

Department of Public Works,

Commissioners Office,

No. 34 Chambers Street,

New York,

February 4, 1895.

HON. WILLIAM L. SPRONG,

M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of the letter of 31st ultimo from your Secretary, with the enclosed letter addressed to you by Contractors Martin and McPherson, on which I am requested to make a speedy and careful report.

I believe that the greater part of the complaints made in the letter of Martin and McPherson will be disposed of by stating the fact that, under date of January 2nd ultimo, I received the following letter:

"Dear Sir:

Will you please suspend work on contract for regulating and grading 168th Street, between Amsterdam Avenue and Kingsbridge Road, on account of frost and snow

"Yours truly,

"William J. Martin,

"Contractor."

This is a clear admission that the work was and is not ready for acceptance, as claimed by the contractors in their letter to you.

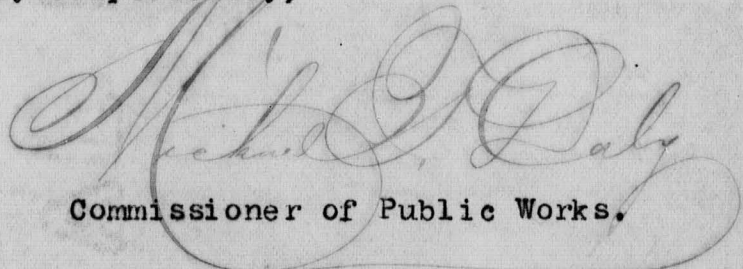
Regarding alleged persecution by the inspector on the work, the Supt. of Street Improvements reports that the contractors tried to evade the specifications in every manner possible, and, by his special instructions,

the inspector enforced compliance with the specifications.

The complaint that the inspector was frequently absent from the work is a very unusual one as coming from a contractor, and is hardly reconcilable with the allegation that the contractors were persecuted by the inspector. I will, however, instruct the Supt. of Street Improvements to make further investigation and report on that point.

When these contractors shall have completed their work in full accordance with the specifications, and final settlement of the contract is to be made, they can present their claims for any allowance of time on account of delays caused by work on other contiguous public improvements, and all allowance which the circumstances justify will be made.

Very respectfully,


Commissioner of Public Works.

*Department of Public Works,
Commissioners Office,
No 34 Chambers Street,*

Copy.

New York, February 4, 1895.

HON. WILLIAM L. STRONG,
M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of letter of 28th ultimo from your Secretary, transmitting for attention and report the within communication addressed to you by Mr Clemens Herschel, Civil Engineer, No 2 Wall Street, complaining of the impassable condition or in fact the absence, of a sidewalk on the east side of West Street, between Fulton and Vesey Streets.

In reply, I beg to say that this sidewalk is within the enclosure of Washington Market, and, as to its occupancy, is under the jurisdiction of the Comptroller, who disposes of the market privileges, and collects the revenue therefrom. He will no doubt be able to explain the conditions mentioned in Mr Herschel's letter.

Very respectfully,

(Signed) Michael T. Daly,
Commissioner of Public Works.

Department of Public Works,

Commissioner's Office,

No. 34 Chambers Street,

New York,

February 4, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

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Very respectfully,

Michael E. Daly
Commissioner of Public Works.

*Department of Public Works,
Commissioners Office,
No. 31 Chambers Street,*

New York, February 4, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to make report on the following letters, addressed to you, and received with letter of 31st ultimo from your Secretary:

From Dr Modemann, 255 6th Avenue, complaining that show-cases belonging to his neighbor, which were removed by the Bureau of Incumbrances at the same time as his own, were replaced on the sidewalk, and desiring to know if the City Ordinance Department, by which I suppose he means the Bureau of Incumbrances, has a general or exceptional law controlling it.

I can only infer that, by the question propounded, Dr Modemann wishes to intimate that he and his neighbor were not treated alike in regard to the removal of encumbrances which they had on the sidewalk, the neighbor being allowed to restore his encumbrances. In previous reports on similar complaints I have explained to you at considerable length the inability of this Department to prevent the redemption and replacement of such encumbrances after their removal. In this case I have the report of the Supt. of Incumbrances that, on two inspections on the 31st ultimo, and the 1st inst.,

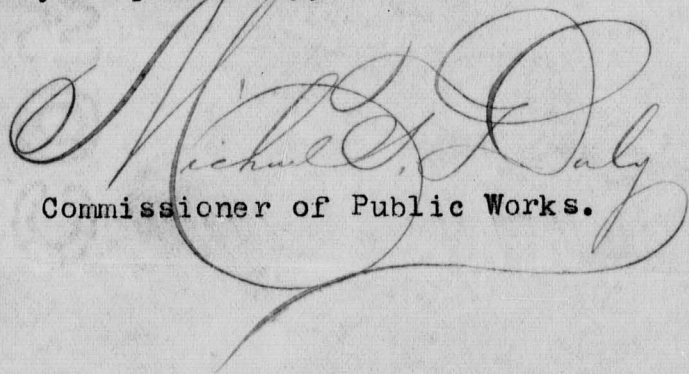
no show-cases were found in front of No 253 6th Avenue,
the place referred to in Dr Modemann's complaint.

From Miss S. G. Goodman, 196 Stanton Street, complaining of a cigar stand at No 200 Stanton Street, which was replaced after being removed by the Bureau of Incumbrances.

On this case I reported to you at length
under date of 24th ultimo, the subject being similar
to the preceding complaint.

In connection with this matter, permit me also to
call attention to
the paragraph in my annual report on street obstructions.

Very respectfully,


Commissioner of Public Works.

Department of Public Works,

Commissioners Office,

No 31 Chambers Street,

New York,

February 7, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of the letter of yesterday from your Secretary, stating that no reports have been made on the following complaints:

Edward J. Murray, 206 East 20th St., January 24th.

E. R. Duffy, 125 West 60th Street, January 19th.

C. Herschel, 2 Wall Street, January 28th.

In reply, I beg to say that the complaint of Mr Murray was answered by letter to you of 1st inst; that of Mr Herschel by letter of 5th inst., and that there is no record of any complaint by Mr E. R. Duffy having been received through your office.

Very respectfully,

Maurice F. Holahan

Deputy And Acting

Commissioner of Public Works.

Department of Public Works,

Commissioners Office,

No. 31 Chambers Street,

New York,

February 7, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of the letter of 4th inst. from your Secretary, transmitting to me for attention and report, the following communications addressed to you:

Complaint of Mr David Wright against umbrellas used as signs, hanging in front of the store of the Harris Manufacturing Co., corner of John and Nassau Streets.

The Supt. of Incumbrances reports that the owner of these signs has been ordered to remove them, and if the notice is not complied with in reasonable time, the signs will be taken to the Corporation Yard.

From Mr Charles H. Hoyt, regarding alleged dangerous excavation at 128th Street and Madison Avenue.

Mr Hoyt's complaint, so far as it comes within the jurisdiction of this Department, is that two-thirds of the sidewalk has been occupied by sand excavated from the adjoining lots. The Supt. of Incumbrances reports that he has given orders for the removal of the sand, and that the work will be done as speedily as possible.

From Mr John Klassset, 120 1st Avenue, regarding the dangerous condition of the sidewalk in Brooks Avenue, between 144th and 145th Streets.

This is within the jurisdiction of the Commissioner of Street Improvements of the 23rd and 24th Wards.

From Mr J. Van Veh, regarding the dilapidated condition of 138th Street, from Mott Haven Depot to 3rd Avenue.

This is also within the jurisdiction of the Commissioner of Street Improvements of the 23rd and 24th Wards.

Very respectfully,

Maurice F. Holahan

Deputy & Acting. Commissioner of Public Works.

*Department of Public Works,
Commissioner's Office,
No. 34 Chambers Street,*

New York, February 9, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

In answer to the letter of yesterday from your Secretary, requesting duplicates of reports made by me on complaints of Edward J. Murray, and C. Herschel, I herewith enclose duplicates made from our letter book, dated respectively the 1st and 4th inst. With the originals of these reports I transmitted to your office the complaints addressed to you by those parties. If these complaints are in your office I should like to be informed of the fact, as it is inexplicable how they could be there without the original reports.

The complaint of E. R. Duffy, regarding the filthy condition of Union Avenue, stated to have been sent to me on January 19th, never reached this office. As it refers to a matter under the jurisdiction of the Commissioner of Street Improvements of the 23rd and 24th Wards, it should have been, and probably has been, sent to him and not to me.

Very respectfully,

Michael E. Daly
Commissioner of Public Works.

*Department of Public Works,
Commissioners Office,
No. 34 Chambers Street,*

New York, February 12, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of the letter of 5th inst. from your Secretary, transmitting the complaint addressed to you by Mr J. M. Mossman, regarding the disrupted condition of Maiden Lane in front of his property, Nos 72 and 74, and at the intersection of William Street, caused by defects in the plant of the New York Steam Company, and the consequent necessity of tearing up the street to make the needed repairs.

In reply, I beg to say that Mr Mossman and other owners and occupants of houses on Maiden Lane, between Broadway and William Street, have just cause for complaint from the frequent necessity of tearing up the street to repair the New York Steam Company's plant.

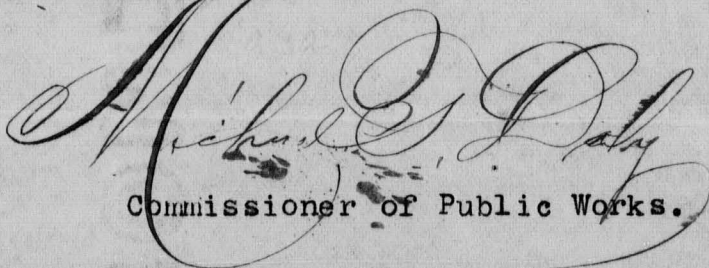
From report of the General Inspector, and the special or local inspector on the same company's work, I find that the leak in front of Mr Mossman's property is a very large one, and that it can only be properly repaired by the renewal or replacement of about 60 feet

of steam main. When this leak appeared, this Department had no option but to grant a permit to the Steam Company to open the street for the needed repairs, and all it could do thereafter was to use its authority to expedite the work as much as possible. This has been done, but the nature of the work and the conditions of the weather have operated to prolong the inconvenience and annoyance to the people on the street.

In regard to the opening at the intersection of Maiden Lane and William Street, where a large building is in course of erection, I ordered the Steam Company on Saturday last to close the opening and restore the pavement at once, and the General Inspector reports that this is now being done.

The General Inspector expresses the opinion that the troubles with the steam plant in Maiden Lane will not be permanently removed until an entire new plant is laid there, but it would not be advisable to order this to be done in the present conditions of the weather and the streets.

Very respectfully,


Commissioner of Public Works.

Department of Public Works
Commissioner's Office
No. 34 Chambers Street

New York February 16, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

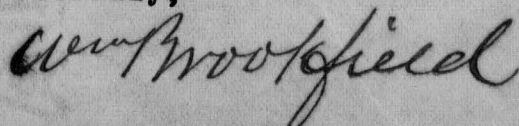
I have the honor to acknowledge receipt of the letter of 14th inst. from your Secretary, transmitting a complaint addressed to you by Mr Jacob Erlich, 57 Walker Street, against a booth or box kept on the sidewalk in front of Nos 57 and 59 Walker Street, and against trucks and vehicles kept standing in the street; also the complaint of Mr Horace D. Sherrill, 21 Maiden Lane, that recently the water supply has not risen to the second and third floors in his house, No 1291 Madison Avenue, between 91st and 92nd Streets.

