being classified under schedule G.

Yours respectfully,

(Signed) Geo. S. Terry,

Secretary.

95

Chief, Schedule G.

Yours respectfully,

129

at the next week a cleaner, etc., all these positions being classified one week for example, being a Miscellaneous's helper, the next week a sweep or a porter, and are assigned from time to time to various positions; and so on. In Schedule G, from the fact that they are all in direct line the title of the position, the nature of the duties of each of that it would be almost impossible to comply with your request, to this.

In reply to your favor of the 28th inst. I am directed to say:

Secretary and Executive Officer,

Post Office, Wash.

June 20, 1902.

(Copy)

(Copy)

City of New York,
Finance Department,
Comptroller's Office,

July 1, 1895.

General E. C. O'Brien,
President, Dock Department.

Dear Sir:

I herewith enclose a copy of a communication received from the Municipal Civil Service Board, requesting me to withhold payment in the cases of some six hundred and fifty-four persons alleged to have been appointed by your Board prior to May 1st, 1895, but held on a "reserve list" and not actually employed until after May 1st, 1895.

I desire to state that I have this day communicated with the Counsel to the Corporation requesting his advice as to the action necessary to be taken by this Department in the premises.

Respectfully,

(Signed)

Ashbel P. Fitch,

Comptroller.



GEO. S. TERRY, Secretary.

July 3rd, 1895

Hon. William L. Strong,

Mayor of the City of New York.

ENCLOSURE

Sir:-

I have the honor to transmit herewith for your information, copy of letter received July 2nd, from the Hon. Ashbel P. Fitch, Comptroller, and also a copy of a letter received by him from the New York City Civil Service Boards, relative to the employees in this Department, classified under schedule G.

I beg leave to submit also, copies of letters received by this Department from the Civil Service Commissioners under dates of May 31st, June 14th, and June 24th, as well as copies of the replies made to same by the Secretary of this Department under dates of June 11, 15th and 24th.

It seems proper for a clear comprehension of this case, that the following statement of facts should be submitted to you:

On the 27th of February, 1895, the Engineer in Chief submitted a list of inefficient men, numbering one hundred and fifty eight, whom he stated were worthless to the Department, and

should not be re-assigned to duty, and they were, accordingly, discharged.

On the 9th day of April, 1895, the Engineer in Chief gave a list of one hundred and eighty-one men who were not rated No. 1, and therefore inefficient, and the Board also discharged them.

On the 19th of April, 1895, the Board also discharged two hundred and four men, and on the 29th of April 1895, eighty-five more.

The total number thus discharged was six hundred and twenty eight men, about seventy-five per cent of whom were reported by the Engineer in Chief as inefficient and worthless, and all or nearly all of whom were not actually at work, but whose names appeared among the list of employees of this Department.

On the 29th and 30th of April, 1895, the Board appointed about six hundred laborers or day workmen to take the places of those discharged.

The reasons for the maintenance of a larger number of men on the employees list of this Department than actually employed, are fully set forth in the following statement of the Engineer in Chief:

"On account of the variation and variety of the work of the Department, requiring different numbers of men for carrying it on, and on account of absence of men and on account of sickness, and also on account of 'taking a day or two off' and for other reasons, it has always been necessary, and it has always been the practice to have more men on the list of employees of the Department, than the average number actually at work and employed each day. The number in excess of the average working force has been from twenty-five to thirty per cent of the force actually employed when the Department has been carrying on a great deal of work; at other times it has been much larger. In March and April, 1895, the laborers employed and at work were about one-third, and the dock builders at work were about one-eighth of the total number of persons on the list who had been appointed as employees. Dock builders are paid the rate of thirty cents per hour and laborers at the rate of twenty-three cents per hour, but are only paid when they work."

It will be seen from the statement of the Engineer in Chief that the suggestion that this Department has created a "reserve list" or inaugurated a new departure in the employment of laborers, has no foundation in fact.

We respectfully submit that the action of the Board in appointing, prior to May 1st, the laborers classified in schedule G, was clearly legal, and that the right exists to assign them work whenever the Department has need of their services.

