

THE NEW PARKS.

The public press in 1882 ^{and Subsequently} abounded with articles agitating the subject of and demanding more parks for the increasing population of the city. Comparisons were made between the limited park system of New York and the parks of other cities in the United States and Europe, and these comparisons showed New York to be far behind in the matter of "Parks for the People".

The result was the passage of a law, chapter 253 of the laws of 1883, authorizing the Mayor of New York to appoint a commission of seven citizens to locate lands for one or more Public Parks in the 23rd and 24th wards and in the vicinity. The Commissioners were directed to make such location in view of the present condition and future growth and wants of the city.

Mayor Edison, in obedience to that law, appointed a commission consisting of Luther R. Marsh, Louis Fitzgerald, Waldo Hutchins, C. L. Tiffany, George W. Mc Lean, W.W. Niles, and Thomas J. Crombie. They organized by selecting Mr. Marsh as president and Mr. John Mullaly as secretary. Their report locating all the new parks was presented to the succeeding Legislature, and the form of an act was also presented by them for carrying out the recommendations of the report. An Act was thereafter passed, chapter 522 of the laws of 1884, laying out the following Parks and Parkways, and designating them as follows: the City to contract a further debt for the New Parks.

1. Van Cortland Park,

2. Bronx Park,

3. Pelham Bay Park,

4. Moshol Parkway,

5. Bronx and Pelham Parkway,

6. Crotona Park,

7. Claremont Park,

8. St. Mary's Park,

9. Crotona Parkway.

The act provides for the acquiring of title by the city, the appointment of Commissioners of Estimate, and the mode of payment for the land on confirmation of the awards.

In October 1884, the General Term of the Supreme Court appointed as Commissioners of Estimate, three well known and competent citizens, - Mr. Luther R. Marsh, Mr. George W. Quintard, and Mr. J. Seaver Page; and they entered upon their duties. Mr. Marsh, the law member, was made chairman, and Mr. Arthur Berry secretary.

Two legal questions subsequently arose, and pending adjudication by the Court the proceedings were delayed for some time.

The question whether the public debt of the city had not reached the constitutional limit of ten per cent upon assessed valuation, was disposed of in the Court of Appeals in April 1886 (102 N.Y.R., p. 326). It arose upon an application to issue two millions of dollars of Dock Bonds, and by the construction given by the Court it enabled the City to contract a further debt for the New Parks.

Recapitulation.

The other question was as to the power of a municipal corporation to condemn and acquire lands outside of the city limits for the purpose of public parks; and the result was in favor of the exercise of such power under the usual

legislative authority. This particular proceeding was aimed at Pelham Bay Park. The wisdom of laying out a huge Sea Side Park, not convenient of access to the city, and not needed for half a century if at all, and of incurring a

large present debt therefor, can not be defended upon any rational ground. The park is generally described as containing 1700 acres of land, water, and salt marsh. The best interests of the city would have been served, and the public money saved, by reducing the limit to not exceeding 250 acres.

The awards for all these parks and parkways were reported to the General Term of the Supreme Court in October 1888, and are as follows:

Van Cortland Park	\$2,180,392.94
Moshonee Parkway,	244,026.72
Crotona Parkway,	88,433.86
Crotona Park,	1,142,115.95
Claremont Park,	379,455.80
St. Mary's Park,	448,871.00
Bronx Park in city limits,	1,569,780.64
Bronx Park in Westchester,	759,391.34
Pelham Bay Park,	2,710,157.68
Bronx and Pelham Parkway,	107,259.05

Recapitulation.

ing payment. Pelham Bay Park,

In a Bronx and Pelham Parkway, many dwellings of
high and low Bronx Park in Westchester, mansion in Clare-
mont Park 362,400 is worth Total, \$3,577,308.10
buildings in All the other Parks and side, the award is
\$85,700. Parkways, within the

So city limits, values are a 6,044,076.61
tate experts think the city receives about \$9,621,384.71

In addition to these sums there is an item for
the compensation of Commissioners, clerks, surveyors, and
room rent, amounting in all to about \$250,000, which remains
to be acted upon by the Court. well informed men incline
to the Argument was had before the General Term in Novem-
ber on the motion to confirm the report, and an order entered
December 12 1888 confirming all the awards as to which no
objections were interposed, and as to those cases the hear-
ing was adjourned to the January term (18th January). It is
stated that the awards confirmed amount to about nine-tenths
of the total awards. tary and the maintenance of which will

entail a The report was agreed to by all the Commissioners,
save as to Bronx Park: one of the Commissioners dissented
upon the ground that the awards were too high for property
in that park. Parks to alter the maps and to conform the
exterior The city has by the terms of the act four months in
which to pay the awards without interest, and the order of
confirmation requires owners to pay up all taxes and assess-
ments and to deliver quit claim deeds to the city on receiv-

either met with no vigorous support, or were vigorously opposed, and of course were not successful. On the contrary, the Park Act of 1884 was substantially re-enacted by chapter 721 of the laws of 1885, and by chapter 721 of the laws of 1887, and the powers therein vested in the Department in respect to Public Parks and streets in the 23rd and 24th wards, were (by section 3) not to be exercised as to the New Parks and Parkways.

In all these parks there are many dwellings of high and low degree. For the Zborowski mansion in Claremont Park \$62,400 is awarded; and for the mansion and buildings in Bronx Park, Westchester side, the award is \$88,700.

So far as present values are a standard, real estate experts think the city receives substantial results in the land it acquires in St. Mary's Park, Claremont Park, Crotona Park, and the larger part of Bronx Park in the city limits, and the southern and larger part of Van Cortlandt Park; but the best judgment of well informed men inclines to the opinion that the city does not need, and would be better off every way without, the Northern part of Van Cortlandt Park, all of Pelham Bay Park except perhaps 250 acres, and the larger part of Bronx Park in Westchester. In paying for all these properties the present generation is paying for some land that will not come into public use for more than half a century and the maintenance of which will entail a large and useless expense.

In 1887 a proposed bill approved by the city authorities was sent to the legislature, authorizing the Department of Public Parks to alter the maps and to conform the exterior boundaries of the Parks to certain established

highways, and for that purpose they were authorized to diminish but not to extend the park area. A similar effort was again made in the legislature of 1888. These measures

either met with no vigorous support, or were vigorously opposed, and of course were not successful. On the contrary, the Park Act of 1884 was substantially re-enacted by chapter 421 of the laws of 1888, and by chapter 721 of the laws of 1887 certain discretionary powers therein vested in the Park Department in respect to Public Parks and streets in the 23rd and 24th wards, were (by section 3) not to be exercised as to the New Parks and Parkways.

It is a mystery to those who have knowledge of the lands and situation of the huge Palham Bay Park, why it should be so tenaciously protected in all legislation on the subject, when the public interests were to be promoted by reducing the area if not by eliminating it from the park system altogether. It is inconvenient of access and will remain so for a long time; it is not within the city limits and for many years to come will prove a veritable "White Elephant".

As to most of the other Park lands, proximity to the city, fair modes of access, the increase of transportation facilities, and especially the very great rise in value of late years, will enable the city to accomplish a profitable real estate speculation, whether it keeps all the lands or sells a portion as it may. Interest at the rate of \$300,000 per year must be paid upon the debt contracted for these parks, and a very considerable sum will be needed for their yearly maintenance.

In respect to public use and developement, the land should be left in its present natural state, the trees preserved, and good roads and paths constructed, especially in those parks convenient of access. A good supervision

the Park of 1884 was approximately 16-20 acres by 1884.
leased, and of course was not necessary. On the contrary,
it was not until the 1880s that the property was

and small police force will be sufficient for present
protection. A very moderate income may be realized
by temporary leases of the many dwelling houses on
the property.

The new parties

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a. B. Tappen,

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To be given to the
paper on Wednesday afternoon -

On the hearing yesterday before
the joint Committee of the Senate
and Assembly on the New
Park Bill amendments,
the Assistant Corporation
Counsel who argued in favor
of the amendments in behalf
of the City produced Certified
copies of deeds and a
Map from the Register's
Office at White Plains
showing that Mr. Luther R.
Marsh who was the President
of the Commission which located
the parks, and who is the
Chairman of the Commission
appointed to appraise the
lands, is the half owner of
a large piece of land known
as Glen Washington in the
City of Yonkers about ~~two~~ a
~~miles~~ mile and a half
north of the proposed Van
Cortlandt Park. The remaining
half he conveyed on
Dec 15th 1884 (one week after
he was appointed Commissioner

(assessment) to Abraham
Van Beekten of Albany
and A. D. Barber of Utica;

It appeared from another
map produced in the hearing
that another Member of the
Commission which located
the lands owned a considerable
plot in ~~the~~ the proposed
Moshulu Parkway.

Estimate of Park Areas from Adopted Maps of the D.P.P.

(Note. 1 A = 43560 sq. feet)

2^d Ward.