In regard to the complaint of Mr Erlich, the Superintendent of Incumbrances reports that the owner of the box on the sidewalk, which is used as an express office, has been notified to remove it, and, if the notice is not complied with in reasonable time, the box will be taken to the Corporation Yard. He also states that the trucks and vehicles kept standing in the street have horses harnessed to them, and it is, therefore, the duty of the police force to see that they do not unnecessarily obstruct the street by standing too long

in any particular place.

In regard to the complaint of Mr Sherrill, I find, from report of the Chief Engineer of the Croton Aqueduct, that the house is within the high service district where the water supply is limited to the capacity of the high service pumping engines, which are now, and have for some time past, been operated to their utmost capacity. The recent decrease in pressure and elevation of delivery of the water is due to the immense waste in houses to keep water pipes from freezing during the extreme cold weather. The enormous extent of this waste will be appreciated by the fact that on December 20th the supply received through the Croton Aqueducts was 175,000,000 gallons per day, and on the 8th, 9th, 10th and 11th inst., 230,000,000 gallons per day had to be sent through the aqueducts to meet this waste and counteract the decrease of pressure in the mains caused by it. This large additional supply has, of course, no effect in the high service district because, as already stated, the high service supply is limited by the capacity of the pumping engines. Mr Sherrill and all the residents in the high service district will find considerable relief when, by the advent of permanently mild weather, the enormous waste is stopped. They will find permanent relief when the new high service pumping works, now being built on aqueduct ground, between High Bridge and Washington Bridge, shall be completed about the close of next year.

Very respectfully,



Commissioner of Public Works.

Department of Public Works,

Commissioner's Office

No. 31 Chambers Street,

New York,

February 18, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of the letter of 14th inst. from your Secretary, enclosing a communication addressed to you by Messrs Garner and Co., No 32 Little 12th Street, calling attention to a broken fire-hydrant at that place, and to say I have report from the Water Purveyor that the foreman in charge of water-mains and hydrants in that district has been ordered to make the needed repairs at once.

Very respectfully,

Charles H. T. Collins

Deputy Commissioner of Public Works.

Department of Public Works,

Commissioner's Office,

No. 34 Chambers Street,

New York,

February 20, 1895.

A. S. Wilson, Esq.,

28 Hudson Street,

New Rochelle,

N. Y.

Copy.

Dear Sir:

The Mayor has referred to me your letter to him of 6th inst., regarding an appropriation for soundings for a new bridge at City Island, and, in reply, I beg to say that I have transmitted your letter to the Commissioners of the Department of Public Parks, under whose jurisdiction the bridge is to be built.

Very respectfully,

Charles H. F. Collins

DEPUTY. Commissioner of Public Works.

Transmitted to the Mayor,
for his information as to dis-
position of letter.

Copy.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

NEW YORK, December 28th, 1888.

Hon. Abraham S. Hewitt, Mayor,

" Theodore W. Myers, Comptroller,

" George W. Birdsall, Chf. Engr. Croton Aqueduct,

Gentlemen:-

I have report from the Chief Engineer of the Croton Aqueduct that, from tests made at the Department pipeyard, and from actual use during the past year, he recommends the approval, for use in this city, of the "Thomson undulating disc valve meter" and the "Freeman Piston Meter", and, in accordance with such report, I respectfully recommend your approval, under section 352 of the New York City Consolidation Act, of 1882, of said meters of the following sizes and prices:

Thomson Undulating Disc Valve Meter:

Size	3/8 inches;	price	\$12.00
"	5/8 "	"	14.50
"	3/4 "	"	23.00
"	1 "	"	32.50
"	1 1/2 "	"	50.00
"	2 "	"	80.00
"	3 "	"	135.00
"	4 "	"	325.00
"	6 "	"	600.00

#2.

Freeman Piston Meter:

Size	3/8 inches;	price	\$13.00
"	5/8	"	15.00
"	3/4	"	25.00
"	1	"	35.00
"	1 1/2	"	60.00
"	2	"	85.00
"	3	"	175.00
"	4	"	350.00
"	6	"	700.00

Very respectfully,

(Signed) D. Lowber Smith,
Commissioner of Public Works.

Approved as to pattern, sizes, and prices, as above
recommended by the Commissioner of Public Works/

(Signed) Abram S. Hewitt,
Mayor of the City of New York.

(Signed) Theo. W. Myers,
Comptroller of the City of New York.

(Signed) G. W. Birdsall,
Chief Engineer of the Croton Aqueduct.

May 25th, 1891.

Hon. Thos. F. Gilroy,

Commissioner of Public Works,

31 Chambers St., N. Y.

My dear Sir:-

I have the honor to advise you that in accordance with the enclosed circular, and until further notice, the prices to the City on purchases of Water Meters of our present style of make, commencing in May for the sizes named thereon, will be as follows: 5/8" \$9.50; 3/4" \$14.00; 1" \$19.00.

These prices are net, do not include couplings, and are subject to change, in which case notice will be given you.

These prices are not likely to be permanent at the low figures quoted, and I would suggest, if it be consistent with your views of public duty, that no change in price from the one charged for them shall be made by the City. Our rates to plumbers will remain as they have been. Kindly notice that our present reduced schedule applies to Departments and Water Works, ONLY.

Thanking you for your consideration in the past, and soliciting such orders as you may be pleased to send us in the future, we are,

Yours truly,

THOMSON METER COMPANY,

(Signed)

Jos. W. Kay,

Pres't.

C O P Y .

November 11th, 1892.

Hon. Thomas F. Gilroy,
Commissioner of Public Works,
New York City.

Dear Sir:-

Several months ago, acting on an opinion given you by the Counsel to the Corporation, the city, through you, declined to purchase the THOMSON METER of our manufacture. This action was taken, as we understand it, because of a pending suit instituted against us by the National Meter Company, alleging an infringement of their patents.

In order to deter you from purchasing the THOMSON METER, we are advised that threats to hold the City responsible for any damage, were made by the National Meter Company. In face of the fact that no injunction was granted or applied for, this was a strange proceeding.

What followed was an injury to us as a Corporation; not so much because of the amounts involved in purchases by the City, though they were considerable, as its effect on our business elsewhere.

The fact that you, as Commissioner of Public Works, thus advised by the Counsel to the Corporation, had taken such action, has been quoted against us to our detriment in the open market by our competitors, and besides this, it was an adverse decision without our day in Court.

Subsequent to your declination to purchase Thomson Meters for the City, all the notices from your Department to house-owners, requiring them to place meters, were sent out with the words, "A THOMSON WATER METER" in the body of such notices stricken out with

red ink. This was to our prejudice and injury. For it, there was no authority of law.

On calling your attention to the matter, you referred the question to the Counsel to the Corporation, and on his opinion that the adoption of the Thomson Meter was made in accordance with law, that cause of complaint was removed. For this, we thank you.

Our object in writing you at this time, is to ask that we may share in the orders for meters given by the City through the Department of Public Works. The propositions we make are these:

1. We offer to supply our present meter, ie: the one containing the alleged infringement, in the several sizes, giving a bond to secure the City against any damage because of the purchase of such meters: or, in lieu of this, we offer to supply all such meters of that kind as may be ordered from us by the City, asking no compensation for the same, until the suit of the National Meter Company against us has reached an issue in Court.

2. We offer, are prepared now and have ever been, to supply to the City, Thomson Water Meters of our manufacture in the several sizes, containing no alleged infringement and our right to the patents on which are not, cannot be, questioned.

In making these proposals, we simply seek to be placed on an even footing with our competitors. We think it well to say to you at this time, that the "Nash" meter now being furnished to the City, is not made in accordance with the patents, which, it is alleged, we infringe. If they are bought by the City on any such supposition, it is entirely wrong. This, we are prepared to demonstrate at any time to your satisfaction, or that of the Counsel to the Corporation.

While we do not deny your right as a public officer to

Sheet #3.

take such action as in your judgment will best protect the interests of the City concerning purchases of every name and nature, we cannot but feel that we have been prejudiced very much to our financial damage by an adverse decision before a trial on the merits of the case, and one which not alone stifles competition, but inflicts on us a business injury, greater than that of dollars and cents.

We respectfully submit the subject matter of our offers herein contained to your consideration, and ask, that if there is any doubt in your mind in regard to the exercise of the discretion vested in you as Commissioner of Public Works, you will again refer the matter of our present request to the Counsel to the Corporation.

Hoping to hear from you soon in reply, we remain,

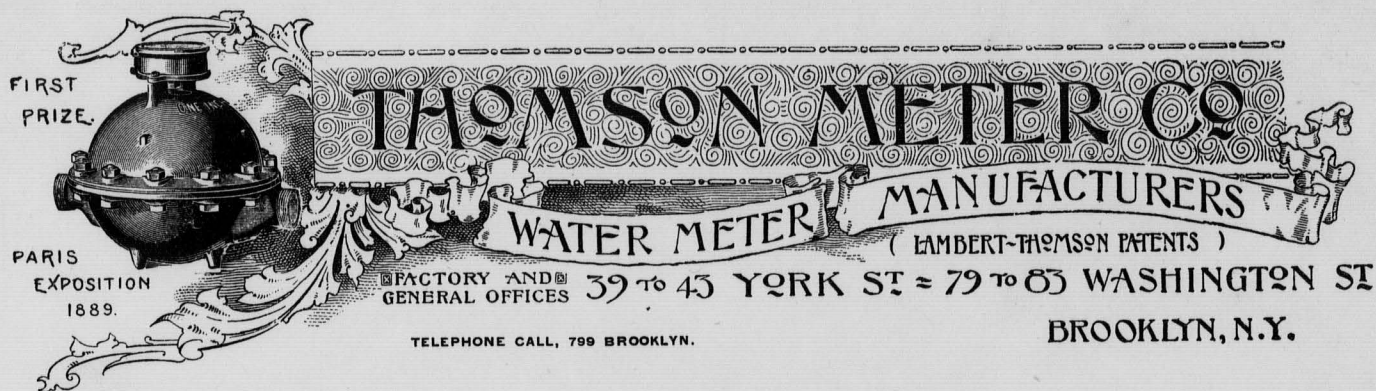
Very truly yours,

THOMSON METER COMPANY,

(Signed) Frank Lambert, President.

(Signed) Henry C. Folger, Secretary.

(Signed) Joseph W. Kay, Treasurer.



APRIL 3, 1893.

IMPORTANT NOTICE.

TO SUPERINTENDENTS OF WATER WORKS:—

On April 19th, 1892, about the time that the American Water Works Convention was to be held in New York City, (?) the National Meter Company of New York began a suit against the THOMSON METER COMPANY of New Jersey, for an alleged infringement of a patent on a method of strengthening the disc, and they notified the Water Departments who are using the Thomson Meter in large quantities that they would hold them liable for damages should the suit be decided in their favor. In some few cases, their threats have had the effect of stopping the sale of the Thomson Meter.

