

*Resolution passed by the  
Social Reform Club  
on Sunday May 11 1897*

WHEREAS, in the contracts between the City and the 6th and 8th Ave. R.R. Companies it was among other things agreed that there should be no assignment of the interest in the roads without the consent of the Common Council and also that there should be no change in the motive power without the like consent.

^  
And Whereas the Metropolitan Street Railway Co. has obtained a transfer of the interest in said roads without the consent of the Common Council and has obtained from the Commissioner of Public Works a permit to tear up the streets preparatory to changing the motive power of the 8th Ave. road without the consent of the Common Council, and is about to obtain a similar permit in respect of the 6th Ave. line, and in various ways is proceeding in defiance of the City's rights under said contracts,

RESOLVED that the Corporation Counsel be requested to institute in behalf of the City such legal proceedings as may be necessary to establish and preserve all the rights of the city in said contracts, and that a copy of this resolution be sent to him and to the Mayor and Comptroller, *and that he be urged to take steps to obtain any necessary legislation to the same end.*

*And whereas, such contracts were afterwards ratified by the Legislature, and as ratified and judged by the Court of appeals to be valid, so that no subsequent act of the Legislature can unpair their obligation.*



# Social Reform Club

28 EAST FOURTH ST. (near Lafayette Place)

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EDWARD D. PAGE, First Vice-President  
MARGARET FINN, Second Vice-President

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ANNIE W. WINSOR, Assistant Secretary  
CHARLES HEALY, Treasurer

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ALBERT SHAW  
CHARLES B. STOVER



New York, May 13 1897

To Hon. William L. Strong  
Mayor of New York  
Dear Sir,

I am directed by the Social Reform Club of this city to enclose to you this copy of resolutions passed at a regular meeting on Tuesday last, and to respectfully request your attention for them

Yours very respectfully

Edward Thimme Sec

(w)



H. R. LAINE.

6th. & 9th. Ave. L Extension to City Hall  
via Canal (or Duane) & Centre Sts.

59 Wall St., N. Y., May 13, 1897.

Hon. William L. Strong,  
Mayor,  
City Hall, New York.

Dear Sir:

For the better convenience of L road patrons on the West side of the City please permit me to submit to you the question of allowing the Manhattan Railway Co. to construct and operate a double track branch from their main line on West Broadway through Canal and Centre Streets to a connection with the New York & Brooklyn Bridge R. R., as they desire to do. Stations could be placed say at or near Broadway, which could be crossed by the trains upon an ornamental arch, with electric motors, Franklin St. and City Hall. This important connection will be more accessible than now to West side passengers to and from the district East of Broadway and North of Fulton Street, and Brooklyn, and would relieve the present Park Place, Chambers and Franklin Street stations.

Or instead of via Canal Street, from West Broadway, it may be better to take Duane and Centre Streets to the Bridge, with station at or near Broadway. The four tracks on West Broadway between Duane and Franklin Streets could then be used separately by City Hall and South Ferry trains. The 6th. & 9th. Ave. lines could be connected via Canal St. 58th. St. trains could run to and from City Hall, and trains between 59th. St. or above and City Hall could run via Canal and Duane Sts. Yours Truly,

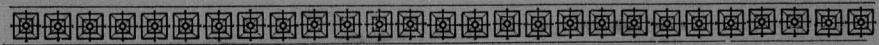
*H. R. Laine.*



Cleveland O. 5 97  
Hon. Mayor New York City  
Dr. Sir;

Inclosed please find stamped  
envelope, Kindly give me the names  
and addresses of the Presidents you have  
directed the circulars to, on this sheet oblige  
J.L.





Cleveland, O., May, 1897.

HON. MAYOR.

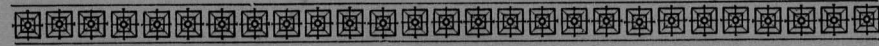
Dear Sir:

Believing that you have the welfare and safety of your Citizens at heart, I most respectfully ask your kindness to address the inclosed circulars to the President's of the most important St. R. R. Co's of your City and Suburbs and oblige.

Respectfully yours,

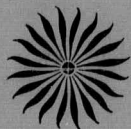
T. Lampus.

P. - S. — Inclosed please find a few circulars for your own information and study.





To the President's of  
St. R. R. Company's.



Cleveland, O., May, 1897.

Gentlemen:

Believing that you have the welfare and safety of the Public and your Patrons at heart, I hereby submit to your kind consideration and perusal, the drawings and representation of a working model of my Improved Pat. Car Fender, together with specific explanations of its workings, enabling you to understand the same.

Hoping that I may have the honor to hear from you at an early date, I am

Yours very truly,

Theo. Lampus,

179 Erin Avenue.





T Lampson  
179 Erin Ave  
Cleveland  
Ohio

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# Specification of the Theodore Lampus Fender,

PATENTED APRIL, 1897.

This fender works automatically and is always ready for action.

The accompanying cuts attached hereto show the drawings, working Model and a  
\* \* \* Patented Wheel Guard. \* \* \*

In the drawings, Figure 1 is a side elevation of the improved fender. Fig. 2 is a plan view of the same, and Fig. 3 is a sectional view on line 3 3 of Fig. 2.

Referring to the parts by letters, A represents the fender-frame, which consists of the two stout bent side bars *a a*, a transverse rear bar *a'*, which connects them, and a front rod *a<sup>2</sup>*, which preferable is a rock shaft journaled in the front ends of the side bars. This frame is covered by a netting *a<sup>3</sup>*, and the fender is fixed beneath the front end of the car by any suitable means.

B B represent two curved tubular arms which are pivotally connected to the front end of the fender-frame with their concave sides up, and from the said fender-frame these arms project forward and slightly downward. The pivotal connection between these arms and the fender-frame is effected by respectively securing them to the rock-shaft *a<sup>2</sup>* close to the two side bars *a a*.

C C represent two plungers curved upon the same radius as the arms B B, into which they telescope, as shown. In each arm B around the plunger is a coil spring *c*, which thrusts against a collar *c'* upon the plunger and an internal shoulder *b* in the arm B, whereby said plunger is normally forced outward as far as it will go. This outward movement is limited by the engagement of the collar *c'* with the cap *b'*, which embraces the plunger and screws into the end of the arm B. Secured to the front ends of these plungers by means which I will presently explain are the two rods E E', of which the rear bar is slightly higher than the front bar, and upon these two rods are mounted the sectional rollers *e*. The construction shown for connecting the two rods E E', as described, is the following:

An approximately horizontal plate *c<sup>2</sup>* is formed on the front end of each plunger, and it extends both behind and in front of said end. A transverse rod D extends from one plate *c<sup>2</sup>* to the other, passing through them at points about midway between their ends. On this rod the plates *d* are secured, which plates extend forward and rearward from said rod. The two rods E E' pass, respectively, through the front and rear ends of the plates *c<sup>2</sup>* and all of the plates *d*, the parts being held in the described relation to one another by nuts *e' d'*, which are screwed onto the ends of the rods E, E', and D.

G represents a forked bar, the two front ends of which are bent outward and pass into holes *c<sup>3</sup>* in the front ends of the plungers C C. This bar passes beneath the fender-frame and through a fixed bracket H, which is secured to the under side of the car. A coil spring *g* surrounds the rear end of bar G and thrusts against the front side of the bracket H and a collar *g'* on the bar, the result being that said bar is always pressed forward by the action of the spring. This spring supplements the action of the springs *c* in pushing the plungers C forward. In fact, the springs *c* might be omitted without seriously affecting the operation of the device. The spring *g* also acts, after the plungers have been moved outward as far as possible, to swing the ends of the arms B B forward and upward until such movement is stopped by the engagement of the curved arms *b<sup>2</sup>*, which are secured to arms B, with the shoulders *j* on collars J. These collars are adjustable secured by set-screws *j'* to studs *a<sup>5</sup>*, which project inward from bars *a*.

Because of the curved shape of the arms B and plungers C the forward movement of said plungers in said arms raises the two roller-bearing rods E E' above the ground. The described movement of the arms B, produced by spring *g*, produces a similar result. The reverse movement of plungers and arms produces the contrary result—that is to say, causes said rods E E' to move toward the ground. The result of this mode of action is that when the front bar E strikes a person who is between the tracks said bar yields, that is to say, moves backward, whereby the blow is cushioned by the springs *c* and *g*. In its backward movement it moves nearer the ground, whereby when the plungers have been pushed as far as possible into the arms B a further pressure upon the bar E causes the arms B to swing down, which action is increased by the weight upon the bar E. The combined action of the plungers C and arms B has the result of moving bar E so near to the ground that it is sure to pass beneath and not over the person struck, whereby he is lifted onto the fender, the rollers *e* facilitating the said movement.

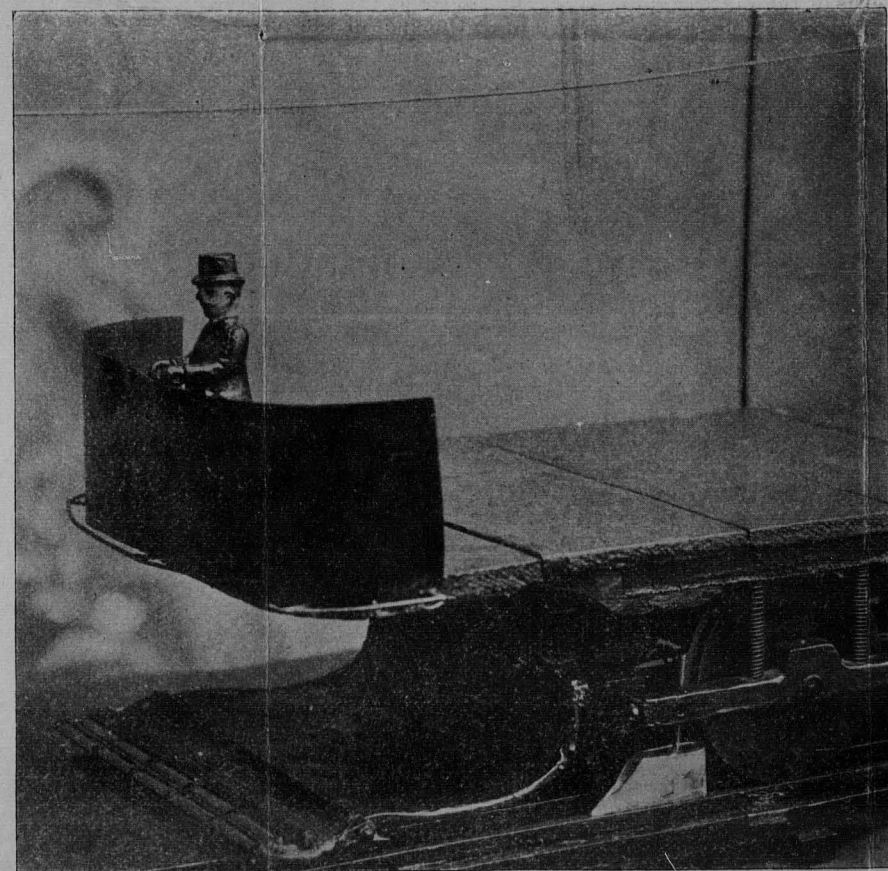
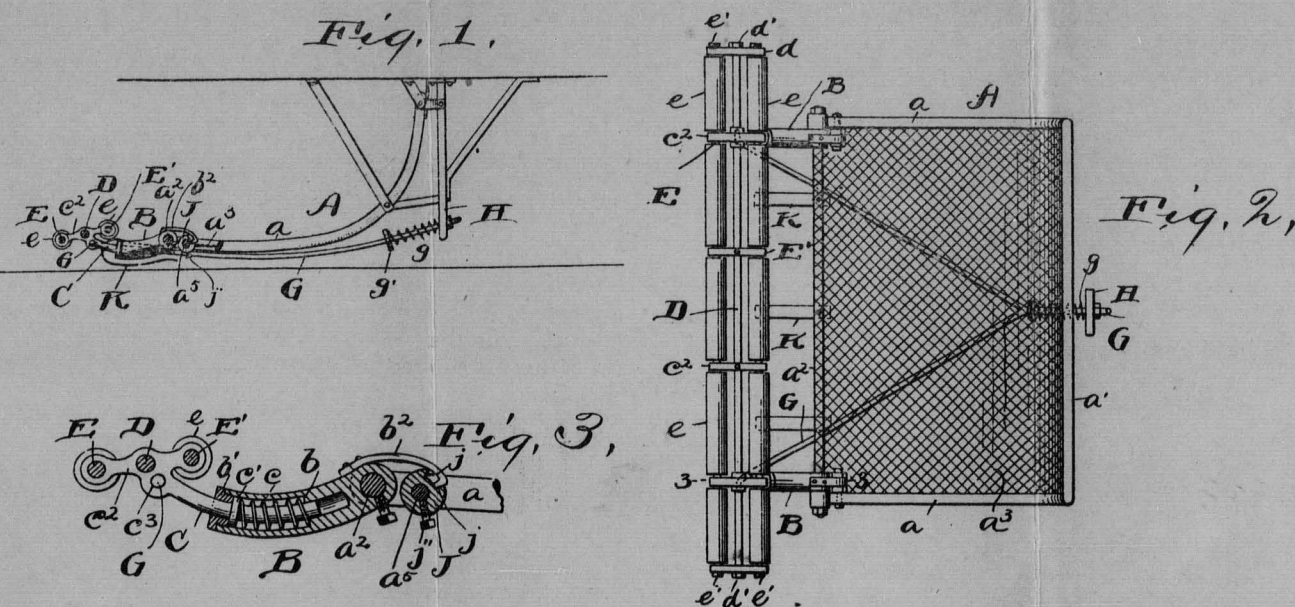
When the pressure upon the movable end of the fender is removed, the parts automatically resume their normal position, as shown.