The action of the Civil Service Commissioners in this case, would make their regulations retroactive, and in the judgment of this Board, is contrary to law and sound policy, and would inflict a hardship on the recent appointees, all of whom are worthy and deserving men.

Yours respectfully,


President.



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS,
COMMISSIONERS
EDWARD C. O'BRIEN, Pres.
EDWIN EINSTEIN, Treas. JOHN MONKS.
PIER "A" N.R.
BATTERY PLACE
GEO. S. TERRY, Secretary.
New York July 5th, 1895.

Hon. William L. Strong,

Mayor of the City of New York.

Sir:-

I am directed by the President of the Board to advise you, that in his letter to you of the 3rd inst., there is an error in the total number of employees discharged, it should have been 423, instead of 628.

The figures as given at that time, were based upon memoranda furnished him by the Engineer in Chief, but on an examination of the minutes it was found, an error had been made.

Respectfully yours

G. S. Terry
Secretary.

130

(Copy)

Department of Docks,

New York, July 5/1895.

G. Schumacher, Esq.,

592 Greenwich street,

Dear sir:--

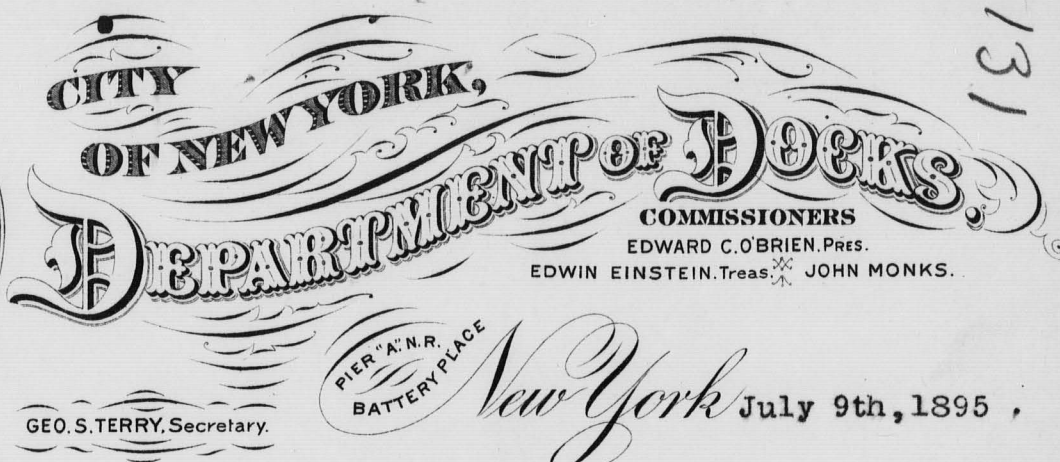
You can obtain your truck by calling upon the Dock Master and paying expense of removal and storage. The fine has been remitted.

Yours truly,

(Signed)

Edward S. Atwood,

Superintendent of Docks.



Hon. William L. Strong,

Mayor of the City of New York.

Sir:-

In reply to your favor of the 8th inst., in reference to the complaint of George Schumacher of 467 Greenwich Street, I am directed to say, that the statements made by him are not borne out by the facts. It is true, his truck was seized on the evening of July 3rd. When he called on me on the 5th inst, he was introduced to the Dock Master and received an order for his truck, on paying expenses of removal and storage, a copy of which is herewith enclosed.

Respectfully yours

G. S. Terry
Secretary.

x

P.S. A copy of this communication has been forwarded to Mr. Schumacher.

DEPARTMENT OF DOCKS.

New York, Nov. 16th, 1895.

To the Board of Docks,

Gentlemen,-

I beg leave to report that the franchise for the ferry from East 92nd street to Astoria , L. I., was leased by the Comptroller, as a renewal, to the New York and East River Ferry Company from May 1st, 1894, to May 1st, 1904, at an annual rental for the first five years, for the franchise \$2500., and wharf property, \$700.; and for the second five years, for the franchise, 5% of the gross receipts, to be not less than \$4500., and the wharf property \$700.; the same to be for ferry purposes only.