The THOMSON METER COMPANY are defending this suit with the assistance of the best legal talent that can be obtained in the City of New York, and are assured by their counsel, as well as by the facts in the case, that we in no way infringe on any patent rights that belong to the National Meter Company, nor does our steel plate, which we insert in our discs, interfere with their claims. The notice sent out by the National Meter Company is simply for effect, without any intention on their part of carrying out their threats, and it must be presumed that their action is only meant to injure the sale of the Thomson Meter, and the stifling of honest competition.

If you so desire, while this suit is pending, we can deliver to you the Thomson Meter with a plain rubber disc piston not containing the steel plate, thereby doing away with any question of infringement, however remote; or, as we shall have both kinds of meters ready for delivery, we will send you either style that you may choose. If the case is decided in our favor, as we have every reason to believe it will be, we will put our steel plate in the discs of all our meters. The Thomson Meters do not require any praise from us; their merits speak for themselves.

We hereby notify Water Departments and other users of our meters throughout the United States that we will protect and defend them to the fullest extent against any damage or loss to them by the use of the steel plate in the discs of the Thomson Meter.

THOMSON METER COMPANY,

Frank Lambert

PRESIDENT.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

New York, July 3, 1894.

HON. THOMAS F. GILROY,

M a y o r;

Dear Sir:

I have the honor to acknowledge receipt of the letter of this date from your Secretary, enclosing, for proper attention, a communication from Mr John C. Kelley, President of the National Meter Company, with an order of the Circuit Court of the United States for the District of New Jersey, declaring the Thomson water-meter an infringement on the patent for the meter manufactured by the National Meter Company, and restraining the latter Company from further infringement. Both of said meters have been approved by the Mayor, the Comptroller and the Chief Engineer of the Croton Aqueduct, under the provisions of section 352 of the New York City Consolidation of 1882, and it appears to be necessary, under the order of the Court, that an early meeting of these officers be had for the purpose of rescinding the action approving the Thomson water-meter as one of the meters to be used on the water supply of this City. I, therefore, respectfully suggest that such meeting be called by you for Monday next the 9th inst.

Very respectfully,

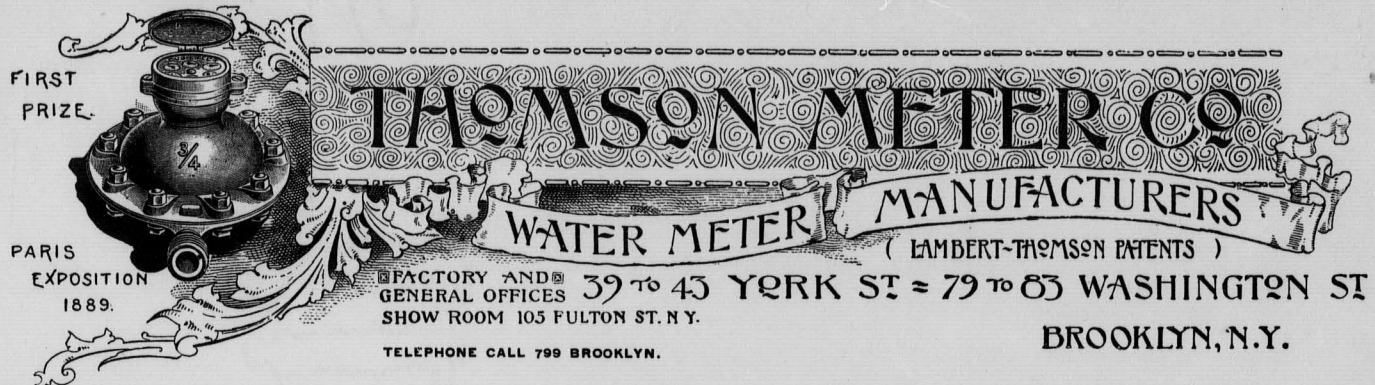
Michael S. Daly

Commissioner of Public Works.

FRANK LAMBERT, PRESIDENT. GEO. T. MONTGOMERY, VICE-PRESIDENT. HENRY C. FOLGER, SECRETARY. JOS. W. KAY, TREASURER.

FIRST PRIZE.

PARIS EXPOSITION 1889.



THOMSON METER CO.
WATER METER MANUFACTURERS
(LAMBERT-THOMSON PATENTS)

FACTORY AND GENERAL OFFICES 39 TO 43 YORK ST. & 79 TO 83 WASHINGTON ST.
SHOW ROOM 105 FULTON ST. N. Y.
BROOKLYN, N. Y.
TELEPHONE CALL 799 BROOKLYN.

“A TEMPEST IN A TEAPOT.”

TO WATER COMPANIES AND WATER DEPARTMENTS.

GENTLEMEN:—

With reference to a recent decision about which much ado is being made, we would inform our friends that **the decision does not affect us either in the right to manufacture our meters or any essential feature thereof.**

The suit against us was based on a Nash patent, two of the claims of which **related solely** to a certain metal structure used inside of a disc of hard rubber. **So useless and impractical was this metal structure, that it never was manufactured or used by the complainant, and our own improved construction was only used in some meters.**

Any guarantee heretofore made by us to Water Departments and other users of meters which may contain our patented disc, **will be faithfully respected and carried out to the fullest extent.**

In the meantime we will fill all orders promptly as heretofore, with our meter, made according to and so as to fully comply with the decision already rendered in this case, removing hereafter any question of infringement, however remote.

For the present we will furnish all meters with plain hard rubber discs, the same as we have furnished many,—many thousands of in the past six years, and which are now in practical use and giving general satisfaction.

Thanking all our customers for their consideration in the past, and soliciting their future orders, we remain,

Very respectfully,

THOMSON METER COMPANY,



PRESIDENT.

JULY 7, 1894.

105 Fulton Street,

New York, July 19th, 1894.

Hon. Thomas F. Gilroy, Mayor,

Hon. Ashbel P. Fitch, Comptroller,

Hon. Geo. W. Birdsall, Chf. Engr. Croton Aqueduct,

Meter Commission,

New York City.

Gentlemen:-

On December 28th, 1888, the Mayor, Comptroller and the Chief Engineer of the Croton Aqueduct of the City of New York, sitting as a Meter Commission, approved as to pattern, sizes and price, a meter made by the Thomson Meter Company, known as the Thomson Meter. That meter contained a piston, made of hard rubber, and not of hard rubber and metal combined. That style of meter we have since continued to manufacture and sell, it being made under patents owned by us. Some of the meters made and furnished by us to the trade, however, after that date, have been constructed with a steel disc imbedded in hard rubber according to patents owned by us, dated May 19th, 1891. It was this steel disc imbedded in hard rubber which the National Meter Company claim infringed upon the Nash patent, and as to whether it did infringe or not, was the sole question raised in the suit of the National Meter Company against this Company lately decided in their favor by the United States Circuit Court.

As will appear by the annexed affidavits, we have since the decision of that case adverse to us, ceased entirely to make, sell or ship meters, the pistons of which are made of hard rubber and metal combined and all of the meters now made or furnished by us, contain a piston made of hard rubber,

so constructed that it cannot be claimed by anybody, with any reason, that they infringe claims fifteen and seventeen of the Nash patent, about which only the litigation was carried on.

That we can make, and have been furnishing constantly since the approval of our meter by the City authorities, a practicable meter containing a hard rubber piston, which in no way infringes any claims under the Nash patent, is manifested by our circular to the trade under date of April 3d, 1893, in which we state to the trade: "If you so desire "while this suit is pending, we can deliver to you the Thomson Meter, with a plain rubber disc piston not containing "the steel plate, thereby doing away with any question of "infringement, however remote." A copy of that circular is annexed hereto, as is also another circular of July 7th, 1894, in which we announced to the trade: "For the present we will "furnish all meters with plain hard rubber discs, the same "as we have furnished many, many thousands of in the past six "years" etc. etc.

Thus it will be seen, that the meters now made and furnished by us are exactly the same, so far as the claims of the Nash patent people are concerned, as at the time of the adoption and approval by the Meter Commission hereinbefore referred to.

We beg leave further to call the attention of the Commission to the fact, that immediately upon learning unofficially that an opinion had been rendered adverse to us by the Circuit Court of the United States, on the fifteen and seventeen claims of the Nash patent, we sent to the

Pipe Yard, this City, and removed therefrom all meters of our manufacture, whether they contained pistons of hard rubber or of hard rubber and metal combined, and took them to the factory, substituting in their places at the Pipe Yard other meters, which we were prepared to vouch for as not containing any infringement of the claims of the Nash patent.

We beg leave to call your attention to the fact that on May 25th, 1891, by a communication in writing to the Hon. Thomas F. Gilroy, then Commissioner of Public Works, and a copy of which is hereto annexed, we voluntarily submitted reduced prices for meters purchased by the City.

We also respectfully refer you to our letter to the Commissioner of Public Works, dated November 11th, 1892, a copy of which is hereto attached and from which we quote as follows:

"2. We offer, are prepared now and have ever been, "to supply to the City, Thomson Water Meters of our manufacture in the several sizes, containing no alleged infringement and our right to the patents on which are not, "cannot be questioned."

We beg leave also to submit herewith, a revised price list of Thomson Meters, in their several sizes, and will guarantee that none of the meters furnished shall contain pistons of hard rubber and metal combined, or in any way infringing the claims of the Nash patent, or violating the injunction of the Court.

PRICE LIST.

	5/8 inches;	\$9.50
	3/4 "	14.00
	1 "	19.00
	1 1/2 "	37.50
Low Capacity	2 "	45.00
High Capacity	2 "	60.00
	3 "	100.00
	4 "	240.00
	6 "	450.00

These prices are net to the City, subject to change on 30 days notice, and do not include couplings for the 5/8", 3/4" and 1" sizes, which are 45, 65 and 90 cents per set, respectively, extra. The prices to the plumbers are to remain the same as heretofore.

There is no disposition on the part of this Company, its officers or agents, to do anything except to fully and strictly comply with the mandate of the Court, and pursuant to the suggestion contained in the latter resolution of the Meter Commission, made at its meeting on July 9th last, we respectfully ask a reconsideration of the resolution withdrawing the approval of the Commissioners from the Thomson Meter, and ask that the Thomson Meter as now made, be approved, restored to and placed among the list of those that may be used in the City of New York in accordance with the provisions of the New York City Consolidation Act of 1832, Section 352.

With great respect, we are,

Respectfully yours,

THOMSON METER COMPANY,

(Signed) Frank Lambert, President.

State of New York :
County of Kings. : ss.

MINFORD S. CLARK, being duly sworn says: I am the foreman of the factory of the Thomson Meter Company, situated at 79 to 83 Washington Street, and 39 to 43 York Street in the City of Brooklyn, and have been employed by said Company for three years last past, and am fully conversant with all the details of the manufacture and shipment of the meters made by that Company. Since the 26th day of June, 1894, no meters have been manufactured or shipped by said Company, which contain a piston made of hard rubber and metal combined.

Sworn to before me this :
28th day of Sept. 1894. : MINFORD S. CLARK.

