

**BOX
038
FOLDER
320**

Law Department

**1913, July-
Aug.**

Communication

FROM

THE CORPORATION COUNSEL

DATED NEW YORK,

City of New York.
Law Department,
Office of the Corporation Counsel,
New York,

116

MDB

JULY 11 1913

Hon. William J. Gaynor,
 Mayor.

Sir:

By direction of the Corporation Counsel I transmit the following report of the changes in the payroll for the month of June, 1913:

Additions to force

James H. McCabe,	Assistant	\$3,500.
	appointed June 11, 1913.	
William J. O'Connor	Clerk	300.
Robert L. Cadley	"	300.
Frank Pasta	"	300.
	transferred from Tenement House Department, June 1, 1913.	
Katherine A. Cotter,	Stenographer & Typewriter	750.
	transferred from Health Department, June 9, 1913.	
Anna L. Roggenstein	Stenographer & Typewriter	750.
	transferred from Health Department, June 11, 1913.	

Separations from service

Josephine W. Ryder,	Stenographer & Typewriter	750.
	transferred to Municipal Civil Service Bureau, June 1, 1913.	
Frank J. Daly	Law Clerk	1,200.
	transferred to Commissioner of Licenses' Office, June 26, 1913.	
Stanley Heleski	Clerk	480.
	resigned June 16, 1913.	

Letter to Hon. William J. Gaynor *Page* 2

Promotions

Alexander C. MacNulty, Assistant.....\$3,500. to \$4,000.
June 11, 1913.

Michael J. Kuhn Clerk 480. " 600.
June 1, 1913.

William A. Lee Clerk 300. " 480.
John H. Smith " 300. " 480.
Benjamin J. Levine " 300. " 480.
June 1, 1913.

Vincent P. Thompson, Clerk 300. " 480.
June 18, 1913.

Bureau of Street Openings

Additions to force

James J. O'Brien	Title Examiner	.....	\$1,500.
Louis D. McLoud	" "	.....	1,500.
Sigmund Solomon	" "	.....	1,500.
Charles H. Ulrich	" "	.....	1,500.
Alex. S. Aleinikoff	" "	.....	1,500.
James N. Beatty	" "	.....	1,500.
George F. Swenson	" "	.....	1,500.
James J. Scallion	" "	.....	1,500.

appointed June 1, 1913.

Jacob Vexler Clerk 300,
transferred from Department of
Water Supply, Gas and Electricity
June 17, 1913.

Henry Deissler Clerk 480.
transferred from Board of Educa-
tion, June 23, 1913.

Separations from Service

Sigmund Solomon Title Examiner \$1,500.
resigned June 5, 1913.

Respectfully yours,

W. Salmon
Acting Chief Clerk.



ARCHIBALD R. WATSON
Corporation Counsel

8-CL.

City of New York
Law Department
Office of the Corporation Counsel
Hall of Records

JULY 16 1913

Hon. William J. Gaynor,
Mayor.

S i r : -

I beg to acknowledge receipt of Mr. Adamson's communication dated June 28, 1913, and transmitting a letter from Mrs. Ring of 276 East Third Street, addressed to you.

Mr. Adamson states that, - "Her letter does not make clear just what her grievance is." Upon investigation I find that Mrs. Ring called at the Bureau of Penalties on or before June 23, 1913, and stated to Assistant Corporation Counsel Stiefel that her husband had abandoned her, leaving her without means of support; that he is now serving a sentence of three years in State's Prison; thereupon Mr. Stiefel informed Mrs. Ring that no proceedings could be taken against her husband until he should have been set at liberty, but that if, upon expiration of his sentence, her husband should fail to provide for her maintenance and support, he would apply to the Court of Domestic Relations for a warrant for his arrest upon the charge of abandonment, pursuant to the provisions of section 685 of

Letter to Hon. Wm. J. Gaynor, *Page* -2-

the City Charter.

I take it that after the interview with Mr. Stiefel, and because of his declared inability to assist her at the present time, she addressed to you this letter of June 24, 1913. She now wishes you to exercise your good offices with the United Hebrew Charities of The City of New York with the view of inducing that organization to assist her in the payment of her rent, inasmuch as her landlord, according to her letter, is about to dispossess her.

Respectfully yours,

Melville B. Watson

Corporation Counsel.

CORPORATION COUNSEL,
CITY OF NEW YORK.

August twelfth
Nineteen thirteen

James Matthews, Esq.,

City Hall.