K represents U-shaped spring-shoes, the upper legs of which are riveted or otherwise secured to the rock-shaft *a<sup>2</sup>*, and they extend from the said shaft forward, downward, and rearward. They are not intended to touch the road-bed under normal conditions, but when the arms B B are swung downward, as described, they will interpose a spring-cushion between the fender and ground.

If preferable the fender-frame may be fastened to the cars-truck, thereby evading the swinging motion or so-called bobbing of a car.

T. LAMPUS, 179 ERIN AVENUE,

CLEVELAND, O.



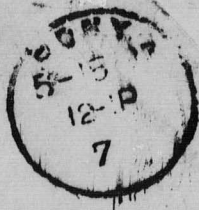




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Hon. Mayor  
New York City  
N.Y.

May





# In Common Council.

## *To the Honorable the Board of Aldermen :*

Your Committee, to whom was referred a resolution directing the Counsel to the Corporation "to take such action as is necessary and proper towards acquiring such franchises (of the Sixth and Eighth Avenue Railroad Companies) and establishing the rights of the City in all respects under said contracts, and that he be authorized to retain special counsel in such proceedings, if he so desire" respectfully report as follows :

We find upon investigation—

First—That the State Legislature having failed to adopt the recommendation of the Counsel to the Corporation to make provision for the purchase of said franchises by the City if its right to do so should be finally established, the City has no legal authority to expend money for such purposes.

Second—That a taxpayer has begun an action in the Supreme Court against the railroad company to the same end contemplated by the resolution referred to us, and that such action is based upon the same grounds and statements of fact as are referred to in said resolution. That the City is a party to this action, and that all possible claims of the City are fully set forth therein.

Third—That the decision of the Supreme Court being to the effect that the City has no right to acquire such franchises, both the plaintiff and the City have taken appeals from such decision and are pressing the same to an immediate and final determination by the Appellate Court.

We are of the opinion, therefore, that the rights of the City are being fully tested in the action referred to ; that, in the absence of legislative authority to purchase such properties, the taxpayer holds a stronger position before the Court than the City could hold directly, and that independent legal proceedings by the City at this juncture would only complicate and delay the determination of the question involved.

We, consequently, can see no occasion for directing the Counsel to the Corporation to take independent action, because it is plain that none is necessary, and that any action tending to complicate the issue and defer its determination would be not only improper but unwise.

For these reasons we report adversely upon the resolution as introduced, and recommend the adoption of the following substitute :

Resolved, That the Counsel to the Corporation be and is hereby requested to afford the counsel for Mr. Potter all the facilities that he may desire in acquiring information for the successful prosecution of his action before the Appellate Court.

Your Committee reports further, regarding the memorial of various labor organizations, political and social reform clubs of this city, Brooklyn and Kings County, and of the independent citizens, represented by William M. Spier, that, inasmuch as we consider any independent legal proceedings by the City at this time as likely only to involve the plain issue now before the Courts, we see no occasion to undertake to pass upon the merits of the various modes proposed in such memorial, especially, as they are of a purely legal and technical character, of use in any event to the legal department only, and we, therefore, recommend that these suggestions be referred to the Counsel to the Corporation for his information.

Your Committee reports that they are favorably impressed by the agreement proposed by Mr. John Brooks Leavitt, representing the Society for the Control of Public Franchises, the object of said proposed agreement being to accomplish the carrying out of the proposed improvements. Without prejudice to the rights of either party, and without passing specifically upon said agreement as a means, we are in hearty accord with the purpose of the agreement. We are not prepared, without proper legal advice, to advise the recommendation of the specific agreement contained in the resolutions, but to accomplish the desired result, and at the same time safely guard the interests of the City, we recommend the adoption of the following :

Resolved, That his Honor the Mayor, in conjunction with other proper officers of the City, be and is hereby requested by this Board to confer with the representatives of the Metropolitan Street Railway Company for the purpose of ascertaining whether an arrangement cannot be entered into by which the proposed improvements on the Sixth and Eighth Avenue Railways may proceed without delay and without prejudice to any rights which the City may possess, to acquire the ownership of said roads.

CHARLES A. PARKER, ANDREW ROBINSON, NICHOLAS T. BROWN, FRED. ERICK L. MARSHALL, JOHN J. MURPHY, Committee on Railroads.

CITY OF NEW YORK—LAW DEPARTMENT, OFFICE OF THE COUNSEL TO THE CORPORATION, No. 2 TRYON ROW, May 28, 1897. *Hon. N. T. BROWN, Alderman:*

DEAR SIR—I am instructed by the Counsel to the Corporation to acknowledge receipt of your favor of this date and to inclose a copy of a communication addressed to the Hon. John Raines, Chairman Senate Railroad Committee, in relation to bill then pending to confer on the City the necessary power to purchase the Sixth and Eighth Avenue Surface Railroads.

Respectfully yours, A. T. CAMPBELL, Chief Clerk.

LAW DEPARTMENT—OFFICE OF THE COUNSEL TO THE CORPORATION, NEW YORK, April 15, 1897. *Hon. JOHN RAINES, Chairman, Senate Railroad Committee, Albany, N. Y.:*

SIR—I am informed that the Honorable John Ford, a Senator from this city, yesterday introduced a bill, which was referred to your Committee, authorizing the municipal authorities of any city containing a million and a quarter inhabitants to purchase any street railroad or railroads which such city may have a reserved right to purchase under any contracts or agreements under and by virtue of which such railroads were acquired.

This bill is evidently designed to put the City of New York in a position to take advantage of the reservation contained in certain agreements made with the predecessors of the present Sixth and Eighth Avenue Railroads, wherein it was provided that the City of New York might, at any time, compel the surrender, conveyance and transfer to itself of each of said railroads upon the payment of the costs of construction with ten per cent. advance thereon.

This condition has recently been the subject of much discussion, and the question of its validity is collaterally involved in certain cases now pending in the courts of this city. Of course the present owners of the valuable franchises involved would be loath to part with their property upon the terms referred to and suggest many reasons why, as they allege, the condition was either invalid when made, or has since been abrogated or waived.

I do not intend, at the present time, to express any opinion as to the present validity of the condition or as to any of the numerous reasons assigned why it is invalid; whether valid or not the City of New York has no authority, under any existing statute, either to raise the money which would be required to repurchase these roads, nor having repurchased them, has it authority to operate a street railroad. It is therefore impossible to bring a direct action, in the nature of a suit, for the specific performance of the condition referred to, because it is of the very essence of such an action that the plaintiff should be able to affirm his ability and willingness to comply with his part of the contract, and until we are put in a position where we can allege that we are ready and able to pay to these roads the price prescribed in the condition as the consideration of the reconveyance we are unable to bring any action to enforce the condition.

The franchises involved are of very great value, and if the City has any claim of right to them the Legislature should not hesitate to put us in a position to assert that right.

I therefore venture to beg of you that your Committee will give early and favorable consideration to the bill to which I have referred, and although it is now very late in the session, I still venture to hope that it may not be too late to secure the passage of proper legislation to give to the City or New York authority to raise the funds necessary for an acquisition of its rights and to operate or lease the roads when so acquired.

This will put us in a position to enforce whatever rights we may have, which, as I have explained, we cannot use at present.

Yours very truly,

FRANCIS M. SCOTT, Counsel to the Corporation.

Adopted by the Board of Aldermen..... June 1, 1897.

a majority of all the members elected voting in favor thereof.

~~Approved by the Mayor,~~..... 189

*May 15 1897*  
*Wm. T. Scott*  
Clerk of the Common Council.



June 1

~~Resolution~~

Report of Com. on R.R. advises to  
instructing Corporation Counsel to  
bring out in 72 6<sup>th</sup> & 8<sup>th</sup> av. R.R. Co.

In Common Council.

*Resolved.* — That the several Commissions, Departments, etc., of the City Government, that are, or may be, called upon, by resolution of this Board (whether in the form of request or otherwise) to perform any act, or to enforce any ordinance are respectfully urged to make special report as to what action has been taken in the matter, in order that the Board may be properly informed thereof at the earliest date practicable, thereafter.

Adopted by the Board of Aldermen, March 19th 1895 a majority of all the members elected voting in favor thereof.

*Wm. H. Terhuyck*

Clerk of the Common Council.

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RECEIVED JUN 10 1897

The West-Side Tax Payers Association is duly incorporated under the laws of this State. All of its members are tax-payers.

At the last regular monthly meeting on Wednesday evening, June 2nd, 1897, the matter of the Sixth and Eighth Avenue Railroad franchises was considered by the Association, and resolutions were passed directing the President, with a duly appointed committee, to call upon the Mayor and other City officials, and urge you to use your best efforts to see that the rights of the City in these two franchises are properly protected.

In accordance with the action of the Association, we appear before you to-day to ask that such steps be immediately taken by the City officials whose duty it is to look after these matters, as shall satisfy not only all the members of our Association, but all the tax-payers of the City, that none of our rights and properties are being jeopardized by the inaction or indifference of those who are bound by their oaths to protect the interest of the City of New York.

The members of our associations don't believe, and we think we voice the sentiment of the people throughout the City at large, when we say that they do not believe that the City officials, or at least all of them, are doing all that they should do to protect the rights of the City at the present time. We refer in particular to the action of the Board of Aldermen. Lawyers, business men and labor.



ing men have appeared in numerous meetings before that Body and urged them to call upon the Corporation Counsel to take the necessary legal measures to protect the City's interest in these franchises. And it is a notorious fact, and a most astounding one, that the Board of Aldermen, by a vote of 20 to 8 declined to ask the advice of the Corporation Counsel as to the City's rights in this matter, and declined to ask him to take any action in this matter necessary to protect the City's rights.