W. P. COOK,

Notary Public,

Kings County,

N. Y.

State of New York :
County of Kings. : ss.

FRANK LAMBERT, JOSEPH W. KAY and HENRY C. FOLGER, being duly and severally sworn, depose and say: Said Frank Lambert says he is and has been for more than a year last past, the President of the Thomson Meter Company, which manufacture meters, known as the Thomson Meter. Joseph W. Kay says he is, and has been for several years, the Treasurer of the said Company, and Henry C. Folger says he is, and has been for several years, the Secretary of the said Company; and each of the said affiants say that, since the 26th day of June, 1894, no meters have been made, sold or shipped by the Company which contained a piston constructed of hard rubber and metal combined, and that no meters since that time have been made, sold or shipped in any way infringing the Nash patent, or claims fifteen or seventeen thereof.

They further say, that immediately upon notice of the judgment of the United States Court, in the case of the National Meter Company against said Thomson Meter Company, they gave instructions to their employees not to ship or make any more meters having a piston of hard rubber and metal combined, and they know that since that time no such meters have been made, sold or shipped by said Company.

They further say, that since said 26th day of June, 1894, they have in no way made, sold or shipped any meters which in any way infringe upon the said Nash patent, or claims fifteen and seventeen thereof.

They further say, that they have fully complied with and obeyed the injunction of the United States Circuit Court in said action, and will not, until said injunction is set aside, make or allow to be made, sold or shipped by said Company, any meters which shall infringe upon the said Nash patent, or disobey the said injunction. That they have no intention of, and will not furnish or deliver to the City of New York, or to any purchasers thereof, any meters having pistons made of hard rubber and metal combined, or which shall in any way infringe the said Nash patent, or be a violation of said injunction.

Sworn to before me this :
: FRANK LAMBERT, President.
28th day of September, 1894. :
JOSEPH W. KAY, Treasurer.
HENRY C. FOLGER, Secretary.

W. P. COOK,

Notary Public,

Kings County,

N. Y.

Hon. William L. Strong, Mayor :
:Meter
Hon. Ashbel P. Fitch, Comptroller :
:Commission
G. W. Birdsall, Chief Engineer Croton Aqueduct :

Gentlemen:-

We will briefly state the facts preceding this application for the reinstatement of the Thomson Meter on the list of those approved for use in this City.

Chap. 335, Sec. 73, page 503, Laws of 1873, provides that:

"The Commissioner of Public Works is hereby authorized in his discretion to cause Water Meters, the pattern of which and the price of which shall be approved by the Mayor, the Comptroller and the Chief Engineer of the Croton Aqueduct to be placed in all stores" etc., etc" "by the Department of Public Works, except private dwellings, so that all water so furnished therein or thereat may be measured and known by said Department".

The Thomson Meter was unanimously approved by this Board, as required by the section above quoted, on December 28, 1888, and a large number were purchased and used by the City while it remained on the list.

In a suit between our Company and the Thomson Meter Company, in the United States Circuit Court for the District of New Jersey, Judge Dallas found that the Thomson Meter was an infringement of letters patent No. 379805 issued to our company and entered a decree against the Thomson Company for an injunction and an accounting for profits and damages. (See Exhibit A annexed).

Our Company was then in a position forthwith to sue the city in the United States Circuit Court of this District for damages and was entitled to a preliminary injunction at the time of filing the bill. Instead of demanding what we were entitled by law to receive we only notified your Board of said decision and asked that you withdraw your approval from the infringing meter.

Your Board thereupon on July 9, 1894, struck the Thomson Meter from the list.

to the U. S. Circuit Court of Appeals

An appeal was taken by the Thomson Company and pending the appeal various unsuccessful efforts were made by them to secure the reinstatement of the meter as it was claimed that the decision was unjust and would certainly be reversed.

Finally on December 21, 1894, the Board passed a resolution restoring the Thomson Meter to the list "unless, within five days from date, written objections are filed by the National Meter Company based on an allegation of infringement of patents".

Our Company immediately thereupon filed such written objections and at the hearing on December 27, 1894 (both sides being represented by counsel) this Board declined to reinstate the Thomson Meter, but gave the Thomson Company the privilege of renewing their application after his Honor, Mayor Strong, had become a member of it.

To these written objections the Thomson Company has prepared a reply, a copy of which, has been handed to us, and to this we make the following answer.

At the time we filed our protest against the restoration of the Thomson Meter to the list, the infringement suit had been argued on appeal before the United States Circuit Court of Appeals for the Third Circuit at Philadelphia but the decision had not been rendered. The Circuit Court of Appeals has now filed its opinion, confirming the decision of the Court below. The Official Gazette in which the decision is reported (see p. 925) is presented to the Board with this paper. The validity of our patent and its infringement in the Thomson Meter have, therefore, now been finally settled by the Court of last resort and our right to enjoin all users of such meters and to recover profits and damages is definitely determined.

We have no intention of applying these remedies harshly to the injury or inconvenience of innocent parties; but we think that our attitude, makes it incumbent upon your Board to proceed with the greatest caution to avoid the invasion of our rights in the future.

The reply of the Thomson Company does not meet any of the points raised by our protest. We did not question the right of anyone to purchase meters

that do not infringe the 15th or 17th claims of the Nash patent, but we did and do contend that it is a duty your Board owes to the City, as well as to ourselves, to ascertain by reliable means that the Thomson Meter as now manufactured does not contain a metal strengthening piece or skeleton before it is again put on the list. As it is impossible for you to determine this for yourselves (owing to the fact that the strengthening piece, if present, is concealed in the body of the piston) the question necessarily arises whether the naked representations of the Thomson Company are sufficiently reliable to induce your Board on them, and on nothing else, to begin again the use and sale of the meters, which have already involved the City in liability for damages.

We submit that the unverified representations of the Thomson Company will not justify your Board in running the risk of incurring additional liability, and this because the Thomson Company stands convicted out of its own mouth of giving false testimony in the past on this very point. In this connection we call your attention to the following facts:

(a) The President of the Thomson Company testified in the infringement suit that all meters made by their Company after March 15, 1888 had metal strengthening pieces in the pistons. Since the decision in our favor in the Circuit Court, the Company has issued

a circular (dated July 7, 1894) over his signature stating that since March 15, 1888, the Company "had furnished many, many thousands" of meters with "plain hard-rubber discs". One or the other of these statements is obviously untrue.

(b) Still more recently (on August 14, 1894), after our Company had called attention to this inconsistency, the Thomson Company issued over the signature of its President another circular in which it is stated: "The testimony of the President of this Company given in our case March 10, 1893 was true. So also was every statement in our circular letter of July 7, 1894" x x x "we have made many, many thousands of meters, both before and since that time, (1891) having a hard rubber disc piston---without a steel plate---which are now in practical use". This is a deliberate reiteration of the untrue statement above referred to. It contains, however another contradiction of Mr. Lambert's testimony wherein he stated that all their meters made after December 1890, contained the steel plate.

(c) The circular of the Thomson Meter Company dated July 7, 1894, states that henceforth they will furnish "all meters with plain hard rubber discs the same as we have furnished many, many thousands of in the past six years". If it be true, and we are informed that it is) that the meters now offered are like some

of those made during the last six years, then it is also true that they are provided with the metal strengthening pieces of one form or another.

(d) The Thomson Company in their reply to our protest submitted to your Board state that their meter was adopted by your Board December 28, 1888 and that it had in it a plain hard-rubber disc. This statement or Mr. Lambert's testimony is untrue, because he stated that all meters made by them after March 15, 1888 were provided with one form or another of metal strengthening piece.

(e) The Thomson Company in their reply to our said protest say that the Chief Engineer of the Croton Aqueduct can attest to the utility of their meter with the plain rubber piston. It is true that Thomson meters with plain rubber pistons were sold and set up in the City before March 15, 1888, although their meter was not adopted by your Board until December 28, 1888; but we should hardly expect the Thomson Company to refer to this fact, because it discloses a fraud practiced by them on your Board before the meter was adopted. The facts are these: A diaphragm meter---not a nutating meter, was adopted by your Board before March 1888, under the name of the "Thomson Meter". It proved a failure and the Thomson Company began to manufacture and sell under the same trade-name and in a case of identically similar form the nutating piston meter now under

consideration. By these means meters of the nutating form were sold and set up within the City without the consent of your Board, long before the meter was actually adopted and when they had no right whatever to market them.

(f) As recently as Nov. 1, 1894, The Thomson Company have issued and circulated a cut showing their meter with a strengthening skeleton in the piston.

(g) We are informed that notwithstanding the statement of the Thomson Company to the contrary, some or all of the meters now manufactured by them have strengthening pieces of metal in the pistons.

(h) The statement in the reply of the Thomson Company where it is stated that no other meter having a disc or piston provided with an interior skeleton of metal is now on the market is erroneous, because all nutating piston meters which have been made by our Company during the past several months have contained such strengthening pieces.

While we do not question the right of the Thomson Company to furnish the City or others with meters with only plain hard rubber discs we submit that the unverified statements of the Thomson Company do not furnish a basis sufficiently reliable to justify your Board in incurring the risks incident to the reinstatement of the Thomson Meter Company on the list.

It is not true that an unjust discrimination

against the Thomson Company will be committed if the City permits the Neptune Meter to be purchased and used without cutting the pistons open because this meter has, so far as we know, never been provided with a metal skeleton and the Company which manufactures it has never, to our knowledge, made formal, deliberate and repeated statements to the trade inconsistent with the sworn testimony of its officers.

It is true that the Thomson Company since the decision in the Circuit Court in our favor have commenced suit against us, but the Nash meter which they claim to be an infringement had been made and sold by us for years before such action was brought and we believe that the suit was not brought in good faith, or with any expectation of obtaining a decree against us, but only for advertising purposes. However, when they have obtained an injunction against our meter we shall not ask your Board to continue it on the list unless you can satisfy yourself without relying upon our word that it no longer infringes their patent.

Finally, the Thomson Meter adopted by your Board in December, 1888, according to the sworn testimony of the President of the Thomson Company, contained a piston strengthened by a piece of metal and was not such a meter as they now ask to have placed on the list; otherwise the meter which they now seek to have placed on the list is one in which the piston contains a metal strengthener.

Respectfully submitted,

THE DEADLY PARALLEL AGAIN!

The Thomson Meter Company, completely and hopelessly beaten—as the official records will show—in the suit instituted against it by the National Meter Company for an infringement of a patent owned by the latter, has issued a circular letter, under date of July 7, 1894, addressed to Water Companies and Water Departments, over the signature of Frank Lambert, President, in which some assertions are made so remarkable and so much at variance with the testimony given by the same gentleman, under oath, that only the deadly parallel—so fatal to many with short memories—will do justice to the situation, and exhibit in its proper light one more specimen of the questionable business methods employed by this now utterly routed and demoralized corporation to mislead the public.

It is difficult to understand how gentlemen of supposed intelligence could wilfully attempt, under the circumstances, a repetition of the policy of misrepresentation which has already resulted so disastrously, and it can only be charitably accounted for upon the theory that individuals in a state of panic are reckless what they do and not responsible for what they say.