I find that the wharf referred to, which is thirty-two feet wide at its outer end, and about 150 feet long on its northerly side, is occupied entirely by a saloon, bar room, pavillion, and summer garden, with floats alongside, the proprietors of which seem to have been one E. M. Brown until recently and now are Meffert and Ryan. A plan of the premises is submitted herewith.

As this seems to be a questionable use of the property under the privilege conferred by the lease, I feel compelled to bring the matter to your attention.

Yours respectfully,

(signed) E. S. Atwood,

Superintendent.

132



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS,
COMMISSIONERS
EDWARD C. O'BRIEN, PRES.
EDWIN EINSTEIN, Treas. JOHN MONKS.
GEO. S. TERRY, Secretary.
PIER "A" N. R.
BATTERY PLACE
New York Nov 21, 1895.

Honorable Board of Commissioners of the Sinking Fund.

Gentlemen:-

At a meeting of the Board of Docks held this day, the Dock Superintendent submitted the enclosed report in relation to the use of a portion of the ferry premises at the foot of East 92nd Street and I was directed to transmit the same to you for your attention.

Respectfully yours

W. S. Terry
Secretary.

ENCLOSURE.

Sir Knig Jemar

Copy

New York 3rd December 1895.

To the Honorable,

The Commissioners of the Department,

of Taxes & Assessments,

City of New York,

Gentlemen:

On Friday the 29th of November, at the City Hall, in the presence of His Honor, the Mayor, the Counsel to the Corporation, and the President of the Board of Docks, the President of your Board, stated that "Section 823 of the Consolidation Act has never been complied with by the Dock Board".

Section 823 of the Consolidation Act is taken from Section 14, Chapter 302 of the Laws of 1859, and reads as follows:

"Whenever any permit shall be granted by the proper officer of the City Government for the erection of any building, pier or bulkhead within said City, a copy of such permit shall be furnished by the said officer to the Commissioners of Taxes and Assessments."

The construction of this Section in its relation to this Department seems to bear upon the word "Permit", such permits as have been issued to private individuals authorizing them to erect a bulkhead, or permits to lessees to erect sheds or other structures to be maintained at the pleasure of the Board.

The Department of Docks proceeds by a resolution, not under permit, in erecting piers, as it is not the policy of the City to give permits to private individuals for this purpose.

An examination of the records of this Department covering the past eight years shows that notices of "Permits" were sent to the the Department of Taxes and Assessments in compliance with this Section under the following dates.

March 5th, 1889, transmitting notices of permits from May 18th 1887, to January 11th, 1889.

September 4th, 1889 transmitting notices of permits from April 25th, 1889, to August 22nd, 1889.

January 1892, transmitting notices of permits from August 22nd 1889, to January 1st, 1892.

March 16th, 1893, transmitting notices of permits from January 23rd, 1893, to January 19th 1893.

December 15th 1893, transmitting notices of permits from February 1st, 1893 to December 15th 1893.

May 21st, 1894, transmitting notices of permits from May 18th 1893, to May 21st, 1894.

October 12th, 1894, transmitting notices of permits from November 29th 1893 to October 12th 1894.

In April 1895, the present Dock Board, following the precedent established by the previous Boards, transmitted a similar notice of permits from October 12th 1894 to April 13th 1895. A like notice is herewith enclosed of all permits granted from April 13th to December 1st, 1895. No demands having been made by the Department of Taxes and Assessments for any more specific informa-

tion, it is fair to presume that the information furnished was all that was desired.

The City Record is the official Journal of the City and it publishes a synopsis of the proceedings of each Department which information the Departments are by law required to furnish. The Board of Docks transmits regularly to the City Record the minutes of all proceedings of the Board and the same are published therein.

For the further information of the Department of Taxes and Assessments, the Board of Docks would refer it to section 729 of the Consolidation Act, which requires that the annual report of the Commissioners of Docks to the Mayor shall include a statement of all leases made by said Department, for what term, at what rent, to whom, and for what property, and the compliance of the Board of Docks therewith.