Spryten Duvril District:—

		Acres.
1	Park west of Bettner's Lane.	0.07 sq. ft. 3049.02
2	" west of Riverdale Ave., N. of Rock St.	0.14
3	" at Broadway and Mosholu Ave.	0.33
4	" N. of Riverdale Lane bet. B'dway & Mosholu.	1.55
5	" W. of Riverdale Ave. N. of Spaulding's Lane.	0.32
6	" " " " " S. " " "	0.11
7	" on Delafield Lane bet. Riverdale & River.	0.12
8	" at Yorker's Ave. near Northern Terrace	0.09
9	" on Palisade Ave.	0.12
10	" " " "	0.14
11-28	Spryten Duvril Parkway, comprising a group of 16 plots running from Spryten Duvril Station to Tibbet's Brook Parkway, as follows:—	
	No. 11 = 0.21 " 12 = 0.30 " 13 = 0.29 " 16 = 0.44 " 17 = 0.65 " 18 = 0.31 " 19 = 0.45 " 20 = 0.37	No. 21 = 0.42 " 22 = 0.56 " 23 = 0.24 " 24 = 0.51 " 25 = 0.13 " 26 = 2.10 " 27 = 0.42 " 28 = 2.31
		= 9.71
14	Park at Spring and Troy Sts.	0.04
15	" bet. Riverdale Ave. & Spry. Duv. Parkway	0.09
29 & 30	Group of 2 plots on Riverdale Ave. between Spry. Duv. Pk. and Tibbet's Brook Parkway:	
	No. 29 = 0.12 " 30 = 0.06	= 0.18
		(13.01)

2
Series.

(13.01)

31 & 32 Group of 2 plots on Riverdale Ave. S. of Tibbets Brook Parkway: $\left. \begin{array}{l} \text{No. 31} = 0.55 \\ \text{No. 32} = 0.76 \end{array} \right\} = 1.31$

33-37 Tibbets Brook Parkway, a group of 5 plots extending from B'dway to Harlem River:— $\left. \begin{array}{l} \text{No. 33} = 1.78 \\ \text{No. 34} = 3.17 \\ \text{No. 35} = 1.28 \\ \text{No. 36} = 0.52 \\ \text{No. 37} = 0.25 \end{array} \right\} = 7.00$

21.32

Woodlawn District:—

38-43 Middlebrook Parkway, comprising a group of 6 plots, E. of Broadway: $\left. \begin{array}{l} \text{No. 38} = 0.77 \\ \text{No. 39} = 0.22 \\ \text{No. 40} = 0.045 \\ \text{No. 41} = 0.245 \\ \text{No. 42} = 0.52 \\ \text{No. 43} = 0.03 \end{array} \right\} = 1.83$

45-62 Cortlandt Parkway, comprising a group of 18 plots, running northward from Van Cortlandt Park. $\left. \begin{array}{l} \text{No. 45} = 0.14 \\ \text{No. 46} = 0.102 \\ \text{No. 47} = 0.102 \\ \text{No. 48} = 0.102 \\ \text{No. 49} = 0.102 \\ \text{No. 50} = 0.102 \\ \text{No. 51} = 0.102 \\ \text{No. 52} = 0.102 \\ \text{No. 53} = 0.102 \\ \text{No. 54} = 0.102 \\ \text{No. 55} = 0.102 \\ \text{No. 56} = 0.102 \\ \text{No. 57} = 0.102 \\ \text{No. 58} = 0.102 \\ \text{No. 59} = 0.102 \\ \text{No. 60} = 0.102 \\ \text{No. 61} = 0.102 \\ \text{No. 62} = 0.102 \end{array} \right\} = 1.874$

44 &c. Van Cortlandt Park, comprising a group of 11 plots:— $\left. \begin{array}{l} \text{No. 44} = 206.15 \\ \text{No. 66} = 3.76 \\ \text{No. 67} = 0.54 \\ \text{No. 68} = 6.34 \\ \text{No. 74} = 0.51 \\ \text{No. 75} = 6.66 \\ \text{No. 76} = 0.26 \\ \text{No. 78} = 2.60 \\ \text{No. 79} = 5.24 \\ \text{No. 80} = 0.06 \\ \text{No. 81} = 9.29 \end{array} \right\} = 241.41$

63 Park at Falcon and Tiouderoga Pl. 0.08

64 " near City Line on Falcon Pl. 0.13

65 " at Douglas and Emmet Ave's. 0.04

69 " at Humboldt Ave. & Knott Str. 0.66

70 Edge Hill Park. 28.70

(74.724)

Series.

(274.724)

71	Park at Mt Vernon Road and Kemble Str.	0.23	
73 & 72	Group of 2 plots between Cortlandt Parkway and Gallatin Ave.	$\left. \begin{array}{l} \text{Nr. 72} = 0.74 \\ \text{" 73} = 1.22 \end{array} \right\} = 1.96$	
77	Park at Dielrow and Humboldt.	0.20	
			277.114

Kingsbridge District:-

82	Park at Middlebrook Parkway and Van Humboldt	= 0.097	
83	" " " " and Jerome Ave.	2.21	
84	" S. of " " bet. Jerome and Aqueduct.	0.05	
85-91	Group of 7 plots along Croton Aqueduct:		
	$\left. \begin{array}{l} \text{Nr. 85} = 0.345 \\ \text{" 86} = 0.345 \\ \text{" 87} = 0.4 \\ \text{" 88} = 0.4 \end{array} \right\} \left. \begin{array}{l} \text{Nr. 89} = 0.4 \\ \text{" 90} = 0.4 \\ \text{" 91} = 0.59 \end{array} \right\} = 2.88$		
92	Park on Van Cortlandt Ave. N. of Sedgwick.	0.05	
93	" at Albany Ave. bet. Sedgwick & Bailey.	0.24	
			5.527

Fordham Hts. District:-

94	Park at Kingsbridge Rd & Sedgwick Ave.	0.13	
95	" about 500 feet West of preceding.	0.04	
96	" " 500 " South of preceding.	0.05	
97	" at Bailey and "Heath."	0.14	
98	" at Bailey and Sedgwick Ave.	0.08	
99-101	Group of 3 plots along Highbridge Road from Aqueduct to Sedgwick Ave.		
	$\left. \begin{array}{l} \text{Nr. 99} = 1.95 \\ \text{" 100} = 3.57 \\ \text{" 101} = 2.32 \end{array} \right\} = 7.84$		
102	Park at Mulcomb's Dam Road and H. B. Road.	0.08	
103	" E. of 104, near Aqueduct.	0.064	
104	" on Sedgwick Ave N. of Burnside.	0.30	
105	" E. of preceding.	0.07	
			8.794

Boscobel District:-

Acres

106-110	Group of 5 Plots along Aqueduct, N. of Featherbed Lane:-	$\left. \begin{array}{l} \text{No. 106} = 0.49 \\ \text{" 107} = 0.53 \\ \text{" 108} = 0.53 \\ \text{" 109} = 0.52 \\ \text{" 110} = 0.61 \end{array} \right\} = 2.68$	
111	Park at McComb's Dam Road and Cromwell	0.05	
113 & 112	Group of 2 plots at junction of McComb's Dam Road and Jerome Ave.	$\left. \begin{array}{l} \text{No. 112} = 0.27 \\ \text{" 113} = 0.13 \end{array} \right\} = 0.40$	

3.13

Central District:-

120	Park at 165th Str. and Walton	0.05	2178.59 sq. ft.
121	" " Brook and Washington Ave.	0.06	
122	" " 174th and Poole Str.	0.025	
123-125	Group of 3 plots at Echo Pl.:	$\left. \begin{array}{l} \text{No. 123} = 0.17 \\ \text{" 124} = 1.59 \\ \text{" 125} = 1.77 \end{array} \right\} = 3.53$	
126 and 127	Group of 2 plots at Morris and Burnside.	$\left. \begin{array}{l} \text{No. 126} = 0.16 \\ \text{" 127} = 0.10 \end{array} \right\} = 0.26$	
128	Park at Creston and High Bridge Road.	0.02	
129	" " Fordham station.	0.17	
130-134	Middlebrook Parkway, comprising a group of 5 plots.	$\left. \begin{array}{l} \text{No. 130} = 0.10 \\ \text{" 131} = 0.14 \\ \text{" 132} = 0.13 \\ \text{" 133} = 0.74 \\ \text{" 134} = 0.19 \end{array} \right\} = 1.30$	
135	Park at Woodlawn Road and Bainbridge.	0.05	
136 & 137	Group of 2 plots near Williamsbridge.	$\left. \begin{array}{l} \text{No. 136} = 0.46 \\ \text{" 137} = 1.54 \end{array} \right\} = 2.00$	

7.465

West Farms District:-

Acres.

138-147 Bronx River Park, comprising a group
of 10 plots, N. of West Farms:-

$$\left. \begin{array}{l} \text{No. 138} = 32.72 \\ \text{" 139} = 3.39 \\ \text{" 140} = 14.35 \\ \text{" 141} = 0.256 \\ \text{" 142} = 36.73 \end{array} \right\} \left. \begin{array}{l} \text{No. 143} = 0.227 \\ \text{" 144} = 12.52 \\ \text{" 145} = 0.395 \\ \text{" 146} = 0.23 \\ \text{" 147} = 0.22 \end{array} \right\} = 101.038$$

148 Park at Kingsbridge Road and Helancey Pl. 0.06

149 Park " " " Crescent Ave. 0.46

150-151 Group of 2 plots at Quarry Road and
Kingsbridge Road. $\left. \begin{array}{l} \text{No. 150} = 0.07 \\ \text{" 151} = 0.03 \end{array} \right\} = 0.10$

152 Park at Arthur and Fulton Ave. 0.19

153 " " Franklin and Ave. St. John. 0.14

154-156 Group of 3 plots at Boston and Edge-
water Road $\left. \begin{array}{l} \text{No. 154} = 0.03 \\ \text{" 155} = 0.10 \\ \text{" 156} = 0.02 \end{array} \right\} = 0.15$

102.138

Spruett's Quynil Dist. = 21.32

Woodlawn " = 277.114

Kingsbridge " = 5.527

Fordham Heights " = 8.794

Bancroft " = 3.13

Central " = 7.465

West Farms " = 102.138

Total for 24th Ward = 425.488

2nd Ward.AcresHunts Point District:-

157	Park at Boston Road and Wendover Ave.	0.34	
158	" " Westchester Ave. & Edgewater Road.	0.55	
159	" " " " & 167th Str.	0.13	
160	" " " " & South'n B'ld.	0.13	
161	" " Prospect & Stebbins.	0.10	
162	" " Prospect & Freeman.	0.02	871.02 Sq. ft.
163-165	Group of 3 plots at Franklin Ave. & Boston Rd.		
	No. 163 = 0.36		
	" 164 = 0.16		
	" 165 = 0.06		
		0.58	
166	Park on Fulton bet. 169 & 170th Str.	0.95	
167	" at " and Franklin.	0.20	
168	" " 3rd & Boston Ave.	0.06	
169	" " Westchester and Union Ave.	0.07	
170	" " Legget and Prospect.	0.32	
171	" " Hunts Point Road & South'n B'd.	0.18	
172	" " Lane Ave. & South'n B'd.	0.39	
173	" " Edgewater Road and Barry Str.	0.50	
174	" " Hunts Point Road and Conover.	0.09	
			4.61

West Morrisania District:-

117-119	Cedar Park, a group of 3 plots	$\left\{ \begin{array}{l} 117 = 0.79 \\ 118 = 1.315 \\ 119 = 15.367 \end{array} \right\} = 17.472$	
			17.472

High Bridge District:-

High Bridge Parks, a group of 4 plots		$\left\{ \begin{array}{l} 0.222 \\ 0.115 \\ 2.985 \\ 3.692 \end{array} \right\}$	7.014
Group of 2 plots at Sedgwick & Jerome		$\left\{ \begin{array}{l} 0.269 \\ 0.185 \end{array} \right\}$	0.454
			7.468
Total for 23rd Ward =			29.55

Summary of Parks and Park
Areas for the 23rd and 24th
Wards:—

	23rd Ward	24th Ward	Total
Number of isolated plots	15	44	59 plots
Number of groups	4 comprising 12 plots	16 comprising 106 plots	20 comprising 118 "
Total Area in Acres.	29.550	425.488	455.038 Ac.