Nor are we satisfied, nor do we believe that the people at large are satisfied, with the attitude of the Corporation Counsel. He has expressed himself three or four times as to the matter of these Sixth and Eighth Avenue franchises, and not once has he expressed his opinion or belief that the City had the rights we claim in this matter. And it is a notorious fact that in the recent case of taxpayer Potter against the Eighth Avenue Roads, when the question of the right of the City to buy the Eighth Avenue Road was asserted by the taxpayer and denied by the Railroad Companies, that Mr. Scott expressly stated he did not express any opinion. We believe that it is time for him to express an opinion one way or the other in this matter. If the City has no right in the matter, he should know it, and if it has a right, he should know it and should so declare himself. But it is time for him to have an opinion one way or the other. Nor does his recent letter to the Sinking Fund Commissioners at all settle mat-



X  
ters. In that opinion he merely said that the Sinking Fund Commissioners could not accept Mr. Braker's offer to loan the City money with which to buy these roads; but he did not say -- and we believe that he is too good a lawyer to say -- that the City has not the right or at least an excellent fighting chance to acquire these roads; and we believe it is the duty of the City officials to see to it that he brings a direct action to test the City's rights in this matter.

We believe that the City has the right to purchase these roads, and we believe that the power to enforce that right exists in some one of the City authorities. And we believe it is the duty of the authorities to determine which one of them has the power to enforce this right and to take action.

The validity of the contracts under which the Sixth and Eighth Avenue Companies now operate their roads has been affirmed in the following cases.

- 1st. In the Superior Court in 1854, in the case known as the Hope Case.
- 2nd. In the General Term of the Supreme Court in 1887.
- 3rd. In the Court of Appeals, the highest Court of the State, in 1890.
- 4th. By the Appellate Division of the Supreme Court in 1896.

In the case of the Court of Appeals, that Court declared that,

"The same words which confirmed the grant confirmed the contract, and if one is made valid the other must be also."



But in addition to these decisions, there have been opinions given recently by some of the most eminent lawyers of the State, (and I refer particularly to ex-Judge Earl of the Court of Appeals) declaring that the rights of the City to these two franchises still exist and are in full force and effect awaiting only the action of the City authorities. And yet here comes the Corporation Counsel and in the most marvellous opinion I have ever seen, practically advises the City and taxpayers that the City cannot acquire the Sixth and Eighth Avenue line.

The value of these franchises is enormous, as I am prepared to show.

The Metropolitan Street Railway Company at present is paying for the lease of these two roads the sum of \$360,000. annually to the stockholders of the Railroad Companies. This sum paid upon lease, represents a capitalization of more than Seven million of dollars (\$7,000,000.) which may be accepted as the conservative valuation placed upon these two railroads by the Metropolitan Company. But these rights are worth more than \$7,000,000., and the City can obtain, I believe, a much larger sum than such amount.

An examination of the Railroad Commissioners' Reports show that for many years past, each of these roads has carried annually an average of more than 14,000,000 passengers, at a cost for operating expenses, of more than 75 per cent. of the gross income.

Experience has repeatedly demonstrated that under a



change of motive power, an increase of passenger traffic immediately follows with a corresponding large reduction in operating expenses.

The reasonable expectations under such change of motive power, would be as follows:

These roads would shortly double their passenger traffic, or together carry a total of 60,000,000 passengers per annum, and would reduce their operating expenses to not to exceed 55 per cent. of their gross income.

Under these conditions, the two roads would receive from passengers the gross sum of \$3,000,000. a year. Their operating expenses at 55 per cent. of gross receipts would amount to \$1,650,000. per annum, leaving a net surplus of \$1,350,000., applicable, after the payment of taxes, to dividends upon the capital stock.

If we deduct for taxes the excessive sum of \$150,000 a year, we have remaining, \$1,200,000. as the actual net profits of these two roads each year -- which sum at 5 per cent., represents a capitalization of Twenty-four millions of Dollars.

I am aware that these figures, in their magnitude, are somewhat startling, but that they are accurate is undoubted, and a little mathematics on the part of anyone, will prove them so. But supposing that we cut them right in two, then we have franchises worth \$12,000,000. which franchises I, for one, believe the City owns, and at which price I believe the City can readily sell the two roads.



I propose to give you some further figures to prove that the valuation I have placed upon these franchises is not excessive.

The Metropolitan Street Railway Company has bonded and stocked the Columbus or 9th Avenue Line for Six million dollars (\$6,000,000.) as will appear from the Railroad Commissioners' Report. The length of this line is but little more than three miles of double track, and they have placed a valuation of \$2,000,000. per mile upon this portion of their railroad system.

Now, the 8th Avenue Road has about 10 miles of double track and the 6th Avenue Road about 5 miles; a total of 15 miles of double track.

With these two roads bonded and stocked at the same rate per mile as the Columbus Avenue Road, then their total capitalization would be \$30,000,000.

But whatever the actual value of these two franchises is the real question remains to be asked; what are the City authorities going to do about them, and how soon, if ever, are they going to do anything?

The West Side Tax Payers' Association desires to urge our officials to take immediate action to satisfy ourselves and all the other taxpayers of this City, that none of our rights have been put in jeopardy through the inaction or indifference of those to whom we naturally look to protect us at this juncture. We are not satisfied that everything has been done that should have been done up to the present time, and we fear that in the future, all that



should be done will not be done. We want direct and affirmative action of a serious and determined nature and nothing else will satisfy us.

The officials of this City are Trustees of the people's rights, and it is their duty to see that none of those rights are wasted or thrown away.

In the name, therefore, of the West Side Tax Payers' Association, I call upon the Mayor, the Corporation Counsel, the Board of Aldermen, and upon the members of the Sinking Fund, to take such immediate vigorous action in the matter of these two franchises as will protect us in our valuable rights in these properties.

Respectfully

Gustav Scholer,  
President

June 10, 1897

Comite

Just L. Hill  
D. L. K. Johnson  
Conrad Kaltenbach  
John H. Haldhansen

To the Honorable  
the Mayor  
of the  
City of New York

June 10/97

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We want rapid transit on the West Side. We want it over the 6th and 8th Avenue Lines, and we want it immediately.

X But the President of the Metropolitan Company has recently stated in the public prints that the Company does not intend to change the motive power on these roads till the Court of Appeals has definitely determined the rights of his Company to the franchises.

Now, it seems to be generally understood that the present litigation over these franchises has been instituted by the Third Avenue Railroad. Naturally it is the policy of that railroad to delay the contemplated improvements of the Metropolitan Company by every means in its power. Have we got to wait till the war between these rival corporations is settled, or shall we take the matter in our own hands and speedily decide the ownership of the roads, and so promptly get the greatly needed change of motive power? I am informed that the Third Avenue Railroad might, through dilatory legal tactics, delay the final adjudication respecting these two franchises for three or four years.

Here are two selfish corporations engaged in a fight, as to the merits of which I know nothing and care less; yet we, the West Siders are the sufferers, for we need rapid transit on these two roads and we ought to have it without delay, and yet we cannot get it because a num-



ber of stockholders in two railroads have made up their minds to engage in a quarrel.

I call on the City authorities to act at this stage of the game. If the city has any rights let the Corporation Counsel make a legal fight for them in a proper legal manner. Doubtless the Metropolitan Company, and the Corporation Counsel could get together on a stipulation to carry the full merits of this case before the Court of Appeals in the shortest possible time. Let them do this, for it is certain the two Railroad Companies cannot agree, and their warfare means delay and disaster to the whole West Side.

The Corporation Counsel ought to be called upon to act immediately in a way that will satisfy all the citizens of this City, and particularly the Taxpayers of the West Side.

We want Rapid Transit on the West Side, and we want the full rights of the City maintained, and we want both as soon as we can get them.

June 10, 1897

Respectfully

Gusta Scholer, Pres.

Justly

Comite:

John Hot Walther  
N. H. Jorgensen



June 18  
To the  
Honorable  
the Mayor  
of the  
City of New York

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—OFFICE OF THE—

# Third Avenue Railroad Company,

THIRD AVENUE, 65TH & 66TH STREETS.

ALBERT J. ELIAS, PRESIDENT.  
HENRY HART, VICE-PRESIDENT.  
ALFRED LAZARUS, SECRETARY.  
JOHN BEAVER, TREASURER.

NEW YORK, July 8, 1897.

Hon. John Jeroloman,

Acting Mayor of the City of New York,

City Hall, New York City.

Dear Sir:

Please pay to the order of the Third Avenue Railroad Company, the sum of Two hundred and four thousand and eighty-seven 69/100 Dollars (\$204,087.69) out of the balance of the special fund of Two hundred and fifty thousand Dollars and accrued interest, which money was deposited with you by the Third Avenue Railroad Company on or about November 14, 1895.

THE THIRD AVENUE RAILROAD COMPANY,  
by

Albert J. Elias  
President.



(COPY)

LAW DEPARTMENT,  
OFFICE OF THE COUNSEL TO THE CORPORATION.

NEW YORK, July 8th, 1897.

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Hon. Charles H. T. Collis,  
Commissioner of Public Works.

S i r:-

I beg to acknowledge the receipt of your letter of the 28th ultimo, enclosing an application by the Third Avenue Railroad Company, with accompanying papers, for a certificate from the Commissioner of Public Works that it has expended in good faith for the purpose of the extension of its railroad on Kingsbridge Road, the sum of \$219,088.63.

On June 30th, 1896, a certificate was granted by your Department to said Company that \$50,000 had been expended in good faith upon or for the purpose of said railroad extension. You refer me to paragraph 11 of the conditions of the franchise, which the Court of Appeals has declared to be void in the Beekman and Christ cases, requiring the successful bidder therefor to deposit "at the time of said sale \$250,000 x x x to be held as security that said railroad x x x shall be in good faith built and put in operation as contemplated by this consent within the time or times fixed by law, and as expenditure upon said railroad for property, fixtures, machinery, street work, equipment and franchises shall progress, said special deposit shall be



subject to drafts of the Corporation engaged in said work upon the certificate of the Commissioner of Public Works that an amount equal to the amount drawn from time to time from said funds has been expended in good faith upon or for the purposes of said railroad as herein in this section provided x x x ".

X  
As the papers presented by you show that an amount equal to the balance of the funds has been in good faith expended, and which will exhaust the total fund, I see no reason why you should not make the certificate in question . It is true that the grant has been declared to be void, and the fund is perhaps returnable without a compliance with any of the conditions on which the payment was made, but as those conditions have been actually met, an additional reason is presented for the payment, and no harm can come from making the certificate contemplated by this term of the grant.

I am,

Yours respectfully,

(Signed) FRANCIS M. SCOTT,

Counsel to the Corporation.



CH. 4074.

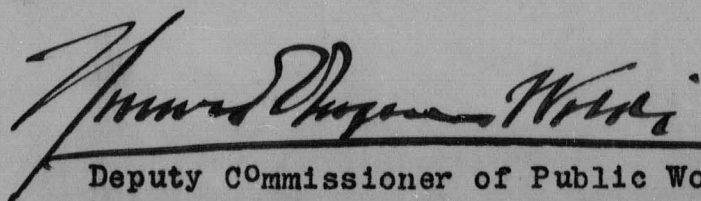
*Department of Public Works,*

*Commissioner's Office,  
No. 150 Nassau Street,*

*New York,* July 8, 1897 .