Water Departments, Water Companies and all others interested, are respectfully requested to consider and compare the statements of President Lambert, UNDER OATH, and those made by the same gentleman in the circular letter alluded to, reproduced below, and draw their own conclusions.

Testimony of President Frank Lambert.

UNITED STATES CIRCUIT COURT,
DISTRICT OF NEW JERSEY.

NATIONAL METER COMPANY }
AGAINST
THOMSON METER COMPANY. }

MARCH 10, 1893.

Deposition of Frank Lambert, President of the Thomson Meter Company:

FRANK LAMBERT, being called, sworn and examined on behalf of defendant, testifies as follows:

Q. 1. What is your name, age, residence and occupation?

A. Frank Lambert; 42 years nearly; Flatbush, L. I.; President of the defendant Company.

Q. 2. When did the defendant Company first put upon the market water meters having nutating discs of substantially the form of the disc in complainant's "Exhibit B," defendant's meter?

A. The first meter sold by the Company was on December 19, 1887, but previous to that, a few meters had been sent out and tried. Several months. I should not wonder if we sent one out in July, 1887.

Q. 3. Did those discs have any metal reinforced pieces?

A. No, sir. They were plain rubber discs. Vulcanite or hard rubber discs.

Q. 3½. When did said Company first market meters having such hard rubber nutating discs, provided with metal reinforced pieces?

A. The first meter sent out with the reinforced rubber disc, by the insertion of a steel plate, was delivered from the factory December 15, 1890.

Q. 4. How did that compare with the disc of complainant's "Exhibit B," defendant's meter?

A. The discs were made exactly the same as the disc of the Exhibit, the reinforced plate being made of steel, just the same.

Q. 5. Before using such steel plates, did the defendant use metal in any other way, so as to reinforce for the rubber nutating discs?

Circular Letter of Thomson Meter Co.

"A TEMPEST IN A TEAPOT."

BROOKLYN, July 7th, 1894.

A. Yes, sir. By inserting pins of steel near the slot of the outlet quadrant.

Q. 6. How does defendant's "Exhibit Thomson Bent Disc, No. 4," illustrate this pin?

A. Exactly the same.

Q. 7. When was that done first?

A. The first meter with disc reinforcement steel pin was sent out from our factory about March 13, 1888.

Q. 8. Why were the pins located in the position represented in defendant's "Exhibit Thomson Bent Disc, No. 4?"

A. We found from the regular practice that it was the weakest part of the disc, and most often broken, in the regular service of the meter.

Q. 9. After you adopted such steel pin, was it used in the meters of the Company until the steel plate was adopted?

A. Yes, sir.

Q. 10. And since the adoption of the steel plate, has that been used exclusively?

A. Yes, sir.

(Signed) FRANK LAMBERT.

Adjourned until Wednesday, March 29, 1893.

MARCH 29, 1893.

Adjourned until April 19th, 1893.

APRIL 19, 1893.

Cross examination of Frank Lambert:

Q. 11. In answer to question 7, you say that the first meter with disc reinforced by steel pins was sent out from your factory about March 13, 1888, and in answer to question 9, you say that after adopting such steel pins they were used in the meters of the Company until the steel plate was adopted. Do you mean that after the steel pins were adopted all meters made and sold by you had reinforcement by means of such pins until the steel plate was adopted?

A. Yes, sir.

Q. 12. Did the steel pin reinforcement increase the durability of the piston in actual service?

A. It did.

Q. 13. Who suggested the introduction of these reinforcing pins, if you know?

A. I did myself.

Q. 14. Who suggested the change in the form of the reinforcement from a steel pin to a steel plate?

A. The first idea of the reinforcements before we used the steel pins was to put a brass plate inside the disc, and some of them were sent to Rubber Factories, who refused to make them on account of the difficulty of moulding the brass plate inside the rubber disc. That was previous to the time we employed the steel pin. As far as I can remember, it was about in the month of October, 1887, and it was not until 1890 that we started the experiments with the steel plate.

Q. 15. Did you ever have any pistons made with reinforcement in the form of a brass plate?

A. We had some later on, made as an experiment.

Q. 16. How much later?

A. It was about the same time we made the experiment on steel plates.

Q. 17. But not before?

A. We did not succeed before.

Q. 18. Who suggested the use of the brass disc?

A. I made this suggestion myself.

Q. 19. Who suggested the substitution of a steel disc for a brass disc in the form in which it now appears in your meters?

To Water Companies and Water Departments.

GENTLEMEN:—With reference to a recent decision about which much ado is being made, we would inform our friends that *the decision does not affect us either in the right to manufacture our meters or ANY ESSENTIAL FEATURE THEREOF.*

The suit against us was based on a Nash patent, two of the claims of which **related solely** to a certain metal structure used inside of a disc of hard rubber. **So useless and impractical was this metal structure, that it never was manufactured or used by the complainant, AND OUR OWN IMPROVED CONSTRUCTION WAS ONLY USED IN SOME METERS.**

Any guarantee heretofore made by us to Water Departments and other users of meters which may contain our patented disc, will be faithfully respected and carried out to the fullest extent.

In the meantime we will fill all orders promptly as heretofore, with our meter, made according to and so as to fully comply with the decision already rendered in this case, removing hereafter any question of infringement, however remote.

A. MR. JOHN THOMSON.

Q. 20. Is there any insuperable mechanical difficulty in reinforcing a rubber piston with a brass plate?

A. Well, as far as I know, at that time they found some difficulty in moulding the rubber on a brass plate.

Q. 21. What difficulty?

A. I don't know exactly what the difficulties were at that time. As far as I can find out, it was some chance of blow holes forming on rubber. I mean danger of bubbles forming between the brass plate and the rubber.

Q. 22. *What fact first convinced you of the necessity of using a stronger piston than you had previously placed in your meters?*

A. *The breakage of the discs in regular service.*

Q. 23. *Was this found to be a serious difficulty?*

A. *Not at the time we made the first experiment with the brass plate.*

Q. 24. *When did you first discover it to be so?*

A. *After we had several hundred meters in practical use.*

Q. 25. *Not before that time?*

A. *No.*

Q. 26. Give me the date, as near as you can, when you first found the breaking of the pistons to be a serious difficulty?

A. I cannot assert any exact time.

Q. 27. Give me the date, as near as you can?

A. It was after we had several hundred meters in use.

Q. 28. Please give me the date approximately?

A. I will have to look at the books to find that out; I cannot recollect it now.

Q. 29. It was some time between October, 1887, when you suggested the use of the brass plate, and March, 1888, when you sent out a meter, the piston of which was reinforced with a steel pin, was it not?

A. I suppose it was.

Q. 30. *Had you discovered this breakage to be a serious difficulty at the time you began reinforcing the pistons with a steel pin?*

A. *From our shop experiment with the first meters, we found it would be an improvement to have the disc reinforced.*

Q. 31. *How large a proportion of the discs without reinforcement broke in actual service?*

A. *I have no record of it.*

Q. 32. *Did a large number break?*

A. *One was enough to see that there was an improvement needed.*

Q. 33. *Please answer my question?*

A. *I have no record of it; I cannot tell.*

Q. 34. I did not ask whether you had a record, and I did not ask you to give figures. Do you mean to say that you do not know, as a matter of fact, without record, whether a large number broke?

A. During what period do you mean?

Q. 35. I am referring to your meters, the pistons of which were without metal reinforcements?

A. We had been using two different kinds of metal reinforcements; which one do you mean?

Q. 36. I said without reinforcement, which, of course, excludes all forms of metal reinforcement.

A. *If you notice that there had been only a few meters sent out, without any reinforcement, there could not have been many broken. METERS WITHOUT ANY REINFORCEMENT HAVE BEEN SENT OUT DURING A PERIOD OF ONLY FOUR MONTHS, FROM DECEMBER 19, 1887, TO MARCH 15, 1888.*

FOR THE PRESENT WE WILL FURNISH ALL METERS WITH PLAIN HARD RUBBER DISCS, THE SAME AS WE HAVE FURNISHED MANY,—MANY THOUSANDS OF IN THE PAST SIX YEARS, AND WHICH ARE NOW IN PRACTICAL USE, AND GIVING GENERAL SATISFACTION.

Q. 37. Did you sell any meters, the pistons of which were without any form of metal reinforcement, after March 13, 1888?

A. Well, I suppose there were a few; I cannot ascertain how many.

Q. 38. You say that you did not discover the necessity of strengthening the piston until several hundred had been sent out; did a large number of those sent out up to this time break?

A. I say that we found the need of reinforcement at the time we made our first experiment with the meter, in October, 1887; we tried to use a brass plate for the same purposes.

Q. 39. In answer to cross questions 24 and 25, you said that you did not discover breakage of the pistons to be a serious difficulty until after several hundred meters were in practical use; what I want to know now is, whether many of the pistons in your meters had up to that broken?

A. I cannot tell.

Q. 40. You mean to say, as a matter of fact, you don't know whether many broke?

A. No, I cannot tell.

Q. 41. What were your connections with the THOMSON METER Co. at that time?

A. I was Superintendent of the factory.

Q. 42. As Superintendent of the factory, were you in a position to know whether the breakage was large or small?

A. I did not know that it was of importance to me to consider the number of pistons that were broken; but I knew as a fact that a reinforcement would be an improvement.

Thanking our customers for their consideration in the past, and soliciting their future orders, we remain

Very respectfully,

THOMSON METER COMPANY,

FRANK LAMBERT, *President*.

CONFIRMATION OF PRESIDENT LAMBERT'S TESTIMONY.

In May, 1892, the Thomson Meter Company issued a card on which, among other information relating to the meters manufactured by that Company, the following sentences appear: "The Thomson being a Perfectly Controlled and Positive Disc Meter, will run in any position. *It is now fitted with our patented Steel Disc*, and guaranteed for five years."

On page 24 of an illustrated catalogue of the Thomson Meter Company, issued in April, 1893, the following reference is made to the steel disc, in an illustrated article describing the construction of the meter: "The success we have had with our steel discs explains very fully why some of our competitors are so disturbed by their inability to match its good qualities, i. e., ITS WONDERFULLY INCREASED STRENGTH OF TEN FOLDS OF A PLAIN RUBBER DISC WITHOUT ANY STEEL PLATE, WHILE IT IS, BY THE SAME REASON, RENDERED PROOF AGAINST ACCIDENTAL HOT WATER."

HOW NEW YORK VIEWS THE MATTER.

Minutes of meeting of the Mayor, Comptroller, and Chief Engineer of the Croton Aqueduct, in the Mayor's office, Monday, July 9, 1894, under section 352 of the New York City Consolidation Act of 1892.

On the motion of the Mayor, and under the decree of Hon. George M. Dallas, Justice U. S. Circuit Court, dated June 29, 1894, *it was resolved by an unanimous vote, to STRIKE the Thomson Meter from the list of those APPROVED BY THE ABOVE, and that the Commissioner of Public Works be instructed TO STOP THE USE OF THE SAME.*

(Signed) G. W. BIRDSALL,

Chief Engineer, Croton Aqueduct.

NATIONAL METER CO.,

JOHN C. KELLEY, *President*.