The Books of the Department of Docks have always been accessible and open to City officials for their inspection, and it would seem that the Department of Taxes and Assessments has cognizance, not only of every "Permit", but of every transaction of the Board of Docks which would be desired in the exercise of its functions.

Inquiry of the Heads of the other Departments in the City Government discloses the fact that the Board of Docks is about the only one that furnishes information of this character to the Department of Taxes and Assessments, all others assuming that the "City Record" the official Journal of the City, and other official publications, together with such investigations and methods as are usually employed, are the proper sources for the information desired by the Tax Department for the imposition of taxes.

If the information heretofore furnished by this Department to the Department of Taxes and Assessments, ~~and in the publication in the "City Record" and the other documents mentioned,~~ is insufficient and incomplete, the Board of Docks will thank the Department of Taxes and Assessments to point out in what particulars, and designate what further information it desires in compliance with Section 823 of the Consolidation Act.

Respectfully

(Signed) E.C.O'Brien
President.



CITY
OF NEW YORK,

DEPARTMENT OF DOCKS.

COMMISSIONERS

EDWARD C. O'BRIEN, PRES.
EDWIN EINSTEIN, Treas. JOHN MONKS.

GEO. S. TERRY, Secretary.

PIER "A" N.R.
BATTERY PLACE.

New York 4th December, 1895.

To the Honorable Francis M. Scott,
Counsel to the Corporation, New York.
Sir:

This Department is in receipt of a communication from the Department of Taxes and Assessments dated the 25th ultimo, enclosing a copy of an opinion from the Counsel to the Corporation of date the 22nd ultimo, in relation to property under the jurisdiction of this Board liable to taxation, and requesting this Department to transmit a list of all property referred to in said opinion liable to assessment, that the same might be entered upon the books of the Department of Taxes and Assessments for the purposes of taxation. This communication was tabled pending an opinion from the Counsel to the Corporation as to what structures are covered by said opinion.

The whole history of the administration of the affairs of water front property, both prior and subsequent to the organization of the department of Docks, and the course heretofore pursued by the Department of Taxes and Assessments shows that it has been the uniform policy of the city to refrain from taxing structures built by lessees on water front property belonging to the city. In view of this fact, it appears to the Board of Docks that before action is taken to impose taxes on such structures a careful examination should be made into the circumstances and conditions surrounding the existence of the same.

The Counsel to the Corporation, in the opinion referred to, states:

"I have examined the questions suggested in relation to the taxation of property belonging to the city, and beg leave to present my conclusions as follows:

1st: Property owned by the city is exempt from taxation."

Then follows a review of several authorities in connection with the issues raised, and the opinion concludes as follows:

"I am therefore of the opinion that piers, sheds on piers, bulkheads, or other structures erected upon lands which belong to the city by the lessees thereof (such structures being the property of the lessees), may be assessed and taxed as real estate against such lessees as owners."

This opinion of the Counsel to the Corporation deals only with the purely legal side of the question as it was presented to him. As it is not the policy of the city to authorize or allow lessees to build piers or bulkheads, the opinion of the Counsel to the Corporation must therefore be confined to superstructures erected upon piers and bulkheads, and to structures on land under water belonging to the city in front of bulkheads claimed by private parties, for which permission is given to remain only during the pleasure of the Board. It is noticed that in this opinion he states that the courts have formulated the doctrine that "parties may by contract so regulate their respective interests in real estate that one may be the owner of the buildings and the other of the lands."

There can, of course, be no doubt but that this is a correct statement of the law. The real question, however, remains---Have the parties in this case by contract so regulated their respective interests? Or, in other words, in the language of the Counsel to the Cor-

poration, are such structures left the property of the lessees? To determine this question from a strictly legal point of view, the contract in each case must be examined. These contracts are contained in the leases and in the permits granted by the Department of Docks, in many cases they are contained only in the permits. As the Counsel to the Corporation does not quote ^{from} or refer to these contracts, it is presumed they were not brought to his attention, and that he has not carefully considered the matter from that point of view, and will now take the question up anew with reference to these circumstances.