IT APPEARING to my satisfaction that the Third Avenue Railroad Company have expended in respect of the Kingsbridge Extension of their railroad, under the sale made by the Comptroller of the City of New York on the 14th day of February, 1895, for property, fixtures, machinery, street work and equipment, the sum of Two hundred and nineteen thousand and eighty-eight dollars and sixty-three cents (\$219,088.63), in addition to the moneys paid for the land upon which the said Company's power house is being erected, referred to in the certificate made by the Commissioner of Public Works, dated June 30, 1896, on account of which Fifty thousand dollars (\$50,000) was then certified as duly expended,

NOW THEREFORE, I, Howard Payson Wilds, Deputy Commissioner of Public Works, do hereby certify that Two hundred and nineteen thousand and eighty-eight dollars and sixty-three cents (\$219,088.63), in addition to said Fifty thousand dollars (\$50,000), have "been expended in good faith upon or for the purpose of said railroad", as provided in the consent of the Board of Aldermen and terms of sale upon the purchase by said Company from the Comptroller of the City of New York of the right, franchise and privilege of extending their lines along the Kingsbridge Road and other highways in the City of New York.

  
Deputy Commissioner of Public Works.

Mayor of the City of New York, Special Fund

Dr. In re. Third Ave R.R. Co In account with KNICKERBOCKER TRUST COMPANY,

Cr.

1896					1895				
July 11	To draft	Certified	50000		Nov. 16	By Cash		250000	
July 12	"	"	20408769		July 13	" Interest to June 30/96		312362	
		Balance	312362		July 6	" " " June 30/97		408769	
			25721131					25721131	
					July 12	By Balance		312362	



ROBERT MACLAY,  
President.

CHARLES T. BARNEY,  
Vice President.

JOSEPH T. BROWN,  
Second Vice President.

FRED<sup>S</sup> L. ELDRIDGE,  
Secretary.

J. HENRY TOWNSEND,  
Asst. Secretary.

## KNICKERBOCKER TRUST CO.

CAPITAL \$1,000,000.

234 FIFTH AVENUE,  
CORNER 27TH STREET.

BRANCH OFFICE  
66 BROADWAY.  
CABLE ADDRESS  
"FOROTIC, NEW YORK"

NEW YORK July 13th, 1897.

Bion L. Burrows, Esq., Secretary,  
Office of the Mayor,  
City Hall, New York City.

Dear Sir:-

The Mayor's draft was certified by us yesterday against the Third Avenue money deposited by him, for \$204,087.69. When you wrote us the other day, asking for the accrued interest, we supposed you meant the accrued interest from June 30th, 1896 to June 30th, 1897, inasmuch as the amount accrued to June 30th, 1896 had already been credited on account and entered in a book which was given to the Mayor.

Fearing, however, that you may have meant in your letter the total amount accrued since the opening of the account, we thought it better to advise you that there is still a balance of \$3,123.62, as shown by the enclosed statement.

Yours very truly,

*Fred L. Eldridge*

—OFFICE OF THE—

# Third Avenue Railroad Company,

THIRD AVENUE, 65TH & 66TH STREETS.

ALBERT J. ELIAS, PRESIDENT.  
HENRY HART, VICE-PRESIDENT.  
ALFRED LAZARUS, SECRETARY.  
JOHN BEAVER, TREASURER.

NEW YORK, July 16, 1897.

Hon. John Jeroloman,

Acting Mayor of the City of New York,

City Hall, New York City.

Dear Sir:

Please pay to the order of the Third Avenue Railroad Company, the sum of Three thousand, one hundred and twenty-three 62/100 Dollars (\$3,123.62) out of the balance of the special fund of Two hundred and fifty thousand Dollars and accrued interest, which money was deposited with you by the Third Avenue Railroad Company on or about November 14, 1895.

THE THIRD AVENUE RAILROAD COMPANY,  
by

Albert J. Elias  
President.



ALBERT J. ELIAS, PRESIDENT.

HENRY HART, VICE-PRESIDENT.

ALFRED LAZARUS, SECRETARY.

JOHN BEAVER, TREASURER.

—OFFICE OF THE—

## Third Avenue Railroad Company,

THIRD AVENUE, 65TH & 66TH STREETS.

NEW YORK, July 16, 1897.

Hon. John Jeroloman,  
Acting Mayor of the City of New York,  
City Hall, New York City.

Dear Sir:

On the 8th inst the Third Avenue Railroad Company presented to you a draft in the amount of \$204,087.69, being a part of the \$250,000 deposited by this company with the Mayor on November 14th, 1895, which draft has since been paid.

In connection with this draft we delivered to you the certificate of the Commissioner of Public Works, showing that the Company had expended \$219,088.63, or more than \$14,000 in excess of the sum then drawn.

We are advised that there still remains on deposit with the Knickerbocker Trust Company, a balance of \$3,123.62.

We now beg to present to you a draft for this balance, and to refer as a part of the proceedings upon which this draft is based, to the papers filed by us on the 8th inst in conjunction with the prior draft.

Yours respectfully,

The Third Avenue Railroad Company,

BY  
*Hadley Pankenbach* of *Johnson*  
Counsel.

*Metropolitan Street Railway Company*  
*Cable Building,*  
*621 Broadway.*

*President's Office,*  
*H. H. Ireland, President.*

New York, August 3rd, 1897.

Hon. Wm. L. Strong,  
Mayor, City of New York.

My dear Sir:-

Your favor of the 31st ultimo, with reference to complaints as to the condition of the pavement on Eighth Avenue between the car tracks, is received.

No citizen interested in the welfare of the City generally regrets more than I the legal difficulties which prevented the change of motive power on the Eighth Avenue road during the present year, which would have resulted in a thorough and satisfactory renewal of the pavement between the tracks on the avenue. I had delayed extensive repairs in the hope that this would be accomplished, but as from the present indications there will be nothing done during this season, I have instructed our Engineer, Maintenance of Way, to put on a sufficient force of men at once to make the necessary repairs.

I trust that the contemplated work will prove satisfactory and will relieve you of the annoyance of further complaint.

Very truly yours,

*H. H. Ireland*  
President.



HON. WILLIAM L. STRONG,  
Mayor of the City of New York.

Your Honor:-

We, the undersigned, property owners, residents and business men on Broome Street between Center Street and the Bowery, respectfully protest against the stoppage by the Commissioner of Public Works of the work of placing upon this thoroughfare two tracks for the Fourth Avenue electric trolley line, to be operated by the Metropolitan Railway Company. These tracks are now laid, and are quite satisfactory to us, and we desire that the excavations be finished up as intended by the Railway Company, and we respectfully request your Honor to instruct the Commissioner of Public Works to allow this improvement to proceed.

Our street is now <sup>disg</sup>open and impassable from the Bowery to Center Street, and we hope you will give immediate attention to this petition in order that we may be able as soon as possible to resume our business, which has been very much interfered with ever since the improvement was begun.

Thanking your Honor in advance for the prompt attention which we are sure you will bestow upon this matter, we are,

Very respectfully yours,

September 30, 1897.

<i>Flandrau &amp; Co.</i>	372, 374, 376 Broome St.
<i>W. Hermann Estate</i> <i>331 1/2 St.</i>	368 & 370 Broome St.
<i>L. Abrahamson</i>	358 360 Broome St.
<i>Ab. Hegelmann</i>	344 Broome St.
<i>Gustafson</i>	347 Broome St.
<i>Henry Galt</i>	349 Broome St.
<i>Maurice L. Sittig</i>	361 Broome St.
<i>A. Friedrich</i>	359 Broome St.
<i>S. Jacoby</i>	359 Broome St.
<i>Comstock</i>	363 Broome St.
<i>A. A. Tuller</i>	365 Broome St.
<i>J. D. Hancock</i>	367 Broome St.
<i>A. S. Holcomb M.D.</i>	do.
<i>Allen T. Parker</i>	373 Broome St.



Rocco Brund 377 Broome St.  
 P. Funtz 377 Broome St.  
 W. A. Wheeler 379 Broome St.  
 D. Saladino. M.D. 387 Broome St.  
 William Englant 254 Centre  
 65 Centre Market  
 James Ryan 390 Broome St.  
 Peter J. Donahay 54 Centre Mkt.  
 Max B. Engel 242 Centre Mkt.  
 Henry Smith 404 Broome St.  
 J. H. Lühring. 253 Centre St.  
 Geo. Thum 402 Broome St.  
 Samuel Zerman 402 Broome St.  
 Morgan, Roper 396 Broome St.  
 Henmann Bros 398 Broome St.  
 F. A. Klein 400 Broome St.  
 Henry Hess 384 Broome St.  
 Samuel Kahn, Occidental Hotel.  
 G. Casper 346 Broome St.  
 Frank LaVo 357 Broome St.  
 Michele Matera 357 Broome St.  
 Wm. C. Wimmerberg 348 Broome St.



Sheffield Steel Works  
P. Lippmann  
Manager

Philip Patzner  
P. Gonca & Bro

W.D. Lunt

Wm. Neithard

F. Marfino

his  
mark

Jacobs Bros

H. Bruckmann

D. G. Hughes Bros #441 Broome St  
J. Voursney Bros 389 Broome

379 Broome St

383 Broome St

385 Broome St

390

392

" St.

388 Broome St

Broome St

403-405-407 Broome St



HON. WILLIAM L. STRONG,  
Mayor of the City of New York.

Your Honor:-

We, the undersigned, property owners, residents and business men on Center Street between Broome Street and Grand Street, heartily approve of the petition presented to you by the property owners, residents and business men on Broome Street between Center Street and the Bowery, and ask that you take action therein causing the company to fill up the excavations and allow the two tracks to remain on our street as well.

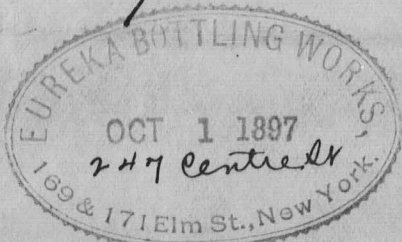
Yours respectfully,

October 1, 1897.

John A. Conlon 2 1/2 Centre Street  
J. W. Brady 37 Centre Market  
W. A. Heitler 238 Centre Street  
Henry W. Schroeder 20 & 22 Centre Market

**CENTRE MARKET BEER CO.**

J. Maier & Co. 14 Bernstein  
15-19 Centre Market.  
E. G. Fenton 233 Centre St  
T. B. Post 235 Centre St  
Henry Zindel 237 Centre St  
A. Deves 239 Centre St  
Bernett & Groppe 241 Centre St  
Cosmopolitan Ranges 243 Centre St.



St. Secoy

A. Frankmann

237-239-241-5-7-9-251-255  
Centre St.

D. J. M. & Co. 242, 244, 46 49, 53  
Centre St.



C  
NEW YORK, Dec 1 1897

Application is hereby made for permits to use  
snow-plows, sweeping-machines, or other similar instruments  
on and over the following named lines

1 Broadway & 7<sup>th</sup> Ave Division

2 Sixth Avenue "

3 Ninth Avenue "

4 Chambers Street "

5 Lexington Avenue "

6 Columbus Avenue "

7 "Bell" "

8 Forty Second Street "

9 Thirty fourth St "

10 Twenty eighth & 29<sup>th</sup> St "

11 Met<sup>n</sup> Cross Town "

12 Avenue C "

13 Lenox Avenue "

14 Twenty third St (Branches) "

15 Eighth Ave "

16 Fourth Avenue "

17 Fulton Street "

Met<sup>n</sup> Street Railway Co  
By D B Hasbrouck  
Vice President

## Application for Permission to use Snow Ploughs, etc.

---

To the Mayor of the City of New York:

The undersigned respectfully asks your permission, pursuant to Sections 268 to 273 inclusive, of Article 28 of Chapter 8 of the Ordinances of the Mayor, Aldermen and Commonalty of the City of New York, in force January 1st, 1881, entitled "Snow ploughs and sweeping machines by railroad companies and others in the City of New York," to use such snow ploughs, sweeping machines or other similar instruments as may be necessary on and over the tracks and lines occupied and used by the undersigned company.

This company does hereby agree and stipulate to comply with all the provisions of the above-mentioned ordinances.