177 plots, aggregating 455.038 Acres.

File in Paris
Dept Box

42

Laws of the State of New York.

Chapter 637

An act in relation to the College of the City of New York
Passed April 17th. 1866.

§ 2. It shall be the duty of the Trustees hereinbefore
named, [the Trustees of the College of the City of New York]
to select a suitable site upon the lands of the Corporation
of the City of New York, north of Fortieth Street in said
City, for the future use of the College of the City of New
York, and notify the Commissioners of the Sinking Fund of
such selection; and such site shall not be sold, leased or
otherwise encumbered, unless such disposition thereof is
expressly authorized by some law hereafter passed.

Minutes of Trustees May 2nd. 1866 p.p. 10 and 11.

Selected site 67th. and 68th. Streets, Madison and Fifth Ave.
Commissioners of Sinking Fund notified.

Minutes of Trustees May 16. 1866 p p 17, 18 and 19.
Sinking Fund Commissioners disapprove site 67th and 68th.
Streets, and recommend Reservoir Square or Mount Morris Square.
Trustees rescind resolution in favor of 67th. and 68th .
Streets, select Reservoir Square, and so notify Commission-
ers of Sinking Fund.

Minutes of Trustees Oct. 19th. 1866 pp 26 and 27.
Sinking Fund Commissioners set apart and appropriated Reser-
voir Square.

Laws of the State of New York

Chapter 692, Laws of 1871.

An Act to provide for the erection of school houses and a
building for the Normal College in the City of New York.

§ 5. Reservoir Square is hereby released from any claims

of the Board of Education for the Free College of said City so that said Square shall only be used for a public park or square.

Chapter 456, Laws of 1881.

(Provides for the removal of the 42nd. Street Reservoir, and the creation of a park in its place)

§ 4. The land at present accupied by the said reservoir together with the adjacent land lying west thereof, known as Reservoir Square, shall be converted into a public park, which shall be laid out by, and be under the contract and management of the Park Commissioners, and kept and maintained by them as one of the public parks and places in the City of New York.

§ 5. The public park so created shall not be used for military parades, drills, inspections, or reviews of any kind.

Action as to the use of
 Bryant Square
 as a site for the
 College of the City of New York.

College of the
 City of N.Y.

of New York.

The public park so created shall not be used for

any other purpose than as one of the public parks and places in the City.

management of the Park Commissioners, and kept and maintained

which shall be laid out by, and be under the contract and

reservoir square, shall be converted into a public park,

together with the adjacent land lying west thereof, known

as the land at present occupied by the said reservoir.

and the creation of a park in its place)

(Provides for the removal of the 42nd Street Reservoir,

Chapter 458, Laws of 1881.

square.

so that said square shall only be used for a public park or

of the Board of Education for the Free College of said City

An Act to render more definite and certain the maps or plans and profiles laying out streets, avenues and roads, public squares and public places in the 12th, 23rd and 24th wards of the city of New York, filed by the Commissioners of the Department of Public Parks.

WHEREAS it is doubtful whether the maps or plans and profiles filed by the Commissioners of the Department of Public Parks under authority of Chapter 604 of the Laws of 1874 or the Laws amendatory thereof or of Chapter 410 of the Laws of 1882 are sufficiently accurate and definite as to the location, width, course, windings (and grades) of the streets, avenues, roads, public squares or public places exhibited on such maps, plans and profiles.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

Section 1. The Department of Public Parks in the City of New York are hereby authorized and empowered when thereto directed by the Board of Street Opening and Improvement, to take from file any or all maps or plans and profiles hitherto prepared and filed by said Department, locating and laying out streets, avenues, roads, public squares or places in the 12th, 23rd and 24th wards of the City of New York and to correct and render more definite and certain the said map or maps or plans and profiles by indicating thereon the

width, course, windings (and grades) of the streets, avenues, roads, public squares or public places by figures courses angles and distances as may best subserve and promote the public interests.

Section 2. Wherever the said corrections and additions of or to said map or maps or plans and profiles shall have been made and completed as aforesaid, the Department of Public Parks shall immediately cause said corrected map or maps or plans and profiles to be again certified and refiled in the manner provided in and by the laws pursuant to which the several map or maps or plans and profiles so corrected were originally made and filed.

Section 3. The corrected map or maps or plans and profiles certified as hereinbefore provided shall be final and conclusive as to the location width, course, and grades of the streets, avenues and roads, public squares and places exhibited on such map or maps or plans and profiles as well in respect to the Mayor, Aldermen and Commonalty of the City of New York as in respect to the owners and occupants of lands, tenements and hereditaments within the boundaries aforesaid, or affected by said streets, avenues, roads, public squares and places and in respect to all other persons whomsoever.

Park Acts to
remedy defective
laying out &c

2 forms

AN ACT to amend Chapter 522 of the Laws of 1884, entitled "An Act laying out public places and parks and parkways in the Twenty-third and Twenty-fourth Wards of the City of New York and in the adjacent district in Westchester County, and authorizing the taking of the lands for the same."

THE PEOPLE OF THE STATE OF NEW YORK REPRESENT-
ED IN SENATE AND ASSEMBLY DO ENACT AS FOLLOWS :

SECTION 1.— Section One of Chapter 522 of the Laws of 1884, entitled "An Act laying out public places and parks and parkways in the Twenty-third and Twenty-fourth Wards in the City of New York and in the adjacent district in Westchester County, and authorizing the taking of the lands for the same" is hereby amended so as to read as follows :

Section 1.— All that certain piece or parcel of land situate or laying or being in the Twenty-fourth Ward of the City of New York, to wit :

FIRST : Beginning at a point on the easterly line of Broadway formed by the intersection with said easterly line of a line Two hundred and fifty feet in length extending southerly from the northerly line or boundary of the City of New York and at right angles there to; running thence easterly and parallel with said northerly line or boundary of the City of New York to the westerly line or side of Mount Vernon Avenue; thence southerly

along said westerly line or side of Mount Vernon Avenue to the junction of said westerly line or side of Mount Vernon Avenue with the northerly line of Grand (or Willard) Avenue; thence westerly along said northerly line of Grand (or Willard) Avenue, crossing Jerome Avenue and continuing in a straight line to a point distant Two hundred and fifty feet westerly from the westerly line or side of Jerome Avenue; thence running in a southerly and southeasterly direction parallel with the westerly line or side of Jerome Avenue following its windings and always distant two hundred and fifty feet therefrom to the northerly line or side of Gunhill Road; thence westerly along the northerly line of Gunhill Road following its windings and extending on said line to a point two hundred and seventy-five feet easterly and at right angles from the Croton Aqueduct right of way; from thence crossing the Gunhill Road at right angles for the full width of said Gunhill Road; from thence in a straight line southerly of west to a point on the easterly side of Broadway aforesaid ten feet southerly of the bridge over Tibbet's Brook on said Broadway; from thence along the easterly line or side of said Broadway in a northerly direction following its windings to the place of beginning; to be known as Van Cortlandt Park; excepting and reserving from said area the existing streets, roads and railroad right of way located within the before described grounds, viz: A street running from Mount Vernon Avenue boundary northerly toward McLean's Lake, also Jerome Avenue from intersection with Willard Avenue northerly to

city line; also Croton Aqueduct right of way; also Mos-
|w| hold Avenue; also New York and Northern Railroad Company's
right of way; also Mount Vernon Avenue from a point 250
feet west of Jerome Avenue to Gunhill Road; also Gunhill
Road from 275 feet east of Croton Aqueduct right of way
to Van Cortlandt Avenue; also a continuation of Gunhill
Road from Van Cortlandt Avenue to Broadway, all of which
are within the boundaries aforesaid; and also

SECOND : All that certain piece or parcel of land
situate, lying and being within the Twenty-fourth Ward of
the City of New York, bounded and contained as follows :
Beginning at a point in the centre line of the Bronx Riv-
er where the prolongation of the northerly line of Samuel
Street would intersect said centre line of the Bronx Riv-
er; and running thence westerly to and along the norther-
ly line of Samuel Street to the easterly line of Bronx
Street; thence northerly along said easterly line of
Bronx Street to the northerly line of Ann Street; thence
westerly along the northerly line of Ann Street to the
easterly line of the Boston Road; thence northerly along
said easterly line of the Boston Road to a point in line
with the northerly line of Kingsbridge Road; thence west-
erly to and along the northerly line of Kingsbridge Road
to the easterly line of the Southern Boulevard; thence
northerly along and following the easterly line of the
Southern Boulevard to the northerly line of St. John's
College property; thence crossing the Southern Boulevard
and following the northerly boundary of the St. John's

College property northwesterly to the easterly line of the right of way of the New York and Harlem Railroad Company; thence along said easterly line of said right of way and following its course northeasterly to a point about three hundred feet northeasterly of the northerly line of water Street to a point formed by the junction of the prolongation westward of the northerly line of Morris Street as laid down on a partition map and survey made by Egbert L. Viele C. E. under an order of the Supreme Court bearing date the twenty-third day of August eighteen hundred and sixty-nine; thence easterly along said prolongation of the northerly line of Morris Street to a point at which the same intersects the centre line of the Bronx River; and thence southerly along the centre line of the Bronx River following the windings thereof to the point or place of beginning, to be known and designated as the "Bronx Park," excepting and reserving such portions of Fordham and Pelham Avenues and of the Southern Boulevard and of the Boston Road and of the route of the proposed Suburban Rapid Transit Company as indicated on a map filed under the provisions of Chapter of the Laws of on the day of 18 as are included and comprised within the above named boundaries; and also

THIRD : All that piece or parcel of land situate, lying and being in the twenty-fourth Ward of the City of New York, between two parallel lines six hundred feet distant from each other connecting Bronx Park with Van Cortlandt Park, and located on both sides of and includ-

ing Middlebrook Parkway, Brook Street, and a small brook or tributary running through said Middlebrook Parkway and Brook Street as shown by the map of the new system of streets as laid out by the Commissioners of Public Parks; to be known as Mosholn Parkway; and also