Dear Mr. Matthews:

This matter has been
attended to, and I return letter for
your files.

Yours very truly,

Melibred R. Watson

Corporation Counsel.

Enclosure

CORPORATION COUNSEL,
CITY OF NEW YORK.

August 13, 1913.

S i r :-

I am in receipt of your favor of August 6th, enclosing letter of complaint from one George F. Clark, to the effect that it has been suggested by certain attorneys unconnected with the Law Department that Clark pay them a fee for expediting the payment of an award made in a certain street opening proceeding. Clark's letter of complaint is dated August 5, 1913. The records of this Department show that under date of June 11, 1913, the Comptroller requested advice in the usual form as to whether the order of court directing payment of this award had been properly entered, and whether its provisions should be complied with. Under date of June 11, 1913, this Department wrote the Comptroller advising payment of the award. Further investigation of the matter is being made, but the records of this office show that prior to the period during which Mr. Clark claims to have been importuned by outside parties to pay a fee for expediting the payment of his claim, the matter had been finally disposed of by this Department in the manner stated. Mr. Clark should apply to the Finance Department for expedition of his matter.

I beg herewith to return Mr. Clark's letter.

R e s p e c t f u l l y,

McClure & Watson

Corporation Counsel.

Hon. William J. Gaynor,

M a y o r.

205 W. 101st Street
New York Aug. 5. 1913.

Hon. William J. Gaynor
Mayor, City of New York
Sir:

A City warrant or check based on an order of the Supreme Court for \$339.⁰⁰ in payment for damage No 82 Prospect Ave. from Crotona Park North to East 189th Street Bronx, payable to Benjamin B. Wood has been held up and payment refused by order of the Corporation Council for more than a month past. I have been invited to pay a friend of Assistant Corporation Counsel Draper, (one Darling,) \$50.⁰⁰ as graft or tribute and then the award would be paid. Darling is on 25th floor Park Row Bldg. I refused. Next I am requested to pay one George F. Allison Attorney 115 B'Way \$75.⁰⁰ and then the award will be paid.

There being nothing to show that Darling and Allison are not graft collectors for Draper, I refuse payment of tribute.

There seems to be no legal claim against payment except taxes etc, and I respectfully demand ~~that~~ that the order of the Court be obeyed.

My patrons have suffered from

A notable hold up matter was an award for one Sage \$1,750. and int. Corporation Counsel Watson granting no relief I called at the Brooklyn office and talked with the hold up man assistant Stern.

Mr Stern said "you are only acting foolish by complaining against Draper or him, that old Gaynor was always looking for something higher up and for that reason he would not dare remove Draper, and for the same reason he would not dare to remove him and for that reason I ought to be "regular".

Respectfully

George F. Clark.

CORPORATION COUNSEL,
CITY OF NEW YORK.

August 13, 1913.

Hon. William J. Gaynor,

M a y o r.

S i r :-

I have caused an investigation to be made respecting the matter complained of in the two communications of Mrs. A. Whyatt, which I herewith return. I beg to enclose a draft letter which may be sent to Mrs. Whyatt, if you approve.

R e s p e c t f u l l y,

McLure & Watson

Corporation Counsel.

Enclosures.

Mrs. A. Whyatt,

220 Prince Street,

Brooklyn, New York.

Dear Madam:

I have your communication under date of August 1, 1913, giving me details of your property upon which an assessment you think too large has been laid.

I have to advise you that the matter about which you write is not within the jurisdiction of the Mayor, but is vested by law in the Board of Assessors. Informally I am told that the reason the assessment is placed at an amount which you consider excessive is because the sewer is located immediately in front of your property, affording direct connection therewith.

The only way that your objection can be brought to the attention of the proper authorities is by the filing of an objection with the Board of Assessors at their office, No. 320 Broadway, Borough of Manhattan, against the amount of the assessment.

Very truly yours,

M a y o r .

THE CITY OF NEW YORK
DEPARTMENT OF WATER SUPPLY, GAS AND ELECTRICITY
BUREAU OF GAS AND ELECTRICITY—MANHATTAN

Use for Carbon copies only

August 13, 1913.

Mr. Frank Hedley,
Vice President & General Manager,
New York Railways Company,
155 Broadway, City.