J. H. Robinson  
Supt 3<sup>rd</sup> R R Co



Below is the Ordinance of the City of New York referred to in this permit. It is given so that the company holding the permit may be fully informed of the obligation which is covered by the agreement and stipulation signed by the company upon receipt of the permit.

#### CHAPTER VIII.—ARTICLE XXVIII.

##### SNOW-PLOUGHS AND SWEEPING-MACHINES BY RAILROAD COMPANIES AND OTHERS IN THE CITY OF NEW YORK.

SEC. 268. It shall not be lawful for any or either of the street or horse-car railroads or stage companies, proprietors or corporations, within the limits of the city of New York, or their officers, agents or servants, to cause or allow any snow-plough, sweeping-machine or other similar instrument to pass over the tracks or lines occupied or used by them within the said limits, unless by the express permission in that behalf to be granted to them by the Mayor.

SEC. 269. Any of the said companies, proprietors or corporations who shall violate the provisions of the above section, shall be punished by a fine not exceeding one hundred dollars for each offense, and the officers, agents or servants of such companies, proprietors or corporations who shall violate the said provisions shall be punished by a fine not exceeding one hundred dollars for each offense.

SEC. 270. No such permit, or renewal thereof, shall be granted, unless upon the express condition and agreement, to be assented to on the part of the company, proprietor or corporation applying for such permit or renewal, that in case of any fall of snow so deep that the throwing up of the snow by any such snow-plough or machine will render the highway unsafe for travel, or make inconvenient the approach to the curb-stone, then, within twenty-four hours after any such fall of snow, and after the use of such snow-plough or machine, such company, proprietor or corporation shall and will, at his or their own expense, remove and carry away the snow thrown up by such plough or machine, and shall and will reduce the snow upon the highway adjacent to their tracks or lines to such level as will make convenient for all vehicles the approach to the curb-stone, and render the whole width of the roadway safe for travel; and that such snow-plough, sweeping-machine or other instrument be so constructed as not to throw any snow or slush on the walks or buildings, under a penalty of ten dollars for every house or sidewalk in front thereof upon which such snow or slush shall be thrown.

SEC. 271. No such permit or renewal shall be granted unless such company, proprietor or corporation shall expressly covenant, stipulate and agree that in case of his or their failure, neglect or omission to remove and carry away the snow to be thrown up by such snow-plough or machine, and to reduce and level snow on the adjacent highway, within the time and manner aforesaid, then the same may be removed, reduced and leveled, under the direction of the commissioners of police, and the expense of such removing, reducing and leveling shall be paid by such company, proprietor or corporation to the said commissioners on demand.

SEC. 272. In case of the neglect or refusal, or omission of any company, proprietor or corporation to whom such permit or renewal may be granted, to remove and carry away the snow thrown up by such plough or machine, and to reduce and level the snow within the time and in the manner aforesaid, then the commissioners of police, by the direction of the mayor, shall forthwith cause the same to be removed, reduced and leveled at the public expense, and all the expenditures made or incurred therefor shall be chargeable upon the company, proprietor or corporation so neglecting, refusing or omitting to perform his or their agreement, and the same recoverable by an action at law, to be commenced by the corporation attorney on behalf of the mayor, aldermen and commonalty of the city of New York.

SEC. 273. The permission to use such plough, sweeper or similar machine shall be determined by and continue only during the pleasure of the mayor.

## Application for Permission to use Snow Ploughs, etc.

To the Mayor of the City of New York:

The undersigned respectfully asks your permission, pursuant to Sections 268 to 273 inclusive, of Article 28 of Chapter 8 of the Ordinances of the Mayor, Aldermen and Commonalty of the City of New York, in force January 1st, 1881, entitled "Snow ploughs and sweeping machines by railroad companies and others in the City of New York," to use such snow ploughs, sweeping machines or other similar instruments as may be necessary on and over the tracks and lines occupied and used by the undersigned company.

This company does hereby agree and stipulate to comply with all the provisions of the above-mentioned ordinances.

Thomas W. Paddock

Superintendent

42<sup>nd</sup> St. W. & St. N. ave. R.R.



Below is the Ordinance of the City of New York referred to in this permit. It is given so that the company holding the permit may be fully informed of the obligation which is covered by the agreement and stipulation signed by the company upon receipt of the permit.

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SEC. 269. Any of the said companies, proprietors or corporations who shall violate the provisions of the above section, shall be punished by a fine not exceeding one hundred dollars for each offense, and the officers, agents or servants of such companies, proprietors or corporations who shall violate the said provisions shall be punished by a fine not exceeding one hundred dollars for each offense.

SEC. 270. No such permit, or renewal thereof, shall be granted, unless upon the express condition and agreement, to be assented to on the part of the company, proprietor or corporation applying for such permit or renewal, that in case of any fall of snow so deep that the throwing up of the snow by any such snow-plough or machine will render the highway unsafe for travel, or make inconvenient the approach to the curb-stone, then, within twenty-four hours after any such fall of snow, and after the use of such snow-plough or machine, such company, proprietor or corporation shall and will, at his or their own expense, remove and carry away the snow thrown up by such plough or machine, and shall and will reduce the snow upon the highway adjacent to their tracks or lines to such level as will make convenient for all vehicles the approach to the curb-stone, and render the whole width of the roadway safe for travel; and that such snow-plough, sweeping-machine or other instrument be so constructed as not to throw any snow or slush on the walks or buildings, under a penalty of ten dollars for every house or sidewalk in front thereof upon which such snow or slush shall be thrown.

SEC. 271. No such permit or renewal shall be granted unless such company, proprietor or corporation shall expressly covenant, stipulate and agree that in case of his or their failure, neglect or omission to remove and carry away the snow to be thrown up by such snow-plough or machine, and to reduce and level snow on the adjacent highway, within the time and manner aforesaid, then the same may be removed, reduced and leveled, under the direction of the commissioners of police, and the expense of such removing, reducing and leveling shall be paid by such company, proprietor or corporation to the said commissioners on demand.

SEC. 272. In case of the neglect or refusal, or omission of any company, proprietor or corporation to whom such permit or renewal may be granted, to remove and carry away the snow thrown up by such plough or machine, and to reduce and level the snow within the time and in the manner aforesaid, then the commissioners of police, by the direction of the mayor, shall forthwith cause the same to be removed, reduced and leveled at the public expense, and all the expenditures made or incurred therefor shall be chargeable upon the company, proprietor or corporation so neglecting, refusing or omitting to perform his or their agreement, and the same recoverable by an action at law, to be commenced by the corporation attorney on behalf of the mayor, aldermen and commonalty of the city of New York.

SEC. 273. The permission to use such plough, sweeper or similar machine shall be determined by and continue only during the pleasure of the mayor.

The resolutions adopted by the Common Council subjects the matter to the attack of any objecting property owner on the ground of invalidity, for the reason that the consent of the local authorities and sale thereof are made dependent upon the doing of certain acts by the Third Avenue Railroad Company, which action as set forth in the resolutions is the consideration for the passage of the resolutions and the failure of said Company to do the same renders null and void the whole proceeding.

If this matter was simply the question of granting a franchise direct to said Company, the Common Council might prescribe certain terms and conditions to be performed by said Company, but as the Board of Aldermen is exercising a power conferred on it by statute, in which they are empowered to grant consent to the construction of a railroad on certain streets on condition that such consent shall be awarded to the highest bidder at a public sale of such consent, the Aldermen are to decide whether in the interest of the City such consent should be given and their action is to be an exercise of judgment and discretion which cannot be delegated nor made in such case dependant upon the discretion of another party.

The resolutions, after granting consents and providing ~~in~~ for a sale to the highest bidder pursuant to the Railroad Law, limits the same by the conditions specially referring to the Third Avenue Railroad Company, which are declared to be the considerations for the passage of the resolutions, thereby clearly admitting that their judgment <sup>was</sup> controlled or influenced by what said corporation could or would not do and not because the granting of this franchise was expedient and proper so far as the City and public generally were concerned.

This kind of a consent which is of doubtful legality, will not induce parties to take part in such proceedings,



particularly not those who may be desirous of forming a new company to bid for the franchise.

We are told that these conditions were inserted to render the offer of said railroad company available, but no reason is assigned why the Board of Aldermen did not adopt the conditions contained in the minority report which in plain language made the payment of a bonus of \$250,000. and fixed the rate of percentage not less than two percent applicable to all parties competing for the franchise.

Practically this scheme in the resolutions passed, will not insure any greater return to the City than it will receive from the percentage bid at the sale because even if the Third Avenue Company gives a bond to pay \$250,000. if it succeeds and bid two percent at the sale as the franchise according to said resolutions must be given to the ~~parties~~ party offering the largest percentage only the franchise must be awarded accordingly without regard to the Third Avenue Railroad Company bonus, that is if that Company should bid two per cent and another Company bid up to two and a half or three percent, the latter ~~company~~ bid will have to be ~~secured~~ received so that the City will not derive any advantage from the Third Avenue Company's bond.

The case would have been different if the Aldermen had adopted the conditions in minority report. They would then have complied with the law by providing for a sale open and impartial to all bidders and which would certainly secure for the City from the successful party, not only an increase over two percent on the percentages, but also the payment of the \$250,000. in addition as provided for in said minority report.

While the resolutions would appear to have been passed more for the benefit of the Third Avenue Railroad Company than the public, the route adopted was not certainly the one which would afford the best traveling facilities.



The route proposed by the Third Avenue Company and adopted by the Aldermen, is simply an extension and branch of the Third Avenue Railroad now occupying Third Avenue, 125th Street and Amsterdam Avenue, north of 125th Street, and which railroad is now taxed to its utmost carrying capacity. The route is same as the former application which was vetoed by the Mayor as objectionable. It is true the resolutions attempted to provide for the Mayor's objections by a condition that Third Avenue Company must obligate itself to grant in perpetuity a right of way over its road to 125th Street between Boulevard and St. Nicholas Avenue so as to connect two of the branches leaving Third Avenue Company the entire control of the connection between main line and extension at 162nd Street and Amsterdam Avenue. This condition in resolutions cannot be sustained but it does show the spirit which controls these proceedings. If the Third Avenue Company wished to meet the Mayor's objections in a proper way, as they were sound and just, why did it not amend its certificate of extension so as to make a connected and continuous line and thereby avoid this roundabout and imperfect way adopted, and remove any doubt as to the legality of the proceedings. As it is, it cannot be sold except as an extension and it is not likely that any other Company except one in the interest of Third Avenue Railroad will bid at the sale.

Now, if we turn to the other route proposed by the Metropolitan Street Railway Company, we find it runs direct from 116th Street and Manhattan Avenue railroad on 116th Street along said Avenue and St. Nicholas Avenue to 145th Street,



along 145th Street to the Boulevard, along Boulevard, Kingsbridge Road and Broadway to City line, with branch on 145th Street to Lenox Avenue Railroad and Harlem River and on the Boulevard from 169th Street and Kingsbridge Road to 125th Street and on 125th Street to Amsterdam Avenue to connect with Ninth Avenue Railroad.

This route connects directly with the Union Railroad on upper Broadway and runs within a short block of it on 135th Street, with the Metropolitan Street Railroad at 125th Street and Amsterdam Avenue, 116th Street and Manhattan Avenue and 145th Street and Lenox Avenue and with the Third Avenue railroad at 145th Street and Amsterdam Avenue and at Manhattan Street and the Boulevard, 125th Street and 10th Avenue and 125th Street and St. Nicholas Avenue.

This certainly is a complete system providing for connections which with proper transfer system will enable a person to reach any part of the City without difficulty and if the extent and availability of route should control, the Aldermen erred in approving of the Third Avenue Company's application. For the Metropolitan route if operated as an extension of its system would give a direct downtown line on the West side of the City and a continuous route through 116th Street and Lexington Avenue and Broadway to the Battery with several connections at 96th Street to Astoria Ferry, the Belt line at 59th Street, 34th Street &c., which would take passengers to all East side Ferries and district while its downtown line on the West side also connects with a number of cross-town lines enabling passengers from the N. W. end of the City to reach the S. E. part below 42nd Street by either an East



side or a West side route.