FOURTH: All those pieces or parcels of land lying and being in the twenty-fourth Ward of the City of New York, Beginning at the junction of the northerly boundary line of the twenty-third Ward and the easterly line of Fulton Avenue as shown on the map of the new system of streets as laid out by the Commissioners of Public Parks; thence eastwardly along said northern boundary of the twenty-third Ward, crossing Franklin Avenue (Broadway) and continuing in said boundary line to a point three hundred and twenty feet westerly from the westerly line of the Boston post road; thence along a line parallel to and westwardly of the said westerly line of the Boston post road and distant therefrom three hundred and twenty feet to a point opposite the junction of the Boston post road with the Southern Boulevard; thence northerly on a line three hundred and twenty feet westerly from and parallel to the westerly line of the Southern Boulevard to a point three hundred feet southerly from the southerly line of Fairmount Avenue as shown on said city map; thence westerly three hundred feet distant from and parallel to the southerly line of Fairmount Avenue crossing Franklin Avenue (Broadway) to a prolongation southerly of the westerly line of Broad Street as shown on said

map; thence northerly along said prolongation of the westerly line of Broad Street and northerly along said westerly line of Broad Street to its junction with the southerly line of Tremont Avenue; thence westerly along the southerly line of Tremont Avenue to the junction of said line with the easterly line of Fordham Avenue; thence southerly along said easterly line of Fordham Avenue to the northerly line of One hundred and seventy-fifth Street (Fitch Street); thence easterly two hundred and eighty feet along said northerly line of Fitch Street; thence in a straight line southerly to the point or place of beginning; to be known and designated as "Crotona Park"; excepting and reserving Franklin Avenue (Broadway) for its full length within said boundaries, and also such portions of the route of the proposed Suburban Rapid Transit Company as indicated on a map filed under the provisions of Chapter of the Laws of on the day of 18 , as are included and comprised within the above named boundaries; and also

FIFTH : All that certain tract of land situate, lying and being in the twenty-third and twenty-fourth, Wards of the City of New York; Beginning at a point formed by the junction of the prolongation westwardly of the southerly line of Jane Street (Old Name) with the easterly line of Fleetwood Avenue; thence easterly along said prolongation and along the southerly line of Jane Street and continuing easterly said straight line to its junction with the westerly line of Elliot Street (Grant Place);

thence along the westerly line of Elliot Street southerly to the easterly line of Fleetwood Avenue; thence along the easterly line of Fleetwood Avenue to the place of beginning; to be known and designated as "Claremont Park"; and also

SIXTH : All that certain tract of land situate, lying and being in the twenty-third Ward of the City of New York; Beginning at a point formed by the intersection of the southerly line of St. Mary's Street and the easterly line of St. Ann's Avenue; thence northerly along the easterly line of St. Ann's Avenue to the southerly line of One hundred and forty-ninth Street; thence along the southerly line of One hundred and forty-ninth Street easterly to the westerly right of way line of the Port Morris Branch Railroad Company's property; thence southeasterly along said railroad company's right of way to the easterly line of a street forming a southerly extension of Robbins Avenue as shown on a map of the new system of streets as laid out by the Commissioners of Public Parks; thence along the easterly line of said street extending southerly from Robbins Avenue about one hundred and fifty feet; thence westerly in a straight line to a point in the southerly line of St. Mary's street distant about thirty feet northerly and at right angles to the northerly line of One hundred and forty-third Street; from thence along the southerly line of St. Mary's Street westerly to the point or place of beginning to be known and designated as St. Mary's Park, excepting and reserving such portions of Passage Avenue, and of the

route of the proposed Suburban Rapid Transit Company as indicated on a map filed under the provisions of Chapter of the Laws of 18 on the day of 18, as are included and comprised within the above named boundaries are hereby declared to be respectively public places and public parks for public use and public purposes; also

SEVENTH : All those pieces or parcels of land contained in a strip One hundred feet wide; Beginning at the junction of the southern boulevard with the said Bronx Park at Kingsbridge Road; crossing thence southerly along the easterly line of the Southern Boulevard and parallel with and touching the same, a strip of land One hundred feet wide as an addition to the width of said boulevard; said strip of land to continue southerly and of its ^{full} ~~face~~ width of One hundred feet to a point One hundred feet south of the southerly line of Fairmount Avenue; from thence westerly widening Fairmount Avenue on its southerly side by a strip One hundred feet in width to a point One hundred feet westerly of the northeasterly corner of said Crotona Park and at right angles northerly from the said northeast corner of the park aforesaid; from thence in a straight line parallel with said right ^{angle} line two hundred feet in width touching said Crotona Park and the street running easterly of the aforesaid park, to be known and designated as the "Crotona Parkway" are hereby declared to be a public place and public parkway for public use and public purposes.

aforesaid descriptions of parks and parkways and the boulevard enlargement are and shall be substantially as laid out upon the sketch map of the city of New York and vicinity, showing the sites of and approaches to the parks selected and located by the commission appointed under Chapter 253 of the Laws of 1883 made by General James C. Lane ^{then} ~~then~~ engineer and dated New York January 1884, and submitted to the legislature with and as a part of the report of said commission.

SECTION 2.— Section two of said Act is hereby amended so as to read as follows :

Section 2.— The office and powers of the Commissioners of Estimate already appointed shall cease and determine upon the final passage of this act. The Mayor, Aldermen and Commonalty of the City of New York by and through the Board of Street Opening and Improvement are hereby authorized and directed to make application at a General Term of the Supreme Court in the First Department to be held on the 1st Monday of October 1885, for the appointment of Commissioners of Estimate and Assessment, and it shall be lawful for the court to name and appoint three discreet and disinterested persons being citizens of the city of New York as such Commissioners of Estimate and Assessment for the purpose of performing the duties hereinafter mentioned in that behalf described. Twenty days notice of such application shall be published in such newspaper or newspapers as corporation ordinances are by law required to be published in the city of New

York. Upon the appointment of said Commissioners they shall severally take and subscribe an oath or affirmation, before some officer authorized to administer oaths, faithfully to perform the trust and duties required of them by this act; which oaths shall be annexed to and filed with their first report, and copies thereof annexed and filed with each subsequent report; the Commissioners of Estimate heretofore appointed shall deliver to the Board of Street Opening and Improvement for the use of the Commissioners of Estimate and Assessment appointed as herein provided all the surveys, maps, profiles plans and other things which they the said Commissioners of Estimate shall have caused to be made done and prepared for their use, ~~it~~ it shall be the duty of the Commissioners of Estimate and Assessment appointed as herein provided after having viewed the said lands tenements, hereditaments and premises and after causing such additional surveys, maps, plans and other things, if any, as they may judge necessary, to be made, done and prepared for their use to proceed with all due diligence to make a just and equitable estimate of the loss and damage to the respective owners, lessees, parties and persons respectively entitled to or interested in the said lands tenements, hereditaments and premises, but it shall not be lawful for said Commissioners of Estimate and Assessment to be appointed under and by virtue of this act to allow any sum or compensation whatsoever for any building or buildings which at any time subsequently to June 14th 1884 may have been built, placed or erected, or which at any time hereafter may be built, placed or erected upon any part of said lands ten-

ments, hereditaments or premises, and the said Commissioners of Estimate and Assessment to be appointed as hereinbefore provided shall assess one half of the amount awarded as damages, and of the expenses attending the proceedings for the acquisition of the title to said lands upon such parties and persons, lands and tenements as they shall deem to be benefited thereby, and the amount of said damage and expenses not so assessed is to be made a charge upon the city of New York to be paid as hereinafter provided.

The said Commissioners of Estimate and Assessment shall proceed to make the estimate and Assessment of the damages and benefit arising from the taking of the several parks, parkways and boulevard enlargement as hereinbefore provided separately; and shall make separate reports thereof to the Supreme Court provided however that not more than one of said reports shall be made in any one year, except that if the aggregate of the amount of damage and expenses included in two or more of such reports shall not exceed one million dollars then and in that case two or more of such reports in which the aggregate amount of damage and expenses shall not exceed one million dollars may be so made to the Supreme Court in one and the same year.

In each and all and every case and cases where the owners or parties interested or their respective estates and interests are unknown or not fully known to the said Commissioners it shall be sufficient for them to estimate and to set forth and state in their said reports in gen-

eral terms, the respective sums to be allowed and paid to the owners and proprietors generally of such lands, tenements, hereditaments and premises, and parties interested therein for the loss and damage to such owners, proprietors and parties interested in respect of the whole estate and interest of whosoever may be entitled unto or interested in said lands, tenements, hereditaments and premises respectively, by and in consequence of the taking the lands for and opening and laying out and forming the said parks and parkways without specifying the names of the estate or interests of such owners, proprietors and parties interested, or either of them ; and upon the coming in of each of said reports signed by the said Commissioners or a majority of them the said Supreme Court shall by order upon the application of the Mayor, Aldermen and Commonalty of the City of New York, or of said Commissioners of Estimate and Assessment or any of them, after hearing any matter which may be alleged against the same either confirm the said report in whole or in part, or refer the same back to the same commissioners for revisal and correction, or to new commissioners to be appointed by the said court to reconsider the subject matter thereof, and the said commissioners to whom the said report shall be so referred shall return the said report corrected and revised or a new report to be made by them as aforesaid in the premises to the said court without unnecessary delay; and the same on being so returned shall be confirmed or again referred by the said court as justice shall require; and such report and each of such reports when confirmed by the said court shall

be final and conclusive as well upon the said Mayor, Aldermen and Commonalty of the City of New York, as upon the owners, lessees, persons and parties interested in and entitled to the lands, tenements, hereditaments and premises mentioned in the said report and also upon all other persons whomsoever. Such reports shall be considered and acted upon by said Supreme Court in the order and sequence in which they shall be presented as hereinbefore provided, but not more than one of said reports shall be confirmed in any one year, except that if the aggregate amount of damage and expenses in two or more of such reports taken together shall not exceed one million dollars then and in that case such two or more reports may be confirmed within one year. And on the final confirmation of each of said report the Mayor, Aldermen and Commonalty of the City of New York shall become and be seized in fee of all the lands hereinbefore described and included in said report, the same to be appropriated, converted and used to and for the aforesaid purposes accordingly ; and thereupon the said Mayor, Aldermen and Commonalty by the Department of Public Parks shall immediately take possession of the same without any suit or proceeding at law for that purpose, to be appropriated and kept open for public parks and parkways respectively as hereinbefore stated, with the power to permit any buildings on said lands to remain unremoved for such time or times as they shall think proper, or permanently; and all leases and other contracts in regard to said land so taken for said parks or parkways or any part thereof, and all covenants, contracts or engagements between landlord

and tenant or any other contracting parties shall, upon the confirmation of such reports respectively cease and determine and be absolutely discharged according to law.