Cowen, Dickerson & Brown,
Attorneys & Counselors at Law,

Esch Cowen.
Edward N. Dickerson.
Edwin H. Brown.

Postal Telegraph Building 253 Broadway,

New York,

Jan. 8, 1895.

Hon. Wm. L. Strong, Mayor.

Sir:-

Herewith please find a copy of the answer of the
Thomson Meter Company to the protest of the National Meter Company.

Hoping to be notified of an early meeting of the
Meter Commission, where the points covered by the protest can be
discussed, I remain,

Respectfully,

Edwin H. Brown
S

FIRST PRIZE.

PARIS EXPOSITION 1889.

THOMSON METER CO.

WATER METER MANUFACTURERS

(LAMBERT-THOMSON PATENTS)

FACTORY AND GENERAL OFFICES 39 TO 43 YORK ST. = 79 TO 83 WASHINGTON ST
SHOW ROOM 105 FULTON ST. N.Y.

TELEPHONE CALL, 799 BROOKLYN.

BROOKLYN, N.Y.

January 8th, 1895.

Hon. William L. Strong,

Mayor. Ex-officio Chairman Meter Commission,

City Hall, New York City.

Dear Sir:-

Copies of the enclosures, which explain themselves, were sent to the members of the Meter Commission in September last, but the fact that Mayor Gilroy, one of their number and ex-officio Chairman of the Commission, has retired from office, leaving the question of restoring the Thomson Meter to the list undecided, and having been succeeded by yourself, ^{it} changes the status of affairs.

Thinking it proper, under these circumstances, that you should be fully advised on the subject matter, we take pleasure in sending these papers, asking for them such consideration as you may consider them worthy. We shall be ready to meet the Commission at any time your Honor may appoint.

Asking that we may be advised when a meeting of the Commission is decided on, we are,

Respectfully yours,

THOMSON METER COMPANY,

Tos. W. Kay

Treas.

Office of
THOMSON METER COMPANY,

105 Fulton Street,

New York, Jan. 8, 1895.

To. Hon. William L. Strong, Mayor,
Hon. Ashbell P. Fitch, Comptroller, :
Hon. G. W. Birdsall, Chief Engi- : Meter Commission.
neer, Croton Aqueduct. :

Gentlemen:-

We come before your Honorable Commission requesting that our meter be reinstated in the list of those which have been approved for use in this City.

On July 9th, 1894, our meter was stricken from the list without giving us an opportunity to be heard, but at that time the Commission "unanimously resolved that the owners of the meter known as the Thomson Meter be informed that if their meter can be constructed without infringing the patent of the Nash meter, the same will be further considered" by the Board (see copy of minutes of the meeting attached hereto). Since then, we have frequently endeavored to secure a hearing.

During a meeting on December 21st, 1894, the Honorable Comptroller said, "I move that the Thomson Meter be restored to the list unless, within five days from date, written objections are filed by the National Meter Co., based on an allegation of infringement of patents." This motion was put and carried.

It is under these resolutions that we now appear here.

The protest of the National Meter Company involves two points:

(1) The efficiency of the Thomson Meter.

(2) The infringement by this meter of a patent belonging to the National Meter Company.

In other words, the National Meter Company contends that if the disc or piston of the Thomson Meter is provided with an internal strengthening piece such as it had at one time, it is an infringement; and that if it lacks this internal strengthening piece, it is inefficient.

We will first discuss the question of efficiency, premising our inability to see what right the National Meter Company has to take part in such discussion, which, in the nature of things, is a matter personal to us and your Commission, besides being irrelevant to the resolution authorizing a protest.

(a). The Thomson meter was originally adopted with a plain rubber disc having no interior skeleton, and thus made, was approved by the Chief Engineer, and adopted December 23th, 1888, by the Meter Commission, under the name "Thomson Undulating Disc Valve Meter".

(b). With or without an interior skeleton in the hard rubber disc or piston, the Thomson meter has always given satisfaction, as will, we think, be attested by the Chief Engineer of the Croton Aqueduct.

(c). To state the matter moderately, there is, today, no meter of superior efficiency.

(d). There is no other meter having a disc or piston provided with an interior skeleton of metal, now on the market, so that no discrimination can be made on the ground of inefficiency because of the absence of such an interior metal skeleton from the disc or piston of the Thomson meter.

(e). In the National Meter Company's protest, an attempt is made to show that we, in our catalogues, and Mr. Lambert in certain testimony which he gave, admitted inefficiency of the Thomson meter without an internal strengthening piece of metal in the hard rubber disc or piston. A perusal of Mr. Lambert's testimony will show that he simply stated that an interior skeleton would be an improvement, by affording extra strength, but nowhere stated that it was a necessary feature, much less that the Thomson Meter would be inefficient without it. The same is true of the remarks in our circulars concerning the metal skeleton.

On the question of infringement, we submit the following points:

(a). It has never been pretended, nor can it now be urged, that the National Meter Company has any monopoly in meters of the type of the Thomson meter, which are commonly designated as "nutating disc meters." In the suit of the National Meter Company against us, Professor Morton, who

acted as complainant's expert, testified that this type of meter was very old and that the use of hard rubber for the piston or disc was old. As a matter of fact the Thomson disc meter was made and sold in this City for more than three years before any other of this type.

(b). In the suit brought by the National Meter Company against us, Professor Morton only alleged infringement of the two claims numbered 15 and 17.

(c). Complainant's counsel, in his brief, said, "The only claims of which infringement is charged are the 15th and 17th."

(d). The opinion of the Court stated that, "The only claims of which infringement is charged are the 15th and 17th." Conformably to this opinion, the decree and the injunction were confined to these two claims.

(e). These two claims are as follows:

"15. In a water meter, a piston formed of hard rubber
"and having a motion of nutation, substantially as de-
"scribed, combined with a skeleton of strengthening material
"such as steel wire- substantially as set forth."

"17. In a water meter, a piston formed of hard rubber,
"combined with a skeleton of strengthening material- such
"as metal- substantially as and for the purpose set forth."

(f). It is not now pretended that the Thomson meter, if furnished without an interior skeleton within its hard rubber disc or piston would infringe the patent of the National

Company. To be more explicit, there is no pretense that there ever has been an infringement of any other claim in the patent.

(g). The only point made is that we may violate an agreement to furnish meters with plain hard rubber discs or pistons destitute of interior metal skeletons, by introducing into such discs some piece of metal, and that your Honorable Commission ought, therefore, to presume that we may be guilty of a fraud, and upon that presumption, refuse to restore our meter to the list. What warrant your Honorable Commission could have for presuming a fraud is hard to see, and it is impossible to see what right you would have to presume this as to us and yet place on your list meters similarly made by other parties. The argument of the National Meter Company that it is impossible for you to determine whether the hard rubber disc of a meter is provided with an internal metal strengthening skeleton except by breaking the disc and thus destroying the meter, applies equally to the meters of our competitors who appear on your list, and for this reason, as well as for many others, this point is of no weight.

(h). The liability of the city can be nothing, because no one questions our right to make and use the meters now offered with the plain rubber discs.

Thus far we have discussed the legal and efficiency

sides of the question, but laying those entirely aside, our request for reinstatement is based upon the fact that our meter as now made is made exactly as it was when originally adopted, and is the same as the others upon the list, in so far as the disc is concerned.

It may not be amiss to add that we have a suit pending against the National Meter Company for infringement of Letters Patent owned by us, which is being pushed to a hearing, and that if questions of infringement are to be considered, we shall, at the proper time, bring this to the attention of your Honorable Commission, simply asking that we should receive the same treatment as has been accorded to our competitors under similar conditions.

It would be subversive of our constitutional rights to refuse us restoration to the list, for the reason that it would prejudice competition in the open market.

Respectfully submitted,

Thomson Meter Co
T. W. Kay Pres.

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Respectfully submitted,

Thomson Meter Co
T. W. Kay Treas.

Copy

Meeting of Water Meter Commission.

Mayor's Office, December 21 1894.

The Mayor presented a communication from the Department of Public Works in regard to meters, which was read by the Secretary, who also read the report of the Engineer respecting the duration of tests, etc.

The Comptroller moved that the Trident Meter, of the Neptune Company, be placed on the list of meters which are to be recommended to citizens for use in measuring water, of the sizes and at the prices designated in the schedule attached to the certificate to be signed by the Mayor, Comptroller and Chief Engineer of the Croton Aqueduct.

Question put, and carried.

The Comptroller;- I move that the Thomson Meter be restored to the list unless within five days from date, written objections are filed by the National Meter Co., based on an allegation of infringement of patents.

Question put, and carried.

The Comptroller;- These meters are to be sold at the same prices as other manufacturers charge?

The Mayor;- The same prices or lower. Citizens are not compelled to purchase any particular meter -- they can purchase any one in the list.

Adjourned.

Meeting of Water Meter Commission.

Mayor's Office, December 28th, 1894.

Present;- Thos. F. Gilroy, Mayor; and Hon. Ashbel P. Fitch, Comptroller.

Mr. J. Edgar Bull, representing the National Meter Company, was present and stated:

All we have to say is embodied in a protest which was prepared and has been transmitted to each member of this Board.

The Comptroller;- We have been very busy with this budget for some days, and I have not had time to read with care what there is in it.

Mr. Bull;- I did not know that you cared to hear me orally. Our position is this: That the Thomson Meter was taken from the list in view of a decision rendered by the U. S. Circuit Court. The Thomson Meter Co. at that time offered to furnish the city with meters which they said were not in conflict with this patent, an injunction having been granted in New Jersey.

I understand that the Chief Engineer, however, held that on account of the peculiar circumstances of the infringement, it was impossible for him to determine whether it infringed or not, and he was not willing to take the say-so of the Thomson Meter Co. that the city would not be subject to further liability.

The Comptroller;- That is, that at that time he could not

tell whether the Thomson Meter really infringed, without opening the meter.

Mr. Bull;- Yes sir. The improvement which is the subject of the patent, being the strength of the meter, and it could not be ascertained without the destruction of the meter.

The Comptroller;- Did the city have to pay anything?

Mr. Bull;- In view of the fact that the Thomson Meter was taken from the list, my client has never sued the city.

The Comptroller;- The city did not buy those meters.

The suit would be against the party using them.

Mr. Bull;- There is some question whether the city does not use the meters.

The Mayor;- It was stated that no one could use the meter unless the city recommended it. If I thought there was any question as to that, near or remote, I would not vote for it. At the last meeting there was a resolution that the meter be put back on the list, not to be operative if there was objection. The Comptroller could not attend the next morning, and we met and acted tentatively -- conditionally. This protest was filed with me before the five days provided for the purpose, had elapsed.

Representative Thomson Meter Co.: We ought to have an opportunity to prepare and file objections to that.

The Comptroller; How many days do you want?

Thomson Meter Co.- Just as soon as you want to meet.

The Comptroller;- A week from today.

Mr. Bull;- That will do.

The Comptroller;- A week from today.

One o'clock. Twelve o'clock. This, however, will be subject to the approval of the new Mayor.

The Mayor;- You better commence new under the new Mayor.

Any objections to the Trident resolution,- with regard to the Trident Meter? The resolution about that stands, and the resolution in regard to the Thomson meter stands over.