So much for the route, now as to proposition submitted in connection with route. The Third Avenue Company's application is for a railroad to be constructed and operated as an extension or branch of its railroad subject to the provisions relating to division of joint business and payment of percentages on gross receipts &c. That is the successful bidder, if not the applying Company, would take the franchise, as an extension or branch line, divide the business arising from transfers with Third Avenue Company according to the length of main line and of the extension and then have to pay the full percentage on its receipts, if the Third Avenue Company, the franchise at sale, it would operate it as one line, without any division of business, and pay on its gross receipts pro rata as the length of extension line was to main line.

The proposition of the other Company is entirely different and avoids the objections made to former applications. That Company requests the local authorities to consent to the construction and operation of a railroad on the proper route, not as an extension or branch of its main line but as a new franchise subject to the provisions of the Railroad Law. This places its application in same position as if asked by a Company just organized. It would induce competition, as a new franchise complete in itself could be acquired by purchase at the sale and thereby increase the compensation to be paid therefor, while whether one of the contending corporations or a new Company succeeded at the sale, the City would re-



ceive the percentage on the whole receipts of the Company from the railroad and not on a part under a pro rata basis as in the case of an extension or branch.

The Third Avenue Company would have an opportunity to acquire a better franchise and a better located and connected route than the one proposed by it, while a new Company would have every facility to contract with all the different lines connecting with its new railroad and thus secure a perfect transfer system equal and just to all parties.

The resolutions recommended by the minority of the Railroad Committee provide also for a proper system of transfers between the new railroad and all connecting and intersecting lines which while securing to the people increased travelling accommodations for one fare, does not subject the Company acquiring the franchise to the uncertainty and much objected to provisions requiring a division of joint business when only extensions or branches are sold.



**To Hon. WM. L. STRONG,**

*Mayor of the City of New York.*

The undersigned citizens, residents and owners of property in the City of New York, respectfully request your Honor to withhold your approval of the resolutions recently adopted by the Common Council giving consent to the railroad extensions applied for by the Third Avenue Railroad Company.

Having under consideration applications from two competing corporations for valuable street railway franchises, and being vested with power to prescribe conditions in the public interest, it was the duty of said Common Council to exercise that care and judgment in the premises as would lead to such action on their part which would best promote the public welfare and secure for the City a compensation in addition to the percentages required by law commensurate with the value and importance of the franchise granted.

Wholly disregarding this duty, they declined to consider the proposition made by the Metropolitan Street Railway Company to pay \$100,000 to the City in addition to the percentages it might otherwise be legally subjected to under the law and as bidders at the sale of the franchise, and they summarily voted down the resolution offered by Alderman Hall to amend the resolutions consenting to the application of the Third Avenue Company by requiring the purchaser at the proposed sale to pay into the City treasury the sum of \$250,000 in addition to the other payment it would assume as the successful bidder; thereby in both instances subjecting the City to a loss of compensation which could have been saved to its treasury if the majority of the Common Council had been considerate of its welfare.

We further object to the approval of said resolutions, because the action of the Board of Aldermen does not furnish the people of that portion of the city most affected the adequate relief which they require, nor give to the public generally the best travelling facilities which were attainable.

The Committee on Railroads admits in its report that the preponderance of testimony before it was greatly in favor of the Metropolitan Street Railway, and endeavor to excuse their refusal to find in its favor by alleging that in order to provide the greatest good for the greater number they recommend the other application because the Third Avenue Railroad could furnish better accommodation to the public than a company operating a railroad principally on the west side, or, in other words, that a line of about 13 miles in length can be of greater service to the public than a line 80 miles in length running on both sides of the city, with numerous cross-town connections from river to river, making a complete system of railway travel from any part of the city to any other part.

They willfully ignored the fact that the extension asked for by the Metropolitan Street Railway Company would open a direct line on the West Side from the north limits of the City to the Battery, with connecting lines cross the City reaching all the ferries on the East River, and would also, by a junction with 116th Street and Lexington Avenue route and intersecting connecting routes, open a new route or line of railway from the east side of the City to the extreme northwest portion thereof and give



increased facilities to the travelling public, and as a competing line running parallel with the Third Avenue route, guarantee better accommodations and better public service.

If their action should be approved, and the franchise be acquired by the Third Avenue R.R. Co., then the only avenues suitable for street railroads north of 125th Street, west of Eighth Avenue, would be entirely in control of said company, and would naturally shut off all competition in the future on the upper part of the City and prevent the extension of any other railroad into that section, no matter how much the same might be needed by the people in the future.

John B. Schroeder 119 E. Houston St  
 Albert Hartman - #6 2<sup>nd</sup> Ave  
 Emanuel Oberg 22. 2 Ave  
 Ernst Tollen 30 2<sup>nd</sup> Ave  
 Hirschhorn Bros. 19. 2<sup>nd</sup> Ave.  
 Simon Steingut 31. 2<sup>nd</sup> Ave  
 Henry Davis 33 2<sup>nd</sup> Ave  
 Tr Seyelke 37. 2<sup>nd</sup> Ave  
 John Little 47 2<sup>nd</sup> Ave  
 William M. Cadden. 27 East 3<sup>rd</sup> St.  
 Herman Layla 63 - 2<sup>nd</sup> Avenue  
 Frank C. Rack. 74 - 2<sup>nd</sup> Avenue  
 Weiniger & Bauer 76. - 2. Avenue  
 L. R. Schminke 100 2<sup>nd</sup> Ave  
 Franz F. Hoff 99 2<sup>nd</sup> Ave  
 Henry Chelmann 99 - 2<sup>nd</sup> Ave - City  
 W. Raentzel 101 - 2<sup>nd</sup> Ave  
 A. Aniloge 103 - 2<sup>nd</sup> Avenue  
 L. Gombasz 105 - 3 Avenue  
 T. E. Ulrich 113. Avenue  
 Joseph Levy 126 - 2<sup>nd</sup> Ave  
 E. A. Spricke 158 Second Ave.



John Wydo

213 Second av.

Theodore Kall

326 Second av.

J. Sanford

1518 ave A.



Arturo. S. Agate

119 - 3 Ave.

Louis Dock

62 E. 7th St.

Christian Fland

101. 3rd Ave

Abraham Charmatz

97 3rd Ave

H. Grise

75 5th Ave

M. Sosnick

89 - 3rd Ave.

P. F. Smith

87 3rd Ave

Oscar. Geurendorf

84. 3 Ave.



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*J. B. Chaudin*  
THE COLONIAL BANK, N.Y.



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JUNE 11<sup>th</sup> 1896

John Jacob Astor  
by Henry B. Ogden  
Agent

The Trustees under the  
will of William Astor  
Henry B. Ogden  
Agent

I am in favor of the giving of the franchise  
to the Metropolitan Street Railway Company.

Charles A. Peabody  
S. P. Lawmichalsky  
121 Manhattan Ave

C. Sinclair Payne  
231 East 179 St.



To His Honor Mayor Strong,

Sir:-

With the growth of population of our city and the increased necessity for intermural travel, the right to use the public streets and avenues for passenger cars has become most valuable, and is yearly of greater value. Every increase in population and every advance in science and invention increase the value of these municipal franchises.

It is no over-estimate to say that were the City as an ordinary business proposition to utilize in its own behalf the franchises now enjoyed by private corporations, the returns would be sufficient to meet the annual interest on the city's debt, and in addition to provide a sinking fund. The value of street railway franchises in particular is shown by the Broadway road, which in addition to large sums spent in obtaining its charter from which the city obtained no benefit and in addition to further large sums for acquiring prior rights, guarantees the annual payment of the sum of \$150,000 to the city. This annual guarantee is equivalent to the interest on \$5,000,000 of the city bonds.

We would respectfully suggest to your Honor that it is timely now to consider the great possibility of increased revenue from these franchises. Next to pure water and sanitary homes this transit question is of most pressing importance, and now that the new aqueduct and the condemnation of unsanitary tenements are giving a satisfactory solution of these two problems under your administration, the transit question has a clear field to the attention of the municipal authorities.



The city has committed itself by the action of the city authorities and the Rapid Transit Board just recently sustained by the Court of Appeals, and the principle that it is the duty of the city to see that proper transit facilities are provided and that the city is entitled as well to the direct value of the franchise as to the indirect benefit which comes from every public improvement.

The opportunity presents, in the existing contracts of the city with the Sixth and Eighth Avenue Companies, to avail yourself for the city of the rights already existing and declared valid by the Court of Appeals. Under these contracts the city has the right to acquire the Sixth and Eighth avenue roads on the payment of the cost of construction and ten per cent. additional. The rental at present paid for the use of these franchises is about \$400,000 per annum.

For this sum the original Sixth and Eighth avenue Companies have leased to the Metropolitan Traction Company their rights and privileges. There is no reason in either equity or law why this great sum, equivalent to the interest on \$13,000,000 of the city bonds, should not be paid direct to the city instead of to a private corporation. The sum required to exercise this option and to acquire this revenue for the city is so small that it could readily be made by the issue of short time bonds, which the rental would cancel within three years.

It behooves your Honor, as the head of the public corporation, known as the Mayor, Aldermen and Commonalty of the City of New York, to act towards the city's rights and property as would the president of any private corporation con-



serve the rights and property of its stockholders. The present contract with the city prevents the Sixth and Eighth avenue roads from changing their motive power without the city's consent. These contracts the Metropolitan Traction Company, the lessee of these roads, seeks to evade by applying to the State Railroad Commission instead of to the local authorities.

The question of municipal ownership and of the three cent fare during commission hours we would also submit to your Honor's further consideration.

On the matter, however, of the present attitude of the Metropolitan Traction Company to the city it is important to act at once. Your Honor is therefore requested on behalf of the people of the city, at once to take such action as will prevent the issue of any permit of any kind to the Metropolitan Traction Company to enter upon the public streets until it shall have first obtained the consent of the city authorities, shall have agreed to comply with the existing provisions of law regarding transfers and shall have made adequate compensation to the city and the public for its new privileges and franchises.

If your Honor should avail yourself of the powers and privileges which you have, by reason of the law and the contracts made by the Sixth and Eighth Avenue railroads with the municipality, to purchase these two important lines running along the backbone of the Island from end to end, that step will be a mighty stride in the right direction and will make an epoch in the municipal administrations of America that will perpetuate the memory of your administration as long as history takes note of human affairs.

All of which is respectfully submitted in behalf of the subscribing representatives of associations which include in their ranks seventy-five thousand citizens of New York.



Richard St. Cooney D. M. W. D. at. 49

Michael Kelly D. R. Sect DA 49 Roff

Patrick J. Rourke D. R. Sect D. a 78~

Patrick McCloy D. A. 75

Samuel G. Voley W. D. Pa. vol 75

Thomas J. O'Reilly, D. M. W. D. A. 220

Wm G Bourke D. J. DA 220

John Armstrong, D. A. 253.

Walter Petersen D. A. 253

Joseph A Miller R. S 64 25-3

Patrick Rock D A 49

James Schollard D. A 220

Alfred J. Boulton D. A 220

Edw Collins D. A. 75 W. J. L.

Hugh Green DA 49.



To the Commissioners of the Sinking Fund,  
of the City of New York.

Gentlemen:-

The undersigned are engaged in business on 6th and 8th  
Avenues.

Business on those Avenues has long suffered from insuffi-  
cient railroad facilities. We have recently been promised by the  
Metropolitan Street Railway Company an improvement, by the intro-  
duction of electricity as motive power. We understand that it has  
been authorized by the proper officers.