SECTION 3.— Section three of said Act is hereby amended so as to read as follows :

Section 3.— The said Commissioners of Estimate and Assessment at least fourteen days before they present any report to the Supreme Court shall deposit a true report or transcript of such estimate and assessment in the office of the Commissioner of Public Works of the City of New York, for the inspection of whomsoever it may concern, and shall give daily notice by advertisement in the newspaper or newspapers mentioned in the last preceding section for ten days after depositing such report as aforesaid, of the said deposit thereof in the said office and of the day on which such report will be presented to the said court; and any person or persons whose rights may be affected thereby, and who may object to the same or any part thereof, may within ten days after the first publication of such notice set forth their objections to the same in writing to the said Commissioners, who shall thereupon reconsider their said estimate and assessment or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

SECTION 4.— Section four of said Act is hereby amend-

ed so as to read as follows :

Section 4.— The said Mayor, Aldermen and Commonalty of the City of New York shall within four calendar months after the 1st day of January next succeeding the confirmation of each of said reports pay to the parties entitled thereto the respective sum or sums so estimated and reported in their favor respectively, and in default thereof said persons or parties respectively, his, her, or their respective heirs, executors, administrators, successors or assigns may sue for and recover the same with lawful interest from and after demand therefor, and the costs of suit. The Board of Estimate and Apportionment in each year in which a report or reports shall have been confirmed as provided in this act shall include and appropriate in the final estimate for the ensuing year a sufficient sum to pay the amount of damages and expenses included in any report or reports which may have been confirmed as provided in the act during the year in which such final estimate is made. The respective sums or assessments so to be assessed and reported by the said Commissioners of Estimate and Assessment as and for the allowance to be made by the parties and persons respectively in any of the said reports mentioned and referred to, and intended as owners and proprietors of, or parties interested in lands and premises deemed to be benefited for the benefit and advantage of the park or parkway mentioned in the said report shall be a lien or charge upon the lands tenements, hereditaments and premises in the said report of the said commissioners mentioned, or upon

the estate and interest of the respective owners, lessees and parties interested in such lands, tenements, hereditaments and premises for or on account of which the said respective sums shall be so assessed by the said commissioners upon the said respective owners and proprietors thereof or parties interested therein and the said several sums or assessments so assessed and reported by said commissioners shall be collected, and the payment thereof enforced in the same manner and upon and with the same penalties that assessments on lands and tenements for city improvements are now collected and the payment thereof enforced, and the said several sums and assessments when collected and received with the interest and penalties thereon shall be paid into the treasury of the city of New York to the credit of the general fund for the reduction of taxation in said city.

No tax or assessment shall be levied or assessed upon any unimproved land included within the boundaries of the property hereinbefore described.

SECTION 5.— Section five of said act is hereby amended so as to read as follows :

Section 5.— And be it further enacted that whenever the owners and proprietors of any lands, tenements, hereditaments and premises to be taken for any of the purposes aforesaid, or the party or parties, person or persons interested therein, or any or either of them, the said owners, proprietors, parties or persons in whose favor any such sum or sums or compensation shall be so reported

shall be under the age of twenty-one years, non compos mentis, feme covert or absent from the City of New York; and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments or premises that may be so taken for any of the purposes aforesaid shall not be set forth or mentioned in the said report; or where the said owners, parties or persons respectively, being named therein, cannot upon diligent inquiry be found, it shall be lawful for the said Mayor, Aldermen and Commonalty to pay the sum or sums mentioned in said report payable or that would be coming to such owners, proprietors, parties and persons respectively, into the Supreme Court of Judicature to be secured, disposed of, improved and paid out as the court sitting at General Term for said district shall direct; and such payment shall be as valid and effectual in all respects as if made to the said owners, proprietors, parties and persons respectively, themselves, according to their just rights, if they had been known, and had all been present, of full age, dis covert, and compos mentis; and provided also that in all and each and every case and cases where any such sum or sums or compensation so to be reported by the said commissioners in favor of any person or persons, party or parties, whatsoever, whether named or not named in said report, shall be paid to any person or persons, party or parties whatsoever, when the same shall of right belong and ought to have been paid to some other person or persons, party or parties, it shall be lawful for the person or persons or party or parties to

whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his, her or their use, by the person or persons, party or parties respectively, to whom the same shall have been so paid. The said commissioners shall include and set forth in their said report, the name of the respective owners, lessees, parties and persons entitled unto or interested in the said report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and add a sufficient designation and description of such respective lands and parcels of land aforesaid, and also the several and respective sums estimated as and for the compensation and recompense or allowance to be made for the loss and damage of the respective owners of the fee or inheritance of such said lands, tenements, hereditaments and premises respectively, and for the loss and damage of the respective owners of the leasehold estate, or their interest therein separately. And the said commissioners shall also include in each of said reports the amount of their fees, and all costs for expenses for services, maps and other things, and disbursements properly chargeable to the park or parkway mentioned and referred to said report, and the fees, costs and disbursements aforesaid shall in each case be assessed one half upon the property benefited and one half upon the city of New York in the manner hereinbefore prescribed for the assessment of the amounts awarded for damages.

SECTION 6. - Section six of said act is hereby amended so as to read as follows :

Section 6.— The Department of Public Parks shall be by law vested with the control of the said parks and shall, within three months after the title to the land bounded and described by this Act as "Van Cortlandt Park" shall have been perfected, proceed to lay out that portion of the said park, consisting of about One hundred and twenty acres named and designated in the map of J. C. Lane, Engineer, dated January seventh eighteen hundred and eighty-four, and submitted to the legislature with the report of the commissioners under chapter two hundred and fifty-three of its laws, as a parade ground, to be and to be used as, a military parade, camp and drill ground; and also that part of said park named and designated in said map as a rifle range to be used for rifle and target practice ; said parade ground and rifle range to be used by the first division of the National Guard of the State of New York when required by the Commanding officer of such division.

SECTION 7.— Section seven of said act is hereby amended so as to read as follows :

Section 7.— In case of the death of either of the three persons appointed Commissioners of Estimate and Assessment, or of the resignation, disqualification or refusal to act of any of them, it shall be lawful for the Supreme Court in the first judicial district, at a General Term thereof in the application of the said Mayor, Aldermen and Commonalty, and as often as such an event shall happen, to appoint a discreet and disinterested person being a citizen of the city of New York, in the place and stead of such commissioner so dying, resigning

or refusing to act.

SECTION 8.- Section ten of said act is hereby repealed.

SECTION 9.- Section eleven of said act is hereby repealed.

SECTION 10.- This Act shall take effect immediately.

An Act to amend An
Act entitled "An Act laying
out public places and parks
and parkways in the 23rd
and 24th Wards of the City
of New York and in the ad-
jacent district in Westches-
ter County and authorizing
the taking of the lands for
the same.

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AN ACT to provide for the extension of the boundaries of Riverside Park and an exterior Street along the Hudson River adjacent thereto between Seventy Second and One hundred and twenty ninth Street in the City of New York.

The People of the State of New York represented in Senate and Assembly do enact as follows:-

Section 1. All that piece or parcel of land bounded southerly by the northerly side of Seventy second Street, northerly by the southerly side of One hundred and twenty ninth Street; easterly by the westerly line or boundary of the route or roadway of the Hudson River Railroad Company as shown on the map or plan filed on or about the second day of September Eighteen hundred and forty seven in the office of the Register of the City and County of New York, and westerly by the Bulkhead line along the Hudson River as established by the Commissioners of Central Park upon the map made by them, under and pursuant to chapter six hundred and ninety seven of the laws of the State of New York for the year eighteen hundred and sixty seven and confirmed by the act, chapter two hundred and eighty eight laws of the State of New York for the year eighteen hundred and sixty eight shall be and is hereby appropriated and laid out and designated for the public uses and purposes following to wit: The westerly portion of said parcel shall be and consist of an exterior bulkhead or River street running along and contiguous to the said Bulkhead line and which said exterior or River street shall be bounded as follows southerly by the northerly side of Seventy second street; northerly by the southerly side of One hundred and

twenty ninth Street; westerly by the said established bulkhead line and easterly by a line to be hereafter determined by the Board of Street Opening and Improvement upon maps and plans adopted certified and filed as in the case of altering the map or plan of the city so as to lay out new streets or avenues in that part of said city. All the rest and remainder of said first mentioned parcel lying east of the easterly line of said exterior River street as defined by the Board of Street Opening and Improvement as aforesaid shall be a public park or place and part of and extension of Riverside Park in said City, but the Board of Street Opening and Improvement of said City when title to said parcel of land has been acquired by the City as hereinafter mentioned may alter and change the easterly line of said exterior river street whenever the requirements of the City for commercial or other public purposes along said river front shall require such change, alteration or amendment. So much of Chapter four hundred and twenty six of the laws of eighteen hundred and eighty five which provided for the avenue to be called Twelfth Avenue west of said route or roadway of the said Hudson River Railroad Company is hereby repealed.

Section 2. The Board of Street Opening and Improvement by Counsel to the Corporation of said City shall, within six months after the passage of this act make application for and on behalf of the Mayor, Aldermen and Commonalty of the City of New York, at a Special Term of the Supreme Court in and for the First Department, for the appointment of Commissioners of Appraisal and the said Court shall thereupon name and appoint three discreet and disinterested persons being citizens of the United States residing in said

City as such Commissioners of Appraisal for the purpose of performing the duties hereinafter mentioned. Upon such application to the Council to the Corporation shall present to the Court a petition signed and verified by the Chairman of the Board of Street Opening and Improvement or by the Mayor of said City. The petition shall contain a general description of all pieces or parcels of land to be acquired for the purposes of this Act, and as aforesaid declared to be public uses and purposes and for the extension of Riverside Park and said exterior or river street as aforesaid and which are not now owned by or the property of the City of New York and of in case any said parcels or any private rights, easements, privileges or property of any nature whatever shall extend beyond or outside of said bulkhead line the same shall also be included in said petition and acquired for the purposes of said improvement. The said Council to the Corporation shall give notice in the City Record and in two public newspapers published in the City of New York of his intention to make application to the Court for the appointment of such Commissioners of Appraisal, which notice shall specify the time and place of such application shall briefly or generally state the object of the application and shall describe the real estate and rights sought to be taken or affected. Such notice shall be so published continuously in the said newspaper for at least twenty days immediately previous to the presentation of such petition.