Thomson Meter Co.- I have no objections to this course-- and it is so stated by Mr. Kay and his counsel.

Mr. Kay;- I wish to call the attention of the Meter Commission to the fact that some months ago we sent to you some forms of affidavits --

The Mayor;- Now you are going into the merits -- adjourned for a week.



CITY OF NEW YORK.

Finance Department.

ASHBEL P. FITCH,
Comptroller.

February 21st, 1895

HON. WILLIAM L. STRONG,

Mayor,

My dear Sir;-

I beg to send you a paper sent to me today by the counsel for the National Meter Company. I send it to you because, as I have already said to you, I am prepared to take any action about this matter which seems to you safe and proper, and I am not sure that a copy of the memorandum has been sent to you.

I am, with great respect,

Your obedient servant,

Ashbel P. Fitch

Comptroller.

Hon. William L. Strong, Mayor,	:	
Hon. Ashbel P. Fitch, Comptroller,	:	Meter
Hon. G. W. Birdsall, Chief Engineer Croton:	:	Commission
Aqueduct.	:	

ADDITIONAL MEMORANDA ON APPLICATION OF THE
THOMSON METER COMPANY FOR THE REINSTATEMENT OF THEIR
METER ON THE LIST.

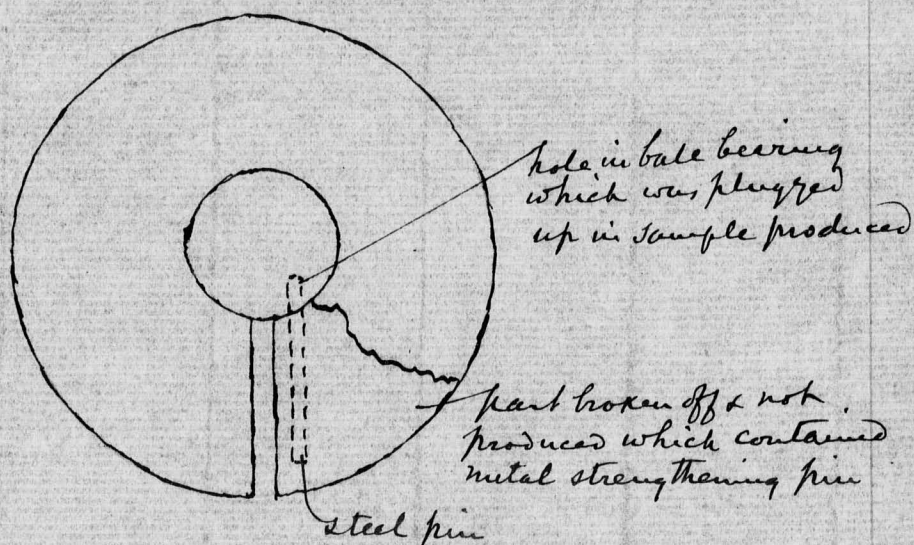
Gentlemen:-

Before the hearing yesterday I knew that the
trade utterances of the officers of the Thomson Company
could not be believed (for reasons set forth in my reply
on file) but it was left until then for me to discover
that they would deliberately deceive their own counsel.

Relying upon their instructions Judge Davis
repeatedly and in the most solemn manner assured your
Board that the Thomson Company now used no metal whatever
in the construction of their pistons and presented a
broken sample to show what they were making. Yet, when
this sample was examined it showed plainly enough that
the piston had had in it a metal strengthener. For the
purpose of deceiving both their counsel and your Board
the Thomson people had cleverly broken off and thrown
away that part of the piston which had the steel pin in
it and had plugged up the hole in the ball-bearing

where the pin had been!

This drawing represents the fraud.



Now that the fraud is exposed and the clever manner of perpetrating it understood, can these men who have thus deceived their own counsel and tried to deceive your Board complain if you decline to rely upon their word in the future where you cannot verify it yourselves? By relying upon their representations in the past the City has already made itself liable in damages.

As to their present application for the reinstatement of their meter---since it is now ascertained that they propose to furnish the City with meters which contain a metal strengthener (differing in form only from the one previously employed) we cannot conceive that their present anxiety to involve the City in still

further liability to our Company will receive serious consideration.

A copy of this Additional Memoranda has been sent to Judge Davis and to Mr. Cowen.

21 July 95

Respectfully submitted,

J. G. Hill
for the National Metal Co

Department of Public Works.

OFFICE OF
CHIEF ENGINEER

31 Chambers St. Room 10.

New York, March 2 1892

Resolved, That the Commission be authorized
to select of persons approved by the Board
Comptroller and Chief Engineer of the
City of New York, under Section 802 of
the New York City Consolidation Act of 1892

W. S. Strong Mayor.

Comptroller

G. P. Odell Chief Engineer City of New York



CITY OF NEW YORK.
OFFICE OF THE MAYOR. .

At a meeting of the Water Meter Board held at the Mayor's Office on March 4th, at one o'clock, the following resolution was unanimously adopted:

RESOLVED: That the Thomson Meter be restored to the List of Meters approved by the Mayor, Comptroller and Chief Engineer of the Croton Aqueduct, under Section 352 of the New York City Consolidation Act of 1882.

Department of Public Works,

Commissioner's Office,

No. 34 Chambers Street,

New York,

February 27, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to acknowledge receipt of the letter of yesterday from your Secretary, enclosing for speedy consideration and attention the petition, herewith returned, of residents in 42nd Street, between 11th Avenue and the North River, complaining of leakage from the fire-hydrant in front of No 604 on that block.

In reply, I beg to say I have report from the Water Purveyor that the foreman in charge of water-mains and hydrants in that district has his men at work to-day repairing the hydrant, and that he could not make the repairs earlier on account of the very many breaks in hydrants and water-pipes which had to be attended to in the order in which they were brought to the notice of the Department.

Very respectfully,

Charles A. D. Collins

deputy Commissioner of Public Works.

*Department of Public Works,
Commissioner's Office,
No. 34 Chambers Street,*

New York, _____ March 2, 1895.

HON. WILLIAM L. STRONG,

M a y e r.

Dear Sir:

I have referred to the Street Cleaning Department for attention the petition addressed to you by Isaac Walker and others, and referred by you to me, in reference to the filthy condition of 30th Street, this matter being under the jurisdiction of the Street Cleaning Department.

Very respectfully,

Charles A. T. Collins

Deputy Commissioner of Public Works.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

New York, March 6, 1895.

A. D. Cowan, Esq.,

White Plains, N. Y.

Dear Sir:

The Mayor has transmitted to me your letter to him of 27th ultimo, presenting arguments against the discontinuance of the patrol force in the Croton watershed, which was established under chapter 189, Laws of 1893, to suppress and remove nuisances which tended to the pollution of the City's water supply.

From report made to me by the Chief Engineer of the Croton Aqueduct, I find that this refers to a force of Deputy Sheriffs appointed by the Sheriffs of the several counties through which the watershed extends, and paid by this City from the fund authorized by the Act referred to.

It further appears from the report, that this force was discontinued because, by the acquisition of lands and removal of nuisances, its services were no longer necessary, and all the requisite services could be done by the engineer corps and assistants. The Chief Engineer also states that the available moneys will be fully expended in payment of awards for lands

and damages, and the completion of necessary surveys.

Very respectfully,

Signed Charles H. T. Collis
Dep. Commissioner of Public Works.

Transmitted to His Honor
the Mayor, for his information.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

Copy.

New York, March 6, 1895.

Joseph Ullmann, Esq.,

167 Mercer Street.

Dear Sir:

The Mayor has referred to me your letter to him of 19th ult., regarding the defective condition of sidewalks in front of vacant property, and citing as a special instance the block on the west side of Columbus Avenue, from 79th to 80th Street.

In reply, I beg to say that when defective sidewalks are brought to the attention of this Department by complaints or otherwise, the Supt. of Street Improvements notifies the owners of the abutting property to put their sidewalks in proper condition, and in cases where such notices cannot be served, or where they are disregarded, certificate is made to the Board of Aldermen of the necessity of properly flagging the sidewalks, with the object of obtaining authority to have the necessary work done by this Department and the cost assessed on the abutting property.

The removal of snow and ice from sidewalks is a matter coming under the cognizance of the Police Department.

I have instructed the Supt. of Street Improvements

to make further report regarding the condition of the sidewalk on the west side of Columbus Avenue, from 79th to 80th Street, and to issue the notices, and, if these are not complied with, prepare and forward certificate to the Board of Aldermen.

Very respectfully,

(Signed) Charles H. T. Collis
Dep Commissioner of Public Works.

Department of Public Works.

Commissioner's Office,

No. 31 Chambers Street.

Copy.

New York, March 6, 1895.

Charles A. Gerlach, Esq.,

The Gerlach,

27th St., bet. Broadway and 6th Ave.

Dear Sir:

The Mayor has transmitted to me your complaint of 19th ultimo, regarding the action taken by the Supt. of Incumbrances in notifying you to remove a carriage canopy from in front of your hotel.

In reply, I beg to say I find, from report of the Supt. of Incumbrances, that this action was not taken in an arbitrary manner, but in response to a complaint from Mr S. Vail, of the Reform Club, against canopy awnings across sidewalks at various places throughout the City.

These canopies are not authorized by any existing law or ordinance, and when specific complaints are made, this Department has no option in the matter. It must either act on the complaints or lay itself open to the charge of refusing to execute the law.

Very respectfully,

(Signed) *Charles A. T. Collins*
Supt Commissioner of Public Works.

1
*Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street,*

Copy.

New York, — March 6, 1895. —

Mrs F. Adams,
572 Central Avenue.

Madam:

The Mayor has transmitted to me your application of 28th ultimo for permission to keep a stand for the sale of newspapers on the sidewalk under the stairways of an elevated railroad station.

In reply, I beg to say that this Department has no authority to grant such permission, but the Board of Aldermen, with the approval of the Mayor, can grant permission for the placing of newspaper stands within the stoop-line when the owners or occupants of the adjoining premises give their consent.

Very respectfully,

(Signed) Charles H. T. Collis
Dep Commissioner of Public Works.

Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street.

New York, March 6, 1895.

HON. WILLIAM L. STRONG,
M a y o r.

Dear Sir:

I transmit herewith, for your information,
copies of letters addressed by me to A. D. Cowan,
White Plains; Joseph Ullmann, 167 Mercer Street;
Charles A. Gerlach, "The Gerlach;" and Mrs F.
Adams, 572 Central Avenue, said duplicates being
answers to letters received through your office.

Very respectfully,

Charles H. D. Collis

Deputy Commissioner of Public Works.

Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street,

New York, March 9, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I beg to acknowledge receipt of your letter of 6th inst., transmitting a complaint by Miss Ina Sassenscheid, 710 East 144th Street, regarding the defective condition of the sidewalk at No 676 East 144th Street.

As the location mentioned is under the jurisdiction of the Commissioner of Street Improvements of the 23rd and 24th wards, I have transmitted the complaint to him, and have notified Miss Sassenscheid accordingly.

Very respectfully,

Charles S. D. Leach

Leach Commissioner of Public Works.

Copy.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

New York,

February 28, 1895.