It now appears that further delay is likely to result  
from litigation over a claim that the City has a right to buy the  
title of the 6th and 8th Avenue Companies, in view of which the  
Metropolitan Company, as lessee, is unwilling to make any large  
investment in the property.

Litigation over such questions usually lasts for years.

It is intolerable that the people who own property, do  
business, and travel on these streets, should have their interests  
postponed until the determination of these questions, unless it is  
absolutely necessary.

May there not be some way in which the interests of both  
parties can be preserved and the improvement allowed to proceed. <sup>S</sup>

Will not your honorable body take the matter up practi-  
cally, and by conference or otherwise arrive at some solution of  
the difficulties so that the City may hereafter obtain the full  
value of any part of the property to which it may establish a good  
claim or right, and at the same time the speedy improvement of  
the property by the lessees be secured.

*Alfred J. Cameron*

*Spicer Brothers - 6th Ave & 23rd St*  
*Simpson, Crawford & Simpson*

Over

*Shumaker*  
*Garfield & Co. Bank*  
*605 N. Hudson St*

Gasfield Safe Deposit Co  
By W Hushnew Rice Jr  
Attorney  
Btman & Co

*J. Greenhut*

John O'Hill.

Ammonium

*W. B. Smith*

*[Handwritten signature]*

*H. H. H. H.*

Shepard Knapp

John O'Hill.  
Minister  
 B. B. B.  
 W. M. W.  
 A. H. H.  
 Shepherd Knapp



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the property by the lessees be secured.

*G. Wario Smith*

*313 W 46 St*

*Smith & Sills*

*750 8th Ave*

*247 W 46 St*

*Vogel Brothers 8th Ave Cor 42nd St.*



W. Hawless 649 - 8<sup>th</sup> Avenue  
Robert Millers Sons. 643 & 645 - 8<sup>th</sup> Ave.  
Bernard Karsch - 641 - 8<sup>th</sup> Ave.

The Franklin Savings Bank

A. L. Lumsy Pres. 656 & 658. Eighth Ave.  
W. Portland & Flaherty 629 & 631. 8<sup>th</sup> Ave.  
M. Blair Simpson Geo 539 & 541 - 8<sup>th</sup> Ave.  
Doeherty & Co 537 8<sup>th</sup> Ave.

Ludwig Baumann Company

500 to 514 8<sup>th</sup> Ave.  
John Cashy 473 & 475 - 8<sup>th</sup> Ave.  
Henry Mannes Sons 479/33 8<sup>th</sup> Ave.  
Daniel J. Farrell  
410 & 412 - 8<sup>th</sup> Ave.

S. R. Jonap & Co  
8<sup>th</sup> Ave & 2<sup>nd</sup> St



# Union Railway Company.

OF

New York City,

2389 THIRD AVENUE,

EDWARD A. MAHER,

PRESIDENT.

CHARLES A. STADLER,

VICE-PRESIDENT.

THOMAS W. OLCOTT,

SECRETARY & TREASURER.

New York,

189

The Law regarding percentages of receipts under which this Company is operating provides we shall when our receipts amount to \$1700 per day for a period of six months we shall pay into the City Treasury - one per cent - on said \$1700 - and one per cent additional for every multiple of \$1700 -

If the receipts of the Metropolitan Tracture Co -  
 last year were \$5,000.000  
 for 1 day they would average about 13,700.  
 3 per cent. on 13,700 would be \$411 -  
 5 " " " 13,700 " " \$685.

If the percentage of receipts was figured upon the basis we are operating under viz; one per cent. on each \$1700 and each multiple thereof the amount to be paid to the City would be 13,700 divided by 1700 - or about 8 per cent. and 8 per cent. of 13,700 is - \$1096.  
 or more than double the amount the Metropolitan Tracture Company is compelled to pay upon a basis of 3% on its gross receipts



My opinion is asked as to the constitutionality of Chapter 340, Laws of 1892, entitled, "An act to amend Chapter 351 of the Laws of 1863, entitled "An act to authorize the construction of a railway and tracks in the Town of West Farms and Morrisania" and all acts amendatory thereof.

The act so sought to be amended provided as the title implies for the construction of a railroad in the localities mentioned, which were then part of the County of Westchester. It directs that the persons to whom the franchise is granted shall form a corporation under the then existing General Railroad Act (Laws of 1850) and declares that such corporation when formed shall be subject to the provision of that act, with the exception of certain provisions which were manifestly inapplicable. The lines which the Company was authorized to construct were specifically enumerated (Sect. 3 and Sect. 9 of said act).

The act under consideration (Ch. 340 Laws of 1892) under guise of amending Sect. 6 of the original act, authorizes the company formed under it, to consolidate with or to purchase or lease any street railroad company, incorporated or to be incorporated north or east of the Harlem River or in the County of Westchester, which shall cross, intersect or prolong the line of railway of said corporation. It prescribes the mode of consolidation, states that the name of the new company when formed shall be the Union Railroad Company. It authorizes said Company when formed to increase its capital stock to a specified amount. It then specially exempts said new corporation from the provision of the General Railroad Act of 1890



which requires the payment to the city granting its consent for construction of a street railroad, of certain percentage of the gross receipts; also from the provisions relating to the keeping in repair of the streets on which the railroad is constructed, and it limits the liability of said railroad to the keeping in permanent repair that portion of the street between the rails of its tracks after the same shall have been paved and macadamized. The act also exempts the Union Railroad Company from the provision requiring that the consent of the municipal authorities in cities of more than ninety thousand inhabitants, must contain the condition that the right, privilege or franchise of using any street, highway, etc., shall be sold at public auction to the highest bidder.

The fourth section of said act prescribes certain payments to be made by the Union Railroad Company to the City of New York and states that such payment "shall be "in lieu of all other percentages which any of the roads "consolidating and forming the said Union Railroad Company "may theretofore be liable to pay on its receipts".

The original act of 1863 was local in its character. It provided for the construction of a railroad and tracks in certain specified localities. Under the provision of the Constitution, Section 16, Article 3, local acts shall embrace only one subject, and that shall be expressed in the title and it or acts amendatory of it can only contain such provisions as are germane to the object mentioned in the title. The Legislature had the power if it deemed it necessary for the better attainment of the



object, to change the agencies through which such object, namely, the construction of a railroad in the places mentioned, was to be attained, or to vary the powers of the corporation which was to carry such object into effect. But all such changes could only be made, in guise of amendment of the original local act, provided that they tended to the attainment of the original object which was mentioned in the title.

It is evident from the reading of the act in question Ch. 340 laws of 1892 that it contemplates and makes possible the creation of a system of street railroads embracing not only the towns of West Farms and Morrisania which have now become part of the City of New York, but every railroad in the whole County of Westchester which crosses, intersects or prolongs the line of the original railroad or any of its branches or extensions. The statute expressly regulates the powers and duties of the new corporation which may and does as a matter of fact operate railroads far distant from the original route and grants it special exemption from provisions to which all other street railroads were subject at the time that the act was passed. It seems evident that no one would infer when reading the title of the original act that in its amended form it embraces such provisions and provides for the creation of such a system which is entirely distinct and different from the route which was originally contemplated and from the localities to serve the interests of which the original corporation was created. This fact is sufficient to bring the act in question under the Constitutional prohibition. As was said by Finch, J., (in re May, 99 N. Y. 570): "Where



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the prevention of the granting of privileges by stealth and in secret.

It seems to me that to give to a particular corporation by a local act the privilege to consolidate not only with railroads which form with it a continuous line, but with any railroad which may cross it or any of its branches is in violation of the spirit of this provision of the Constitution, and certainly it would seem that to exempt a corporation by such a local act from obligations which rest on all corporations of its class, is the conferring of an immunity such as is prohibited by the provision of the Constitution in question.

Not only is it attempted in this act to confer such privileges and exemptions on a road which may hereafter come into existence, but if the system of the law be carried out the city will actually lose the percentages which are now paid to it by existing railroads which cross or are connected with the system of the Union Railroad Company, if at any time such roads should deem it for their interests to consolidate with the Union Railroad Company. After that time the city will only get the percentage specified in Article 4 of the act in question. To all such roads therefore the privilege is given to exempt themselves by their own act from the operation of the law under which they were created and in virtue of the provisions of which the consent under which they operate their road was originally granted, and to pay hereafter a sum which may be very much less than the sum which they originally agreed to pay. It is difficult to imagine a more flagrant vio-



lation of this provision of the Constitution.

My opinion is therefore that even if under the most favorable construction of the act for the Union Railroad Company, and assuming that such company had a legal existence, the exemptions conferred on it and on the railroads which may hereafter become part of it, are entirely void and that if the whole act is not unconstitutional, certainly such portions of it as exempt the corporation from the obligations in question are entirely void.

It would follow from this that the consent which was granted to the Union Railroad Company by the Board of Aldermen in August 1892 is void because it does not contain the provision that the franchise granted shall be sold to the highest bidder at public auction pursuant to the provisions of Sect. 95, Chapter 676 of the Laws of 1892. If the views herein expressed are sound and the exemption from such provision which was attempted to be given to such Union Railroad Company, is void, such railroad was clearly subject to the provisions of said act of 1892 and a consent given without complying with such requisites is absolutely void. It may be claimed that under sect. 90 as amended by Chapter 676 of the Laws of 1892, Article 4, which contains the provision requiring the sale of the franchise at public auction, is made applicable only to corporations organized since May 6, 1884 and that in this case the birth of the Railroad Company to which the consent was granted must be traced back to the original act of 1863. The answer to this is in the first place, that it clearly appears from the act that the meaning of the



restriction to railroads organized since May 1884, refers only to that part of the railroad which was then operated by such railroad companies and that it was clearly intended that whenever any railroad company should extend its road, it would then come, both as to the manner in which such extensions was to be obtained and the mode in which such extended road was to be operated, under the operation of the Article in question. This appears from the provisions in section ninety-five which expressly provides that where any railroad organized prior to May 6th, 1884, shall extend its tracks under the provisions of the law of 1884 or of this article, it shall pay the percentage provided for in the article upon that part of the road which is covered by such extension, and also that part of the provision of Sect. 93 which expressly provides that this provision "shall apply to all applications for such consent made under any statute either before or after the passage of this chapter and not finally acted upon at the time of its passage".

But another answer to such contention if it should be made is that the Union Railroad Company to which such consent was granted dates its existence only from the act of 1892 which allowed the old railroad to consolidate with certain other railroads and which gave to such new corporation the name of the Union Railroad Company. Such right to consolidate is not restricted to railroads organized prior to 1884. Under it the Union Railroad Company may consist exclusively of railroads coming into existence after May 1884 with the sole exception of the original line which was organized in 1863. Under such circumstances



there is no reason whatever to say that such new railroad can trace back its existence to 1863 because one of the many elements of which it may be constituted was created in that year.

On all these grounds, I conclude therefore that in any view of the case the consent which was given by the Common Council in 1892 is absolutely void and of no effect.

Noah Davis

Of Counsel.



In the Matter of the Con-  
stitutionality

of

Chapter 340, Laws of 1892.