Section 3. Upon the appointment of said Commissioners they shall severally take and subscribe an oath or affirmation before some officer authorized to administer oaths, to faith-

fully to perform the trust and duties required of them by
 this Act; which orders shall be filed in the office of the
 Clerk of the City and County of New York; and it shall be the
 duty of the said Commissioners, after having viewed the said
 lands, tenements, hereditaments and premises, and after causing
 such surveys, maps, profiles, plans and other things as
 they may judge necessary to be made, done and prepared for
 their use, to proceed with all due diligence, and after hear-
 ing the parties interested who may desire to be heard, to
 make a just and equitable estimate of the loss and damage to
 the respective owners, lessees, parties and persons respec-
 tively entitled to or interested in the said lands, tenements,
 hereditaments and premises affected or taken for the purposes
 of this Act, and to report to the said Supreme Court without
 unnecessary delay. And the said Court shall have power, in
 its discretion to fix the time within which such a report
 shall be made. The said Commissioners shall include and
 set forth in their said report the names of the respective
 owners, lessees parties and persons entitled, unto, or inter-
 ested in said land hereditaments and premises mentioned in
 the said report, and such and every part and parcel thereof,
 so far as the same shall be ascertained by them, and add a
 sufficient designation and description of such respective
 lands and parcels of land aforesaid; and also the several and
 respective sums estimated and for the compensation and
 recompense or allowance to be made for the loss and damage of
 the respective owner of the fee or inheritance of such said
 lands, tenements, hereditaments and premises respectively,
 and for the loss and damage of the respective owners of the

leasehold estate, or their interest therein separately,
 and the said Commissioners shall also include in the said
 report the amount of their fees, and all costs and expenses
 for services, maps and other things and disbursements. In
 each and all and every case and cases where the owners or
 parties interested, or their respective estates and
 interests are unknown or not fully known to the said
 Commissioners, it shall be sufficient for them to estimate
 and to set forth and state in their said report, in general
 terms, the respective sums to be allowed and paid to the
 owners and proprietors generally of such lands, tenements
 hereditaments and premises, and parties interested therein,
 for the loss and damage to such owners, proprietors and parties
 interested in respect of the whole estate, and interest
 of whosoever may be entitled unto or interested in said
 lands, tenements, hereditaments and premises, respectively,
 by and in consequence of taking of said lands, for the said
 public place without specifying names of the estates or inter-
 ests of such owners, proprietors and parties interested, or
 either of them and upon the coming in of said report, signed by
 the said Commissioners or a majority of them, The said Court
 shall, by order, upon the application of the said Mayor Alder-
 men and Commonalty of the City of New York or of said Commis-
 sioners of Appraisal or any of them, after hearing any matter
 the
 which may be alleged against same either confirm the said

report in whole or in part, or refer the same to the same Commissioners for revision and correction, or to new Commissioners to be appointed by the said Court to reconsider the subject matter thereof, and the said Commissioners to whom the said report shall be so referred shall return the said report corrected and revised or a new report to be made by them as aforesaid in the premises to the said Court without unnecessary delay, and the same, on being so returned shall be confirmed or again referred to the said Court, in the manner aforesaid, as right and justice shall require; and such report when confirmed by the said Court shall be final and conclusive, as well upon the said Mayor, Aldermen and Commonalty of the City of New York, as upon the owners, lessors persons and parties interested in and entitled unto the lands tenements, hereditaments and premises mentioned in the said report, and also upon all other persons whomsoever.

And on such final confirmation of such report, the said Mayor, Aldermen and Commonalty of the City of New York shall become and be seized in fee of all the lands laid out for the said extension of Riverside Park and exterior street as aforesaid included in the petition for the appointment of Commissioners of Appraisal as specified in Section Two of this Act. the same to be appropriated, converted and used to and for the aforesaid purposes accordingly, And thereupon all leases and other contracts in regard to said land so taken or any part thereof and all covenants, contracts or encumbrances between landlord and tenant or any other contracting parties, shall upon the confirmation of such report respectively cease and determine and be absolutely discharged according

to law provided however that if upon the coming in of said final report of the Commissioners of Appraisal the compensation allowed by the said Commissioners for lands taken and appropriated for said park and exterior street shall exceed the sum of Five hundred thousand dollars, the Board of Street Opening and Improvement may order and direct that the said proceeding shall be discontinued or confined to the acquisition of such parcels of land the compensation to be allowed for which shall not exceed said sum and thereupon the Court upon the application of the said Board of Street Opening and Improvement shall order the said proceedings to be discontinued and the said Commissioners of Appraisal discharged, or the said proceedings amended so as to apply to and include said last mentioned parcels. An appeal may be taken by any party aggrieved from the order confirming the report of the Commissioners to the General Term and from the decision of the General Term to the Court of Appeals, and in both said Courts the ~~same~~ ^{same} appeals shall be heard upon the merits both as to the law and facts, and upon such appeal the said Court may reverse in whole or in part or affirm or modify the order appealed from. But no appeal shall operate as a stay of proceedings as to the payment of the compensation allowed except in relation to the parcel of land owned by the party appealing or in relation to which said appeal is had.

Section 4. The said Commissioners of Appraisal at least fourteen days before they make their report to the said Court shall deposit a true report or transcript of such estimate in the office of the Clerk of the City and County of New York for the information

New York for the inspection of whomsoever it may concern, and shall give daily notice by advertisement for ten days after depositing said report, as aforesaid, in the aforesaid papers, of the said deposit thereof in the said office, and of the day on which their said report will be presented to the said Court; and any person or persons whose rights may be affected thereby any who object to the same or any part thereof, may within ten days after the first publication of said notice, set forth their objection to the same in writing, to the said Commissioners, who shall thereupon reconsider their said estimate or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

Section 5. The said Mayor, Aldermen and Commonalty shall within four calendar months after the confirmation of the said report pay to the parties entitled thereto the respective sum or sums so estimated and reported in their favor respectively and in default thereof said persons or parties respectively his, her or their respective heirs, executors, administrators, successors or assigns, may sue for and recover the same with lawful interest from and after demand thereof, and the costs of suit. Whenever the owners and proprietors of any such land, tenements, hereditaments and premises so to be taken for any of the purposes aforesaid or the party or parties, person or persons interested therein, or any or either of them, the said owners, proprietors, parties or persons in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years non compos mentis, feme covert or absent from the City

of New York, and also in all cases where the name or names of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments, or premises that may be so taken for any of the purposes aforesaid, shall not be set forth or mentioned in the said report, or where the said owners, parties or persons respectively, being named therein, cannot upon diligent inquiry be found, it shall be lawful for the said mayor, Aldermen and Commonalty to pay the sum or sums mentioned in the said report payable, or that would be coming to such owners, proprietors, parties and persons respectively, into the said Supreme Court to be secured disposed of, improved and laid out, as the Court sitting at General Term for said district, shall direct and such payment shall be valid and effectual in all respects as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, if they had been known and had all been present, of full age, disconvent and compos mentis; and provided also, that in all and each and every case and cases when any such sum or sums or compensation so to be reported by the Commission in favor of any person or persons or party or parties whatsoever, whether named or not named in the said report, shall be paid to any person or persons or party or parties whatsoever, when the same shall of right belong and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the person or persons, or party or parties to whom the same ought to have paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his, her or their use, by the person or persons, party or parties respectively, to whom the same shall have

been so paid.

Section 6 . In case of the death of either of the three persons appointed Commissioners of Appraisal or of the resignation, disqualification or refusal to act of any of them it shall be lawful for the Supreme Court in the First Judicial Department, at a Special Term thereof, on the application of the said Mayor, Aldermen and Commonalty, and as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the United States residing in the City of New York, in the place and stead of such Commissioner so dying, resigning or refusing to act. The said Court shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this Act that may be necessary therein and to direct such further notices to be given to any party in interest as it deems proper. If in any particular it shall at any time be found necessary to amend any pleading, proceeding or to supply any defect arising in the course of any special proceeding authorized by this Act, the same may be amended or supplied in such manner as shall be directed by the Supreme Court which is hereby authorized to make such amendment or correction. The said Commissioners of Appraisal shall have power to subpoena witnesses and to require them to testify under oath as to any matter before them or to be determined by them.

Section 7. For the payment of damages awarded by the Commissioners of Appraisal and the expenses, disbursements, and charges in the premises it shall be lawful for the said Mayor, Aldermen and Commonalty to raise the amount by loan

by the creation of a public fund or stock to be called the Riverside Park Extension Fund which shall bear interest not exceeding three per centum per annum and shall be presented by bonds redeemable within a period of time not exceeding thirty years after the passage of this act. It shall be lawful for the Mayor, Aldermen and Commonalty to determine what shall be the nominal amount or value of each said share of stock and of what number of shares the same shall consist, and they are hereby authorized to sell and dispose of such bonds at public auction or by subscription. Said bonds shall not be sold or subscribed for at less than their par value. In order to pay the interest on the bonds hereby authorized the Mayor, Aldermen and Commonalty of the City and County of New York are hereby authorized and empowered to order and cause to be raised by tax on the estates real and personal subject to taxation according to law within said City and County of New York and to be collected in addition to the ordinary taxes yearly and every year until the whole amount of the tax be paid a sum of money sufficient to pay the interest annually accruing on said bonds, and the provisions of the act entitled an act to regulate the finances of the City of New York passed June ~~the~~ eighth, ~~eighteen~~ hundred and twelve which are not repugnant to and incompatible with any provision in this act contained shall apply to said bonds.

Section 8. This act shall take effect immediately.