Section 711 of the Consolidation Act provides that, among other powers, the Department of Docks shall have exclusive charge and control of the leasing of every part of the wharf property of the City of New York.

Section 716 of the Consolidation Act contains the following:

"All leases made by said department shall contain covenants on the part of the lessees to make all needful repairs upon or about the property leased, and to maintain and keep in good condition the property leased during the term of the lease, under the penalty of forfeiture of such lease and damages; provided, that the said department may, in its discretion, make leases containing covenants that the lessees shall keep in good order and repair, at their own expense, the planking, string pieces and mooring piles of said wharves, piers and bulkheads, reserving to said department of docks the rebuilding and renewing of the under structures thereof."

An examination of the leases and permits discloses the fact that all of them are silent as to the matter of taxation. The theory in making these leases was that inasmuch as such structures had not been and were not at that time taxed, ~~that~~ no such tax would be im-

posed, and in fixing the rental this has been taken into consideration, and a higher rate charged.

A further examination of the leases will show that almost invariably where a structure is erected by a lease upon water front property belonging to the city, the lease contains a clause that such structure shall revert to and become the property of the city upon the expiration or sooner termination of the lease. In a number of cases the structures have already reverted to and become the property of the city, and have been leased with the pier upon which they stand, and on account of the improvement the pier has brought a much higher rate of rental. Many more of these structures will revert to the city within a few years.

It is contended that in a sense these structures are the property of the city from the moment they are erected, as the lessees have not the power to remove them, even during the term of the lease.

The question presents itself, if it be technically true that certain of these structures are taxable, in what manner could taxes be collected? It is a sound principle of law, and well known to the Department of Taxes and Assessments, that taxes follow the property, and in case the lessees refused to pay, the taxes must follow the property into the ownership of the city. Therefore it appears that the only practical way in which taxes could be collected on the structures in question would be to have a covenant in each lease that in case the lessee fails to pay the taxes imposed by the proper authorities, the lease will be forfeited, and become null and void. If the law requires that any of the structures in question should be taxed, such a covenant could be incorporated in

the lease. The wisdom of such action, however, is open to serious doubt, but at least it would not be exhibiting bad faith on the part of the city to its tenants.

In view of all these facts, the Board of Docks asks to be advised as to what structures, if any, erected by lessees on water front property belonging to the city are subject to taxation.

If the Counsel to the Corporation desires to inspect the leases and terms of the permits in each of the cases involved, they will be furnished for such inspection.

Respectfully,

President.



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS,
COMMISSIONERS
EDWARD C. O'BRIEN, Pres.
EDWIN EINSTEIN, Treas. JOHN MONKS.
GEO. S. TERRY, Secretary.
PIER "A" N. R.
BATTERY PLACE
New York

4th December, '95.

Hon. William L. Strong,
Mayor of the City of New York.

Dear Mr. Mayor:

I herewith send you copies of two communications forwarded this day, one to the Department of Taxes and Assessments, and the other to the Counsel to the Corporation.

Believing that you should be in possession of the facts contained in these communications, I trust you will find time and convenience to read them.