Dear Sir:

Replying to your communication of August 8th relating to nine applications for permits to make connections between the electrical systems of the New York Railways Company, the Second Avenue Railway Company, the Interborough Rapid Transit Co. and the Manhattan Railway Company, and in connection with our letter to the New York Railways Company, dated February 20, which you showed me on your visit to my office, I beg to say that two of the applications cited in the letter of February 20 had been issued before your visit, and also that on the other applications and all of those cited in your letter of August 8, we had written to the effect that the Corporation Counsel would not allow us to grant the permits. In your letter of August 8, you cite the emergent necessities of these cases, and on that basis I am writing today to the Corporation Counsel in order to secure the proper phraseology to be incorporated in the desired permits in order to render them revocable. Should I receive such a stipulation I will then be in a position to act favorably upon your applications as soon as you shall have made application to the Board of Estimate and Apportionment for the necessary authorization to cover all of these cases and shall have notified me of the fact.

Yours very truly,

THE CITY OF NEW YORK,
DEPARTMENT OF
WATER SUPPLY, GAS AND ELECTRICITY.
COMMISSIONER'S OFFICE,
13-21 PARK ROW.

HENRY S. THOMPSON,
COMMISSIONER.
J. W. F. BENNETT,
DEPUTY COMMISSIONER.
J. L. PULTZ,
SECRETARY.

NEW YORK, August 20, 1913.

Mr. Frank Hedley,
Vice-President & Genl. Manager,
N.Y. Railways Company,
165 Broadway, City.

Dear Sir:-

I beg to acknowledge receipt of your letter of August 15th, stating that you do not see the necessity of making any application to the Board of Estimate and Apportionment for any further authorizations for the inter-system connections which you desire to make, as recited in your previous letter of August 8th.

In my letter to you of August 13th I endeavored to make clear to you that the Corporation Counsel had advised me to refuse the desired permits, owing to a doubt as to your legal right to ask for them. At the same time I accepted your view of the desirability that exists of having means to cope with the emergencies through the interchanging of power through the proposed connections, and I stated my intention of securing from the Corporation Counsel the phraseology proper to be employed in the preparation of revocable permits, which would enable you to perform the work while the legal aspects of the case were in process of adjudication.

I am now obliged to interpret your letter of August 15th to mean that the various applications under consideration are intended to be considered solely on their legal merits and without regard to any emergency features of operation. Therefore, under the advice of

DEPARTMENT OF WATER SUPPLY, GAS & ELECTRICITY.

-2-

the Corporation Counsel I refuse to grant each and every one of the nine applications listed in your letter of August 8th, unless and until it can be shown, in any particular case, that the purpose of the proposed connection is to supply power to various parts of one system and not to permit of the interchange of power between different systems.

Very truly,

Commissioner.

HSW/B.

Communication

FROM

THE CORPORATION COUNSEL

DATED NEW YORK,

8563

City of New York.
Law Department,
Office of the Corporation Counsel,
 104-'R
New York,

AUGUST 15 1913

Hon. Henry S. Thompson,
 Commissioner of Water Supply,
 Gas and Electricity.

S i r :-

I am in receipt of your communication dated August 13, 1913, which reads as follows:

"I have received from General Manager Hedley, of the N. Y. Railways Co., under date of August 8th, a communication requesting certain permits for connection between the electrical systems of the N.Y. Railways Co., the Second Ave. Railway Co., the Interborough Rapid Transit Co., and the Manhattan Railway Co. reading in part as follows:-

As stated to you Wednesday, the object of all these applications is to make connection between the power plants of the companies affected, which will result in better service to the traveling public, minimize the effect of accidents to any one power station and operate to the benefit of all the companies in economical production. The distances for which permission is sought to make these connections are in no case great, and the advantage which will accrue to the traveling public by reason of the continuity of service thereby assured through the elasticity of the power generating system thus rendered possible, seems clearly to justify the granting of the necessary permits.

So far as the Second Ave. Railroad Co. is concerned, the arrangement contemplated will make it possible to give that company the benefit of the economies effected and insure it and its patrons against interruption of service due to difficulties in any one power station. In this connection I would say that the Second Avenue Co. has no power house of its own, and consequently is obliged to procure its power from other sources."

In your opinion of January 10th, 1913, which relates to the subject under consideration, you say:

"No claim is made that the sale or exchange of power is for emergency uses only. It may be admitted it would be an economic

LEPT W. S. G. & E.

RECEIVED

AUG 16 1913

 DIV. OF ELECTRICAL INSPECTION
 OFFICE OF ELECTRICAL ENGINEER

8/19/13
Noted
copy
Mr. Wyckoff please return

J. M. Murphy

Letter to Hon. Henry S. Thompson.