AN ACT
to provide forr the extension of
the boundaries of

RIVERSIDE PARK
and an exterior Street along the
Hudson River adjacent thereto
between SEVENTY SECOND and ONE
HUNDRED and TWENTY NINTH STREET
in the City of New York.

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A N A C T

to extend and permanently establish the boundaries of Riverside Park in the City of New York, and to provide for the improvement and use thereof, and in connection therewith to establish the bulkhead lines of said city on the Hudson River North of Seventy-second Street.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The public park in the city of New York

now known as Riverside Park, which was laid out and established by the Commissioners of the Central Park upon the maps filed by them under and pursuant to the Act entitled

"An Act to alter the map or plan of certain portions of the city of New York, and for the laying out and improvement of

*No water
from
property
to land
under
water*

the same", passed April 24, 1867, and extended by an act entitled, "An Act in relation to the powers and duties of the Department of Public Works of the City of New York", passed June 28, 1873, and the Act entitled, "An Act to define, lay out and establish the boundaries and lines of Riverside Park and Twelfth Avenue between Seventy-ninth and One Hundred and Twenty-ninth Street in the City of New York", passed June 11, 1885, is hereby extended on or adjacent to the westerly side thereof, so that the same shall include all that parcel of land bounded westerly by the bulkhead line along the Hudson River as established upon the several maps approved respectively April 25, 1890, by the Secretary of War of the United States, and October 18, 1890, by the Assistant Secretary of War and which maps are

respectively entitled "Pier and Bulkhead lines for the east shore of the Hudson River, and the north and west shores of the East River extending from Eighty-first Street to the Battery, New York City. Also for the west shore of the Hudson River extending from N. Y., L. E. & W. Docks and Import Co. to Guttenburg, New Jersey, as recommended by the New York Harbor Line Board, appointed for the establishment of the harbor lines of New York Harbor and its adjacent waters by special order No. 49, Hed. Qrs. Corps of Engineers, U. S. A., Washington, D. C.; October 5, 1888, in accordance with section 12 of Act August 11, 1888, April 1890", and which second map above mentioned is entitled "Pier and Bulkhead lines for the west shore of the Hudson from Guttenburg to Bloomers, New Jersey". East

shore of Hudson river from West Eighty-first street to the
mouth of Spuyten Duyvel Creek, New York City, west shore of
East River from Eighty-first Street to Port Morris, New
York City. Both shores of Spuyten Duyvel Creek and Harlem
River, New York City, and around Blackwell's, Randall's and
Ward's Islands, and Sunken Meadow, New York, as recommended
by the New York Harbor Line Board appointed for the estab-
lishment of harbor lines of New York harbor and its adja-
cent waters by Special Order No. 49, Hd. Qrs. Corps of En-
gineers, U. S. A., Washington, D.C., October 5, 1883, in
accordance with section 12, of Act of August 11, 1888,
October 1890", easterly by the westerly line or boundary of
the route or roadway of the Hudson Railroad Company as
shown on the map or plan filed on or about the 2nd day of
September, 1847, in the office of the Register of the City

and County of New York, northerly by the southerly side of One hundred and Twenty-ninth Street, and southerly by the northerly side of Seventy-second Street. The said parcel of land when title thereto shall have been acquired by the City of New York, as hereinafter provided, shall be one of the public parks of the said city, and shall be constructed, maintained and improved as and for such parks and the public uses in this act provided. So much of Chapter 426 of the laws of 1885 which provides for an avenue to be called Twelfth Avenue westerly of the said route or roadway of the said Hudson River Railroad Company is hereby repealed.

SECTION 2. The bulkhead lines on the east shore of the Hudson River in the City of New York, North of Seventy-second Street as the same are shown, laid down and

established upon the several maps approved by the Secretary of War of the United States and mentioned and described in the first section of this act, are hereby accepted and ratified and declared to be the established bulkhead lines of the city of New York within and for that portion of the Hudson River water front of said city.

*18th of
Sept
Official
&
In person*

SECTION 3. The Mayor, Comptroller, Commissioner of Public Works, President of the Department of Public Parks, and the President of the Department of Docks of the City of New York, are hereby appointed Commissioners for the purposes of this Act, and they shall be known and designated as the Commissioners for the extension of the Riverside Park.

SECTION 4. Said Commissioners shall as soon after

the passage of this act as practicable prepare a plan or plans together with maps and specifications, estimates and particulars relating thereto, of the improvement of the parcel of land described in the first section of this act, and for the permanent improvement of the same in connection with all that part of Riverside Park now laid out, lying between the easterly boundary of the lands of the Hudson River Railroad Company and the retaining wall on the westerly boundary of the main drive and walk of said Park, heretofore constructed and now in use. And the said Commissioners in and about the preparation of the said maps and plans for the purposes named in this act, shall have power to employ the necessary engineers, surveyors, clerical and other assistance and in respect thereto to incur

such expenses as may be necessary for the proper performance of the powers and duties hereby imposed upon them. The improvement of the parcel first mentioned to be shown on said map shall include a sea wall or bulkhead extending along the bulkhead line constituting the westerly boundary thereof, along which said bulkhead or sea wall there shall be laid out and constructed a street or traffic road of such width as the said Commissioners may determine; and the remainder of the land between said traffic road or street shall be and remain part and parcel of the Riverside Park. The plans for the improvement of the whole of the said Riverside Park shall be provided for by the said Commissioners as aforesaid and shall be subject to the approval of the Board of Estimate and Apportionment of the City

of New York.

SECTION 5. It shall be lawful for the said Commissioners and for all persons acting under their authority to enter in the day time into and upon any lands, tenements and hereditaments which they shall deem necessary to be conveyed, used or converted for the purposes of said Park as hereby extended. They may cause such surveys to be made as they shall deem expedient to enable them to act intelligently in the premises; they shall cause maps and plans to be made upon which shall be laid down the various parcels of land included in said extension of said Park, and described in said first section of this act, which are not owned by or the property of the Mayor, Aldermen & Commonalty of the City of New York; a copy of said maps shall

be certified and transmitted to the Counsel to the Corporation, and the said maps shall be presumptive evidence of the boundary or location of the several parcels of land shown thereon.

SECTION 6. The Counsel to the Corporation of said City shall at the request of said Commissioners, make application for and on behalf of the Mayor, Aldermen and Commonalty of the City of New York, at a special term of the Supreme Court in the First Department, for the appointment of Commissioners of Appraisal and the said Court shall thereupon appoint three discreet and disinterested persons, being citizens of the United States residing in said city, as such Commissioners of Appraisal. Upon such application the Counsel to the Corporation shall present to the Court

a petition signed and verified by the Chairman of said Board of Commissioners or one of the officers thereof designated by the said Board for that purpose according to the practice of said Court. The petition shall contain a general description of all the pieces or parcels of land to be acquired for the purposes of act as aforesaid declared to be for public uses and purposes and for the extension of the Riverside Park as aforesaid, and not now owned by or the property of the City of New York. Notice of the intention to apply for the appointment of such Commissioners of Appraisal shall be given by publication in the city Record and in two public Newspapers published in the City of New York, which notice shall specify the time and place of such application; shall briefly or generally state the

objects thereof and shall describe the real estate and lots sought to be taken or affected. Such notice shall be so published continuously in the said newspapers for at least twenty days immediately previous to the presentation of such petition.

SECTION 7. Upon the appointment of said Commissioners, they shall severally take and subscribe an oath or affirmation before some officer authorized to administer oaths, to faithfully to perform the trust and duties required of them by this Act; which oaths shall be filed in the office of the Clerk of the City and County of New York; and it shall be the duty of the said Commissioners, after having viewed the said lands, tenements, hereditaments and premises, and after causing all such surveys,

maps, profiles, plans and other things as they may judge necessary to be made, done and prepared for their use, to proceed with all due diligence, and after hearing the parties interested who may desire to be heard, to make a just and equitable estimate of the loss and damage to the respective owners, lessees, parties and persons respectively entitled to or interested in the said lands, tenements, hereditaments and premises affected or taken for the purposes of this Act, and to report to the said Supreme Court without unnecessary delay. And the said Court shall have power, in its discretion, to fix the time within which such a report shall be made. The said Commissioners shall include and set forth in their said report the names of the respective owners, lessees, parties and persons entitled

unto, or interested in said land, hereditaments and premises mentioned in the said report, and each and every part and parcel thereof, so far as the same shall be ascertained by them, and add a sufficient designation and description of such respective lands and parcels of land aforesaid; and also the several and respective sums estimated, and for the compensation and recompense or allowance to be made for the loss and damage of the respective owners of the fee or inheritance of such said lands, tenements, hereditaments and premises respectively, and for the loss and damage of the respective owners of the leasehold estate, or their interest therein separately; and the said Commissioners shall also include in the said report the amount of their fees, and all costs and expenses for services,

maps and other things and disbursements. In each and all and every case and cases where the owners or parties interested, or their respective estates and interests are unknown or not fully known to the said Commissioners, it shall be sufficient for them to estimate, and to set forth and state in their said report, in general terms, the respective sums to be allowed and paid to the owners and proprietors generally of such lands, tenements, hereditaments and premises, and parties interested therein, for the loss and damage to such owners, proprietors and parties interested in respect of the whole estate, and interest of whomsoever may be entitled unto to interested in said lands, tenements, hereditaments and premises, respectively, by and in consequence of taking the said lands, for the

said public place, without specifying names of the estates or interests of such owners, proprietors and parties interested, or either of them; and upon the coming in of said report, signed by the said Commissioners, or a majority of them, the said Court shall, by order, upon the application of the said Mayor, Aldermen and Commonalty of the City of New York, or of said Commissioners of Appraisal or any of them, after hearing any matter which may be alleged against the same, either confirm the said report in whole or in part, or refer the same to the same Commissioners for revisal and correction, or to new Commissioners to be appointed by the said Court to reconsider the subject matter thereof, and the said Commissioners to whom the said report shall be so referred shall return the said report

corrected and revised or a new report to be made by them
as aforesaid in the premises to the said Court without
unnecessary delay, and the same, on being so returned,
shall be confirmed or again referred to the said Court, in
the manner aforesaid, as right and justice shall require;
and such report when confirmed by the said Court shall be
final and conclusive, as well upon the said Mayor, Alder-
men and Commonalty of the City of New York, as upon the
owners, lessees, persons and parties interested in and en-
titled unto the lands, tenements, hereditaments and prem-
ises mentioned in the said report, and also upon all other
persons whomsoever. An appeal may be taken by any party
aggrieved from the order confirming the report of the Com-
missioners to the General Term of said Court and from the

Unusual

General Term to the Court of Appeals, and in both said

Courts the said appeals shall be heard upon the merits both as to the law and facts, and upon such appeal the said Court may reverse in whole or in part or affirm or modify the order appealed from. But no appeal shall operate as a stay of proceedings as to the payment of the compensation allowed except in relation to the parcel of land owned by the party appealing or in relation to which said appeal is had.