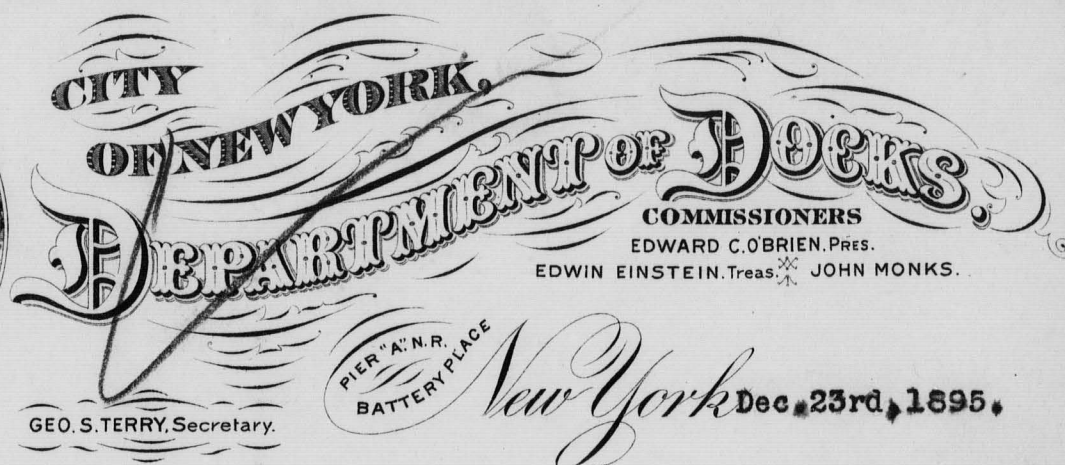
With the kindest regards, I am,

Yours sincerely,

E. C. O'Brien

President.

133



Honorable William L. Strong,
Mayor, New York City.

Sir:

In compliance with your request of December 3rd, 1895, I have the honor to submit the following for your information.

The total gross revenue for the calendar year 1895, (the month of December estimated), was \$2,025,527.45. The total expenditures during the same year amounted to \$995,263.42 of which \$246,307.09 were for acquired property; \$453,046.58 construction; \$217,836.19 for the maintenance and repair of the whole water front belonging to the City, and \$78,073.46 the amount charged to annual expense account for the maintenance of office, salaries etc..

The revenue of the Department as compared with the year 1894, shows an increase of \$122,148.82, while the disbursements for the same period show a decrease of \$984,418.68.

The disbursements for the year 1894 amount to \$76,303.47 in excess of the receipts, while for the year 1895 the receipts were \$1,030,264.03 in excess of the disbursements.

The total revenue of the Department of Docks from leased wharves and wharfage since the organization of the Department, May 1st, 1870 to December 31st, 1895 amount to \$28,395,686.63; the total

Hon. W. L. S-2.

expenditures during the same period amount to \$27,683,686.31

This shows that the revenues of the Department deposited to the credit of the Sinking Fund for the redemption of the City debt amounted to \$28,396,586.63, while the amount of Dock Bonds issued for the maintenance of the Department, including the purchase of wharf property, construction of piers and bulkheads and other various expenditures incident to the proper administration of the Department amounted to \$27,053,000.00 showing an excess of revenue over Dock Bonds issued of \$1,342,686.63, from which it will be seen that the Department is much more than self sustaining.

During the year 1895 the Department of Docks constructed three new piers and 245 feet of bulkhead or river wall has been built under its supervision.

The Board of Docks appreciating the importance to the City of providing suitable accommodations for all classes of vessels using and occupying the water front, requested the Counsel to the Corporation to push to the utmost, the proceedings for the acquisition of wharf property along the North River Between Wallth and Gansevoort Streets in order to enable the Department to build six new Modern piers for the accommodation of the largest ships engaged in Transatlantic traffic, and advice has been received that every effort is being made to speedily acquire same. As soon as the Department is put in possession of the property the work will be begun and pushed as rapidly as possible to completion.

The unimproved condition of the water front on the East River makes it imperative that action be taken at the earliest practicable

Hon. W. L. S. 3.

ble time for the execution of plans for its improvement, and in view of this fact, the Board has the matter under careful consideration.

Three Consulting Engineers have been appointed to review the improvements of the water front and plans therefor, and to submit with their report, such suggestions as they may deem proper for the betterment of such plans with a view to securing a larger usefulness of the water front of the City of New York.

The Board has also, among other plans under consideration, a plan for the construction of a combined pier and fire proof warehouse for the speedy and economical loading and unloading of vessels and transferring of freight to ships, storehouses, cars and other vehicles, which, if adopted, it is believed will increase the efficiency, value and earning power of the City's water front property and facilitate and cheapen the handling of freight, increase commerce and retain at this port trade, which a lack of facility might cause to be diverted to other Cities, to the loss and injury of New York.

On account of the great interest taken in the matter by the Honorable Board of Aldermen, the Department is carefully considering the erection of piers with upper stories for the public use of the inhabitants of the City, by setting them apart for recreation purposes as permitted and provided for in Chapter 298 of the Laws of 1892.