Page 2

waste to compel the Second Ave. Railroad Co. to build a power plant of its own, when the plants in existence are capable of supplying it from their surplus. It may also be admitted from an engineering standpoint that a free exchange of power will result in a great and desirable degree of flexibility of service. However, questions of expediency and desirability cannot alone prevail in the absence of a legal right and there is grave doubt as to the power of these companies to engage in the business of selling power without further authorization from the city.

Toward the close of your opinion you say:-

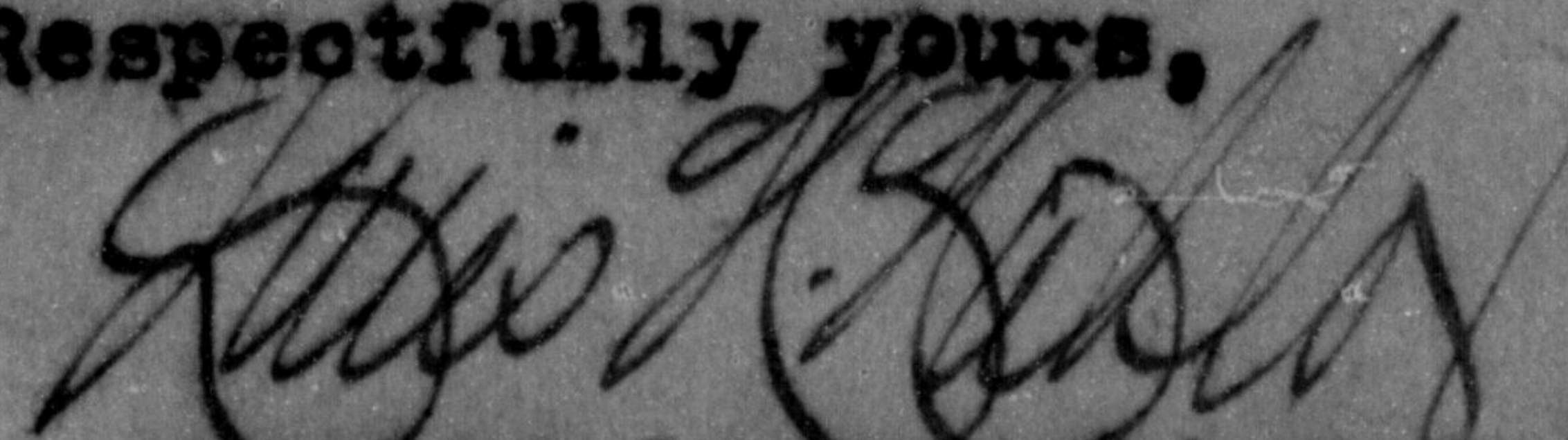
"If you are convinced the immediate supplying of power at the point in question is desirable from a public standpoint, an exception might be made here and a revocable permit be issued by you conditioned upon an immediate application being made to the Board of Estimate for its consent."

Will you kindly suggest the phraseology of a special stipulation which may be added to the desired permits in order to render them revocable."

In order to make the permit mentioned in the above communication revocable you may add thereto the following express condition:

"It is specially understood and agreed that this permit is temporary only and is given on the express condition that the * * * * Company will within * * * * days from the date of this permit apply to the Board of Estimate and Apportionment of the City of New York for a franchise or right to use the streets of the City of New York for the purpose for which this permit is issued and that, if said * * * Company should within said time fail to make such application to the Board of Estimate and Apportionment, or in case any application for such a franchise or right should be denied or refused, the said * * * * Company will, and hereby expressly agrees to remove at once all wires, cables, conduits, structures, etc., placed by it in the streets under the authority of this permit and restore the streets or public places disturbed by it to their original condition, and at its own cost and expense."

Respectfully yours,



Acting Corporation Counsel.

CORPORATION COUNSEL,
CITY OF NEW YORK.

In the Matter of the Application
of the New York Railway
Company, et al., for per-
mits to open the Streets.

My dear Mr. Mayor:

Under date of August 15th.
1913, in response to request re-
ceived August 14th., a form of
revocable permit was sent to the
Commissioner of Water Supply, re-
for use in the above entitled matter.
There need be no delay in relieving
the existing situation.

Respy,

A. R. Watson

August 20th

1913

To Hon. Wm. J. Gaynor, Mayor