SECTION 8. The said Commissioners of Appraisal at least fourteen days before they make their report to the said Court shall deposit a true report or transcript of such estimate in the office of the Clerk of the City and County of New York, for the inspection of whomsoever it may

concern, and shall give daily notice by advertisement for ten days after depositing said report, as aforesaid, in the aforesaid papers, of the said deposit thereof in the said office, and of the day on which their said report will be presented to the said Court; and any persons or persons whose rights may be affected thereby and who object to the same or any part thereof, may, within ten days after the first publication of said notice, set forth their objection to the same in writing, to the said commissioners, who shall thereupon reconsider their said estimate or the part or parts thereof so objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

SECTION 9. The said Mayor, Aldermen and Common-

alty shall within four calendar months after the confirma-
tion of the said report pay to the parties entitled thereto
the respective sum or sums so estimated and reported in
their favor respectively, and in default thereof said per-
sons or parties respectively, his, her or their respective
heirs, executors, administrators, successors or assigns,
may sue for and recover the same with lawful interest from
and after demand thereof, and the costs of suit. Whenever
the owners and proprietors of any such land, tenements,
hereditaments and premises so to be taken for any of the
purposes aforesaid or the party or parties, person or per-
sons interested therein, or any or either of them, the said
owners, proprietors, parties or persons in whose favor any
such sum or sums or compensation shall be so reported,

shall be under the age of twenty-one years, non compos
mentis, feme covert, or absent from the City of New York,
and also in all cases where the name or names of the owner
or owners, parties or persons entitled unto or interested
in any lands, tenements, hereditaments, or premises that
may be so taken for any of the purposes aforesaid, shall
not be set forth or mentioned in the said report; or where
the said owners, parties or persons respectively, being
named therein, cannot upon diligent inquiry be found, it
shall be lawful for the said Mayor, Aldermen and Commonalty
to pay the sum or sums mentioned in the said report pay-
able, or that would be coming to such owners, proprietors,
parties and persons respectively, into the said Supreme
Court to be secured, disposed of, improved and laid out,

as the Court, sitting at General Term for said district, shall direct and such payment shall be as valid and effect-
ual in all respects as if made to the said owners, pro-
prietors, parties and persons respectively, themselves,
according to their just rights, if they had been known and
had all been present, of full age, discover and compos
mentis; and provided also, that in all and each and every
case and cases when any such sum or sums or compensation
so to be reported by the Commission in favor of any per-
son or persons or party or parties whatsoever, whether
named or not named in the said report, shall be paid to
any person or persons or party or parties whomsoever, when
the same shall of right belong and ought to have been paid
to some other person or persons, or party or parties, it

shall be lawful for the person or persons, or party or parties to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his, her or their use, by the person or persons, party or parties respectively, to whom the same shall have been so paid.

SECTION 10. In case of the death of either of the three persons appointed Commissioners of Appraisal or of the resignation, disqualification or refusal to act of any of them, it shall be lawful for the Supreme Court in the First Judicial Department, at a General Term thereof, on the application of the said Mayor, Aldermen and Commonalty, and as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the

United States residing in the City of New York, in the
place and stead of such Commissioner so dying, resigning or
refusing to act. The said Court shall have power at any
time to amend any defect or informality in any of the
special proceedings authorized by this Act that may be ne-
cessary or to cause other property to be included therein
and to direct such further notices to be given to any party
in interest as it deems proper. If in any particular it
shall at any time be found necessary to amend any pleading,
proceeding or to supply any defect arising in the course
of any special proceeding authorized by this Act, the same
may be amended or supplied in such manner as shall be di-
rected by the Supreme Court, which is hereby authorized to
make such amendment or correction. Said Commissioners of

Appraisal shall have power to subpoena witnesses and to require them to testify under oath as to any matter before them or to be determined by them.

SECTION 11. On filing the oath of the Commissioners of Appraisal directed in the Seventh Section of this Act, the Mayor, Aldermen and Commonalty of the City of New York shall become and be seized of and entitled unto the lands included in such proceedings the same to be appropriated, constructed and used to and for the aforesaid purposes, accordingly, and thereupon the said the Mayor, Aldermen and Commonalty of the City of New York and the Commissioners appointed by this Act shall immediately take possession of the same without any suit or proceeding at law for that purpose and all leases and other contracts or

engagements between landlord and tenant or any other contracting parties, shall, thereupon, respectively cease and determine and be absolutely discharged according to law.

SECTION 12. For the payment of the purchase of the lands and rights required to be taken for the extension of Riverside Park as aforesaid, and for the preparation of the maps therefor, and all other incidental expenses necessary in carrying out the provisions of this Act, the Comptroller of the City of New York shall issue bonds and stock of the Mayor, Aldermen and Commonalty of the City of New York, chargeable to and payable out of the Sinking Fund of said City, subordinate to existing liens thereon, to be known as the Special Riverside Park Loan,

and redeemable in

years from date of

issue; the same to be issued in such sums as may be nec-

sary from time to time, upon the requisition of the Com-

missioners for the extension of the Riverside Park but not

to exceed in the aggregate the sum of One million dollars.

To pay interest on the bonds and stock issued for the said

loan, the Mayor, Aldermen and Commonalty of the City of

New York are hereby directed to cause to be raised by tax

in the usual manner yearly and every year until the whole

amount thereof is paid a sum sufficient to pay the interest

annually accruing on said bonds and stock.

SECTION 13. This Act shall take effect immediate-

ly.

Riverside
Park

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Riverside
Park

37

AN ACT to provide for the completion of the construction of certain public parks in the City of New York.

The People of the State of New York represented in Senate and Assembly do enact as follows:

SECTION 1. The Department of Public Parks of the City of New York is hereby authorized and empowered to complete the construction of the Central Park, Morningside Park, Riverside Park, Mount Morris Park, Manhattan Square and East River Park, and to reconstruct the grounds around the Metropolitan Museum of Art in the Central Park, in the City of New York upon plans to be determined upon and prepared by the Commissioners of Public Parks or a majority of them, and submitted to and approved by the Board of Estimate and Apportionment of said City.

SECTION 2. For the purpose of carrying out the work authorized by the last preceding section the Comptroller of the City of New York is hereby required from time to time, when thereto directed by said Board of Estimate and Apportionment to issue bonds or stock of the City of New York in the manner now provided by law, to an amount not exceeding one million five hundred thousand dollars, and bearing interest at a rate to be fixed by said Comptroller not exceeding four per centum per annum. Said bonds shall be payable from taxation, and shall be redeemable in not less than ten nor more than twenty years from their date of issue.

SECTION 3. The said Board of Estimate and Appor-

2.

tionment when thereto requested by the Commissioners of Public Parks and after having approved the plans for the aforesaid completion of so much of the construction of any of the above mentioned public parks and the reconstruction of the grounds around the Metropolitan Museum of Art, as the Commissioners of Parks may from time to time desire bonds to be issued for, may, from time to time in such amounts as the said Board shall deem necessary, not exceeding in the aggregate the amount specified in the last preceeding section, direct of said Comptroller to issue the aforesaid bonds or stock.

SECTION 4. This act shall take effect immediately.

5
An Act to provide
for the completion
of Public Parks.

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An Act

In relation to the powers and duties of the Board of Commissioners of the Dep^{mt} of Public Parks in connection with the American Museum of Natural History —

Section 1. — The Board of Commissioners of the Department of Public Parks in the city of New York is hereby authorized and directed to make and enter into a contract with the American Museum of Natural History, established in accordance with Section two of Chapter 290 of the laws of 1871, and Chapter 351 of the laws of 1875, for the proper maintenance of said Museum and carrying out its objects and purposes —

Section 2. — The Board of Estimate and Apportionment of the City of New York is hereby authorized and directed

to include in the tax levy of each year of said city, such amount as may be necessary to carry such contract, into execution, not exceeding the sum of twenty thousand dollars. —

§ 3 - This Act shall take effect immediately —

An Act
in relation to
the powers & duties
of the
Board of Commissioners
of the
Dept. Public Parks
in connection with
the
American Museum
of
Natural History.

An Act to provide for
suitable buildings and accom-
modation for the Zoological
Collection in the Central Park
in the City of New York.

The People of the State of
New York represented in Senate
and Assembly do Enact as
follows:

Section 1. The department of
public parks of the City of
New York, with the concurrence
of the Board of Estimate and
Apportionment of said City,
is herewith authorized and
empowered to erect, con-
struct and equip, upon a
site in the Central Park
to be selected by the Commis-
sioners of Parks or a majority
of them the necessary buildings,
cages and other things for the
proper accommodation and
Exhibition of the Zoological
Collection now in the posses-
sion and custody of said
Department, as well as such

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additions as may hereafter be made thereto and to lay out such site, and construct approaches thereto. The plans for the erection, construction and equipment aforesaid shall be prepared by the Commissioners of Parks, and approved by the Board of Estimate and Apportionment. Said plans may from time to time be altered or modified, with the consent and approval of the Board of Estimate and Apportionment.

Sec. 2. It shall be the duty of the Comptroller of the City of New York ~~when~~ thereto directed by the Board of Estimate and Apportionment of said City to issue bonds or stock of the City of New York in the manner now provided by law, to an amount not exceeding three hundred thousand dollars, and bearing interest

at a rate to be fixed by said Comptroller not exceeding four per centum per annum, for the purpose of carrying out the provisions of this Act. Said bonds shall not be sold for less than the par value thereof. And the said Board of Estimate and Apportionment when so requested by the Commissioners of Parks, and after having approved the aforesaid plans for the Erection, Construction and Equipment aforesaid may direct the said Comptroller to issue said bond or stock.

Sec. 3. This Act shall take effect immediately

An Act to

An Act
to provide for suitable
buildings and
accommodation
for the Zoological
Collection in the
Central Park in the
City of New York