A great part of the cargoes brought here in canal boats are delivered upon the North River and the towing thereof around the

Hon.W.L.S-4.

Battery is a needless expense to canal boatmen and a needless inconvenience and source of delay and frequently of great danger to shipping. The Board of Docks have taken into consideration this fact and have set aside the northerly side of pier new 82 foot of W.52nd Street and the southerly side of pier new 84 foot of W.54th Street and the bulkhead between on the North River, and appropriated the same to the sole use of canal boats on and after the 15th of March 1896.

Very respectfully yours

Edw. B. B.
President.

69

95

Hon. W. L. S. A.

W. 62nd Street and the Southern
fact and have not made any
shipping. The Board of Directors
convenience and source of supply
Battery is a necessary expense



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS,
COMMISSIONERS
EDWARD C. O'BRIEN, Pres.
EDWIN EINSTEIN, Treas. JOHN MONKS.
GEO. S. TERRY, Secretary.
PIER "A" N.R.
BATTERY PLACE
New York Dec 31st, 1895.

Hon. William L. Strong,

Mayor & Chairman of the Sinking Fund Commissioners.

Sir:-

At a meeting of the Board of Docks held August 2nd, 1894, the newly made land west of the Marginal Street, Wharf or Place between East 94th & East 95th Streets was relegated to the Commissioners of the Sinking Fund, as it was not considered water front property or necessary for the improvement of the water front under the "New Plan

The Engineer in Chief of this Department reports dumping on this land by private parties to such an extent, that a mound has been raised fully 8 feet along the westerly side of the Marginal Street, sloping off to the elevation of the sidewalk on the easterly side of First Avenue. As this filling will throw rain and other water upon the Street under the control of this Department, and make it too soft and muddy for use, I beg to request you to issue the necessary orders to prevent filling higher than the grade of said Marginal Street, which is 5 feet above mean low water.

Respectfully yours

Edw. C. O'Brien

President.

134

been raised with a view to the elevation of the standard of the country
the land in private hands is being sold at a low price and a number of
The Government in effect of the Government is now in a position to
necessity for the improvement of the water supply under the new law
the sinking of the land was not considered as a great loss
But the Government is now in a position to
nowly made land was not considered as a great loss
At a meeting of the Board of Directors held on the 10th of June, 1888, the



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS,
COMMISSIONERS
EDWARD C. O'BRIEN, PRES.
EDWIN EINSTEIN, Treas. JOHN MONKS.

PIER "A" N.R.
BATTERY PLACE

GEO. S. TERRY, Secretary.

New York Jan. 9th, 1896

Hon. William L. Strong,

Mayor and Chairman of the

Commissioners of the Sinking Fund.

Sir:

In accordance with the resolution of this Board of the 2nd instant, I transmit herewith the plans for the improvement of the Harlem River water front between 3rd and 7th Avenues, as amended.

Yours respectfully,

Edw. Einstein
President.

ENCLOSURE.

135



CITY
OF NEW YORK,
DEPARTMENT OF DOCKS.
COMMISSIONERS
EDWARD C. O'BRIEN, PRES.
EDWIN EINSTEIN, Treas. JOHN MONKS.
GEO. S. TERRY, Secretary.
PIER "A" N.R.
BATTERY PLACE
New York
Jan. 10th, 1896

To the Honorable William L. Strong,
Mayor of the City of New York.

Sir:

The Department of Docks, in pursuance of section 719 of chapter 410 Laws of 1882, has the honor to present its annual Report for the year commencing May 1st, 1894, and ending April 30th, 1895, as disclosed by the records of this Department, containing: "1st, The name, occupation and compensation of all persons appointed and employed by said Department. 2nd, A statement of the action of the Board for the past year, classified with reference to the various subjects and duties which have engaged the attention of the Board. 3rd. A list of the orders and rules made by said Board, and a description of the contracts made by said Department, the payments made by said Department and the purposes and amounts thereof; and the leases made by said Department, for what term, at what rent, to whom and for what property."

Very respectfully,

E. C. O'Brien
President.

ENCLOSURE.

136

Ms. 9-8

96