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OPINION OF NOAH DAVIS.  
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# Car License Fees falling due per reports of Companies to State Engineer during Ten years 1878 to 1887. Inclusive as figured by Collector of City Rev under opinions of Corporation Counsel

Broadway and Seventh Ave R. R. Co.			Central Cross Town R. R. Co.			Central Park N. & E. River R. R. Co.			Christopher & Tenth St R. R. Co.			Dry Dock East Broadway & Battery R. R. Co.			Eighth Avenue R. R. Co.			Forty second & Grand St. Ferry R. R. Co.			Houston West & Ravonia Ferry R. R. Co.			Sixth Avenue R. R. Co.		
Years.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.
1878	126	6300 00	32	1600 00	132	6600 00	40	2000 00	126	6300 00	112	5600 00	46	2300 00	47	2350 00	114	5700 00								
79	130	6500 00	36	1800 00	134	6700 00	47	2350 00	136	6800 00	112	5600 00	50	2500 00	47	2350 00	81	4050 00								
1880	130	6500 00	38	1900 00	134	6700 00	47	2350 00	158	7900 00	112	5600 00	50	2500 00	47	2350 00	86	4300 00								
81	108	5400 00	39	1950 00	144	7200 00	47	2350 00	158	7900 00	112	5600 00	50	2500 00	47	2350 00	86	4300 00								
82	108	5400 00	39	1950 00	157	7950 00	47	2350 00	174	8700 00	112	5600 00	50	2500 00	47	2350 00	101	5050 00								
83	118	5900 00	40	2000 00	159	7950 00	47	2350 00	177	8850 00	112	5600 00	59	2950 00	49	2450 00	119	5950 00								
84	121	6050 00	42	2100 00	161	8050 00	47	2350 00	187	9350 00	112	5600 00	50	2500 00	50	2500 00	88	4400 00								
85	217	10850 00	42	2100 00	161	8050 00	47	2350 00	185	9250 00	125	6250 00	62	3100 00	69	3450 00	121	6050 00								
86	227	11350 00	45	2250 00	161	8050 00	47	2350 00	185	9250 00	135	6750 00	56	2800 00	60	3000 00	107	5350 00								
87	227	11350 00	45	2250 00	161	8050 00	47	2350 00	185	9250 00	135	6750 00	56	2800 00	60	3000 00	107	5350 00								
		75600 00		19900 00		75300 00		23150 00		83550 00		58950 00		26450 00		26150 00		54075 00								

Third Avenue R. R. Co.			Ninth Avenue R. R. Co.		
Years	No of Cars	License @ \$50. <sup>00</sup> per Car.	No of Cars	License @ \$50. <sup>00</sup> per Car.	
1878	285	14250 00	20	400 00	
79	292	14600 00	20	400 00	
1880	287	14350 00	21	420 00	
81	282	14100 00	21	420 00	
82	308	15400 00	30	600 00	
83	346	17300 00	33	660 00	
84	318	15900 00	45	900 00	
85	360	18000 00	50	1000 00	
86	360	18000 00	57	1140 00	
87	360	18000 00	57	1140 00	
		159900 00		7080 00	

Summary.	
Broadway and Seventh Avenue R. R. Co.	\$ 75600 00
Central Cross Town " " "	19900 00
Central Park N. & E. River " " "	75300 00
Christopher & Tenth St " " "	23150 00
Dry Dock East Broadway & Battery " " "	83550 00
Eighth Avenue " " "	58950 00
Forty second & Grand St. Ferry " " "	26450 00
Houston West & Ravonia " " "	26150 00
Sixth Avenue " " "	54075 00
Third Avenue " " "	159900 00
Ninth Avenue " " "	7080 00
Grand Total	\$ 610105 00



Car License Fee's Collected by Mayor's Marshal during  
Ten Years 1878 to 1887  
Inclusive per Report made by Marshal Thos. W. Byrnes

Ninth Ave. R.R. Co.			Sixth Ave. R.R. Co.			42 <sup>nd</sup> Street & Grand St Ferry R.R. Co.			Houston West St & Pavonia Ferry R.R. Co.			Dry Dock East Broadway & Battery R.R. Co.			Broadway & Seventh Avenue R.R. Co.			Chambers & Grand St Ferry R.R. Co.		
Years.	No of Cars	Am't of Fees per Car	Total Amt of Car Fees.	No of Cars	Am't of Fees per Car	Total Amt of Car Fees.	Years	No of Cars	Am't of Fees per Car	Total Amt of Car Fees.	No of Cars	Am't of Fees per Car	Total Amt of Car Fees.	Years	No of Cars	Am't of Fees per Car	Total Amt of Car Fees.	No of Cars	Am't of Fees per Car	Total Amt of Car Fees.
1878	20	20.00	400 00	69	50.00	3 450 00	1886	48	50.00	2 400 00	41	50.00	2 050 00	1887	28	50.00	1 400 00	152	50.00	7 600 00
79	20	"	400 00	48	"	2 400 00	1887	48	"	2 400 00	4	"	200 00							
1880	21	"	420 00	36	"	1 800 00														
81	21	"	420 00	48	"	2 400 00														
82	30	"	600 00	36	"	1 800 00														
83	33	"	660 00	78	"	3 900 00														
84	36	"	720 00	86	"	4 300 00														
85	46	"	920 00	50	"	2 500 00														
86	52	"	1 040 00	88	"	4 400 00														
87	52	"	1 040 00	88	"	4 400 00														
			6 620 00			4 010 00				4 800 00			2 325 00				2 800 00			8 600 00
																				6 25 00

Summary	
Ninth Avenue Rail Road Comp	6 620 00
Sixth " " " "	4 010 00
42 <sup>nd</sup> Str & Grand St Ferry " " "	4 800 00
Houston West & Pavonia " " "	2 325 00
Dry Dock East Bway & Battery " " "	2 800 00
Broadway & 7 <sup>th</sup> Avenue " " "	8 600 00
Chambers & Grand St " " "	6 25 00
Grand Total	65 870 00



Names of Railroad Corporations of the City of New York in 1879.	Number of horse passenger Cars.	Number of horse freighting Cars.	Amount of license due the City for 1879.	Amount of license due the State for 1879.	Gross income.	Amount of franchise the net income.	Total gross Receipts from Sept 30, 1878 to Sept 30, 1879.	Amount of Capital Stock paid in.	Amount of the Real Estate to be deducted.	Amount of Personal Property.	Rate of Tax for 1879.	Amount of Personal Tax due the City.	Whole Amount of Personal Tax.	Number of miles in New York City.	Amount of Passenger Receipts to be taxed.	Total gross Receipts to be taxed.	Percentage gross receipts in place of Personal tax. Franchise and License.	Amount of Tax on gross Receipts in place of Personal tax. Franchise and License.
Central Park North & East River Railroad Company	132	"	\$50.00	\$1,500.00	"	"	\$776,559.80	\$1,800,000.00	\$375,500.00	\$267,000.00				13	13,839,461	776,559.80	13%	\$23,296.79
Dry Dock East Broadway and Battery Railroad.	126	"	\$50.00	\$1,300.00	"	5% on paid of the RR	\$799,537.76	\$1,200,000.00	\$322,199.00	\$230,000.00				11 2/3	13,775,890	799,537.76	"	23,986.73
Second Ave Railroad	167	"	\$50.00	\$3,350.00	30 1/2%	"	\$2,120,878,949.44	\$1,199,500.00	\$856,645.00	\$150,000.00				8	16,062,560	\$87,949.44	"	24,238.48
Third Ave Railroad	285	"	\$50.00	\$4,250.00	"	"	\$1,761,080.21	\$2,000,000.00	\$1,707,500.00	\$637,000.00				8	30,400,000	\$1,761,080.21	3%	\$2,832.40
New York and Harlem Railroad Company	116	"	\$50.00	\$3,800.00	"	"	\$743,963.84	\$10,000,000.00	\$7,000,000.00	\$3,791,500.00				5 1/2	10,065,034	\$743,963.84	"	22,318.91
Sixth Avenue Railroad	114	"	\$50.00	\$5,000.00	"	"	\$848,324.80	\$750,000.00	\$959,187.00	\$146,000.00			Paid License \$4000.00	4.375	16,415,732	\$848,324.80	"	25,449.74
Broadway & Seventh Avenue Railroad Company	126	"	\$50.00	\$1,300.00	"	"	\$943,629.55	\$2,100,000.00	\$780,706.00	\$528,250.00				8 2/3	18,452,557	\$943,629.55	3%	28,308.88
Eighth Ave Railroad Company.	112	"	\$50.00	\$3,600.00	"	"	\$745,110.06	\$1,000,000.00	\$775,339.00	\$355,000.00				10.	14,289,998	\$745,110.06	"	22,353.30
Ninth Ave Railroad Company	20	"	20.00	\$100.00	"	"	\$78,651.57	\$797,320.00	\$1103,435.00	\$123,500.00			License \$400.00	6 1/2	1,419,638	\$78,651.57	"	23,59.63
New York Central and Hudson River Railroad	8 Dummies	"	\$50.00	\$100.00	"	"	\$28,910,555.18 905,687.52	\$89,428,300.00	Called an Albany Corporation \$33,250.00			License \$400.00 in the City License \$400.00	14 1/2 11 1/2	8,927,565	\$945,687.52	3%	28,370.62	
Bleeker Street and Fulton Ferry Railroad Company					1/100th gross Receipts			\$900,000.00	Leased to the 23rd St. Railroad \$126,000.00				11 1/2					
Forty Second Street and Grand Street Ferry Railroad.	416	"	\$50.00	\$2300.00	"	"	\$336,503.83	\$748,000.00	\$380,380.00	\$250,000.00				5 13/100	6,704,154	\$336,503.83	"	10,095.11
Houston West Street and Pavonia Ferry Railroad Comp.	417	"	\$50.00	\$2350.00	1000 per year	\$1000.00	\$189,825.11	\$250,000.00	\$15,000.00	\$76,500.00				5 12 1/100	3,357,261	\$189,825.11	3%	5,694.75
Twenty Third Street Railroad Company	"	92	"	\$25,2300.00	"	"	\$501,933.76	\$600,000.00	\$405,000.00	\$110,000.00				2 1/2	9,668,604	\$501,933.76	"	15,058.01
Christopher and Trunk Street Railroad Company	"	110	"	\$25,1000.00	3% on gross Receipts	\$32,480.18	\$108,275.45	\$650,000.00	\$300,000.00	\$60,000.00				3	2,074,323	\$108,275.45	"	3,248.26
Central Croftown Railroad Company	"	32	"	\$25,800.00	3% on gross Receipts	\$3,408.22	\$113,607.57	\$600,000.00	\$43,500.00					2 4/100	2,356,896	\$113,607.57	3%	3,408.22
Harlem Bridge Morrisania and Fordham Railroad Comp.	25	"	\$50.00	\$1250.00	"	"	\$77,753.05	\$299,100.00	\$12,000.00	\$35,000.00				5 20/100	1,083,763	\$77,753.05	"	2,332.59
South Ferry Railroad Company	"	13	"	\$25,325.00	2% on gross Receipts	\$790.82	\$39,526.00	\$150,000.00	"	\$20,000.00				9 1/100	756,748	\$39,526.00	"	11,85.78
New York Elevated Railroad Company	"	"	"	"	5% on gross income	\$17,819.08	\$2,239,89.08	\$6,500,00.00	\$140,000.00	\$690,800.00				16 64/100	\$9,875,912	\$2,239,89.08	3%	67,184.67
Metropolitan Elevated Railroad Company	"	"	"	"	"	"	\$128,980.09	\$6,500,000.00	\$3,225,000.00	\$7106,460.00				9 76/100	16,069,489	\$128,980.09	"	38,579.40
New York, New Haven and Hartford Railroad Comp.	"	"	"	"	"	"	\$383,298.65	\$15,500,000.00	Non Resident Corporation.	\$120,800.00				12 3	3,525,468	\$123,420.75	"	3702.62
	1324	177					\$428,433.47	\$134,663,12.18	\$14,296,222.00	\$28,671,391.00			\$4,800.00	218,321,033	\$134,663,12.18	3%	\$104,004.36	

Hudson River Railroad. Amt of Gross \$28,910,551.18 on 141 7/100 miles at \$65,445.50 per mile 14 7/100 in the City. Amounting to \$945,687.52 to be taxed per year.  
New York & New Haven do.. Amt of Gross 3,852,982.65 on 123 miles at 31,325.40 per mile 3 4/100 in the City. Amounting to \$123,420.75 to be taxed per year.



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May 1880

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