Mrs Simon Sternberger,

43 East 60th Street.

M a d a m:

The Mayor has transmitted to me, for attention and reply to you, your complaint that the street lamp in front of your residence has not been lighted for several nights, and, in reply, I beg to say I have report from the Superintendent of Lamps and Gas that, on an examination last night, the lamp was found to be regularly and properly lighted, and that the interruption of the lighting was caused by freezing in the pipe which supplies the gas.

Very respectfully,

Charles A. D. Collins

Deputy Commissioner of Public Works.

Respectfully transmitted to
the Mayor for his information.

Department of Public Works.

Commissioner's Office.

No. 31 Chambers Street

New York.

February 28, 1895.

Copy.

John D. Dent, Esq.,

879 Columbus Avenue.

Dear Sir:

The Mayor has transmitted to me, for attention and reply to you, your complaint against an iron awning over the sidewalk on Columbus Avenue, between 97th and 98th Streets, and, in reply, I beg to say I find, from report of the Supt. of Incumbrances, that this awning was erected some time ago in full compliance with the general ordinance of the Common Council adopted in April, 1886, prescribing the construction and dimensions of awnings over sidewalks. It does not appear, therefore, that this Department is required to take any action in the matter.

Very respectfully,

Charles A. D. Collis

Deputy. Commissioner of Public Works.

Respectfully transmitted to
the Mayor for his information.

*Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street,*

New York, _____ March 11, 1895.

Copy.

Mrs Catherine Larkin,
7 9th Avenue.

Madam:

In answer to your complaint of 23rd ultimo,
received through the Mayor, regarding the frozen condi-
tion of the fire-hydrant at the S. W. corner of Little
West 12th Street and 9th Avenue, I beg to say I have
report from the Water Purveyor that the hydrant was
repaired on the 26th ultimo.

Very respectfully,

(Signed) Charles H. T. Collins
Deputy Commissioner of Public Works.

Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street

New York, March 11, 1895.

HON. WILLIAM L. STRONG,

M a y o r .

Dear Sir:

I have the honor to acknowledge receipt of the letter of 7th inst. from your Secretary, and to say that carbon copies of answers made direct to complainants were transmitted to your office as follows:

H. A. and M. D. Fullam, 635 West 151st Street, regarding unfenced vacant lots--answered on the 18th ult.

Mrs Simon Sternberger, 43 E. 60th Street, complaining of public lamp not being lighted--answered on the 28th ultimo.

John D. Dent, 879 Columbus Avenue, complaining against an awning--answered on the 28th ultimo.

Mrs Catherine Larkin, 7 9th Avenue, regarding frozen fire-hydrant--answered this day.

There is no record in this office of any complaint from Henry Pringer, 22 Second Street.

The complaint of William Dehen, 64 West 125th Street, regarding a frozen hydrant, was answered direct to him on the 25th ultimo, as was the complaint of J. Delorenzo, 171 East 110th Street, the answer being sent to Walter Wilkes, 169 East 110th Street, one of the other signers of the complaint.

These last two complaints were received without letters of transmittal from your office or request for report.

The disposition made of the complaint of Sam-

2

Ebert, 256 Rivington Street, regarding sidewalk stands,
was satisfactorily explained to your Secretary by the
Superintendent of Incumbrances.

Very respectfully,

Wm Brookfield

Commissioner of Public Works.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

New York, _____ *March 11, 1895.*

Copy.

Moses Ira Mendel, Esq.,

240 Grand Street.

Dear Sir:

In answer to your complaint of 1st inst.,
on behalf of Mrs Stern of No 349 Broome Street,
received through the Mayor, regarding stands at the
intersections of Broome and Eldridge Streets, and Broome
and Forsyth Streets, I beg to say I have report from the
Supt. of Incumbrances that these stands were removed on
previous complaints, and that he has given orders to
effect their removal again.

Very respectfully,

(Signed) Charles H. T. Folger
Deputy Commissioner of Public Works.

*Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street*

New York, March 11, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to transmit herewith carbon copies of replies made to the complaints of Mrs Catherine Larkin and Moses Ira Mendel, received from your office

No reply has been made to the complaint of P. C. Putnam, concerning the asphalt pavement on 8th Avenue, because no address is given in the complaint, and none can be found in the City Directory. There are at present no means to repair this pavement but, in co-operation with the Comptroller and the Counsel to the Corporation, measures are being taken to secure the needed repairs.

Very respectfully,

Charles A. D. Collis

deputy Commissioner of Public Works.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street

New York, March 12, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have transmitted to the Department of Street Cleaning the petition received through your office, signed by the Rev. John T. Wilds and others, against wagons, carts and other vehicles obstructing Ridge Street, near Broome Street, this subject being under the jurisdiction of the Street Cleaning Department.

Very respectfully,

Charles W. T. Collins

Copy Commissioner of Public Works.

Dep. Trade Union
Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street,

New York, March 13, 1895.

HON. WILLIAM L. STRONG,

M a y o r.

Dear Sir:

I have the honor to return to you herewith the letter addressed to you by Mr Mervyn Pratt, Secretary of the Building Trades' Section of the Central Labor Union, in regard to the work of the Park Avenue Improvement, and to say that this work is under the exclusive control and direction of "The Board for the Park Avenue Improvement above 106th Street," appointed by the Mayor in pursuance of section 13, chapter 339, Laws of 1892. The office of the Board is at No 132 Park Avenue, and Mr John Fox is President of the Board.

Very respectfully,

Wm Brookfield

Commissioner of Public Works.

March 14, 1895.

My dear Sir:

The Mayor of this City has handed to me your letter of the 11th inst., making inquiries in regard to steam heating, repaving and other matters, and has requested me to give you the necessary information, which I do with pleasure:

The franchise to the New York Steam Company to lay steam mains and appurtenances in the streets of this City was granted by resolution of the Board of Aldermen, passed over the Mayor's veto December 14th, 1880. I enclose a printed copy of the resolution.

Before commencing any work in the streets the Company was required to give a bond of \$50,000 for the proper restoration of the pavements disturbed, and to save the City harmless from any damage resulting from the use of the mains and pipes. The Company is further required to pay the City three cents per linear foot of streets in which it lays its mains. All work in streets is subject to regulations made by the Commissioner of Public Works. No opening can be made in any street without a permit from the Commissioner of Public Works, and each permit requires that the pavement shall

be promptly and properly restored and maintained in good condition by the Steam Company for one year. Where an opening is to be made in an asphalt pavement, for the maintenance of which the pavement contractor is still responsible for a period of years, as is the case with all, or nearly all, our asphalt pavements, no permit is issued until the Steam Company arranges with the pavement contractor for the restoration and maintenance of the pavement, and produces a document signed by the latter, waiving all claim to release from responsibility for the maintenance of the pavement.

According to the experience of this Department, as shown by its official correspondence and reports for the past fifteen years, a steam plant, such as we have, in the public streets is extremely troublesome and objectionable in various ways.

I will briefly describe the most objectionable features as they have manifested themselves:

At the beginning it was represented that, by encasing the steam pipes and fixtures in a non-conducting material called mineral wool, very little heat would be radiated from them--not enough to injure any public or private interest or property. Stress was laid on the point that the Steam Company's own interest required the best possible devices to prevent loss of heat by radiation from the steam plant. So far as the public is concerned, these representations have not been realized.

The water in the Croton mains and pipes, several feet from the steam pipes, is in many places heated to from 90 to 120 degrees F., making it unfit for all

ordinary uses.

The heat conveyed to adjacent sewers and house-drains generates offensive and dangerous gases, which frequently penetrate into houses.

In one street, where a new asphalt pavement had been laid some years ago, the heat from the steam pipes ruined the pavement, and the Commissioner of Public Works finally compelled or persuaded the Steam Company to remove its plant from that street.

Within a few years past there have been several explosions so violent as to tear up large sections of pavement and endanger life and property.

Leaks in the plant are of constant occurrence, manifesting themselves on the street surface by escape of steam through sewers, manholes and other conduits, and sometimes even through the soil and the pavement where there is no other outlet.

The tearing up of streets for the first placing of steam plant and connections is of itself an objectionable feature. It has been aggravated and multiplied almost beyond endurance by the constant necessity of repairing the underground plant. A very bad case of this kind has occurred since my brief tenure of office. At and near the intersection of two of the most crowded thoroughfares of this City, the pavement had to be torn up several times last year to repair the steam plant. Two weeks ago this Department received a severe and just complaint from the owner of a large office building at that place, that the street was again torn up for such repairs. An investigation led to the conclusion that the only remedy, if there be any, is the entire removal of

the steam plant from that street for a distance of at least one block, and its replacement by new plant.

The question may be asked: Why has this steam plant been tolerated so long? The only answer is that, heretofore, the several successive Commissioners of Public Works held the terms of the franchise to be mandatory in regard to the issuance of permits to open the streets and place the steam mains and appurtenances, and that, in case of resistance or refusal, the Steam Company would have no difficulty in obtaining orders of mandamus from the Courts.

In the light of this experience, I would advise that, if your Common Council should conclude to grant a franchise for the placing of steam plant in the streets of your City, it should embody all the necessary safeguards and restrictions against the defects and evils which I have pointed out, and should give the proper City authorities the power to revoke it whenever, in their opinion, the exercise of the privileges granted by it shall become detrimental to public interests.

Very respectfully,

Charles K. Smith

Commissioner of Public Works.

Hon. Charles K. Smith,)
Common Council, :
Philadelphia.)

Department of Public Works,
Commissioner's Office,
No. 31 Chambers Street

New York, March 15, 1895.

Copy.

Rev. Thomas Hughes,
Rector, Church of the Holy Sepulchre,
East 74th Street and Park Ave.

Dear Sir:

The Mayor has referred to me for attention and reply your letter to him of 7th inst., calling attention to a defective sidewalk on East 76th Street, near Park Avenue.

In reply, I beg to say I have report from the Engineer in Charge of Sewers that after the sewer was repaired at that place surplus material was left to fill in with in case the pavement should settle.

When excavations are made for any purpose, it is customary, after filling them, to temporarily replace the pavement or flagging, and to permanently replace the pavement after allowing sufficient time for settlement of the soil.

In this case it was found that the soil had had ample time to settle, therefore as much of the surplus material as was required for refilling has been used, the flagging has been permanently restored, and the remainder of the debris has been removed.

Very respectfully,

Signed / Charles H. T. Collis
Dep. Commissioner of Public Works.

Department of Public Works,

Commissioner's Office,

No. 31 Chambers Street

New York, March 15, 1895.

Copy.

Alfred Heidelbach, Esq.,

54 East 58th Street.

Dear Sir:

I have received through the Mayor your complaint of 14th ultimo against the Steam plant of the N. Y. Steam Company in 58th Street, between Madison and Park Avenues.

From report of the General Inspector, I find that the complaint refers to the steam plant within the lines of private property, which is beyond the jurisdiction of this Department.

The Health Department has power to abate or remove nuisances on private property, and I suggest that your complaint be addressed to that Department.

The franchise to the N. Y. Steam Co. was granted by resolution of the Board of Aldermen passed over the Mayor's veto December 14th, 1880.

Very respectfully,

(Signed) Charles H. T. Folger
Commissioner of Public Works.