

April 14th 1897Hon W^m L. Strong

Mayor of New York:

My dear Mayor Strong:

My physician will forbid
my return to work so I can not
wait upon you at the hearing
you are to hold on the Bronx
and Hutchinson River Sewer bill.
The act in its first and second
sections does not conform to
the scheme which our Commission
suggested but in every other respect
you will note the legislature
has adopted our suggestions. The
great variance is that the
legislature, in its wisdom, has not
seen fit to adopt our suggestion
that "home rule" should prevail
in the appointment of the
commission which is to supervise
the work of, excepting the
Mayor of New York and Chairman
of the Watchter Supervisors who

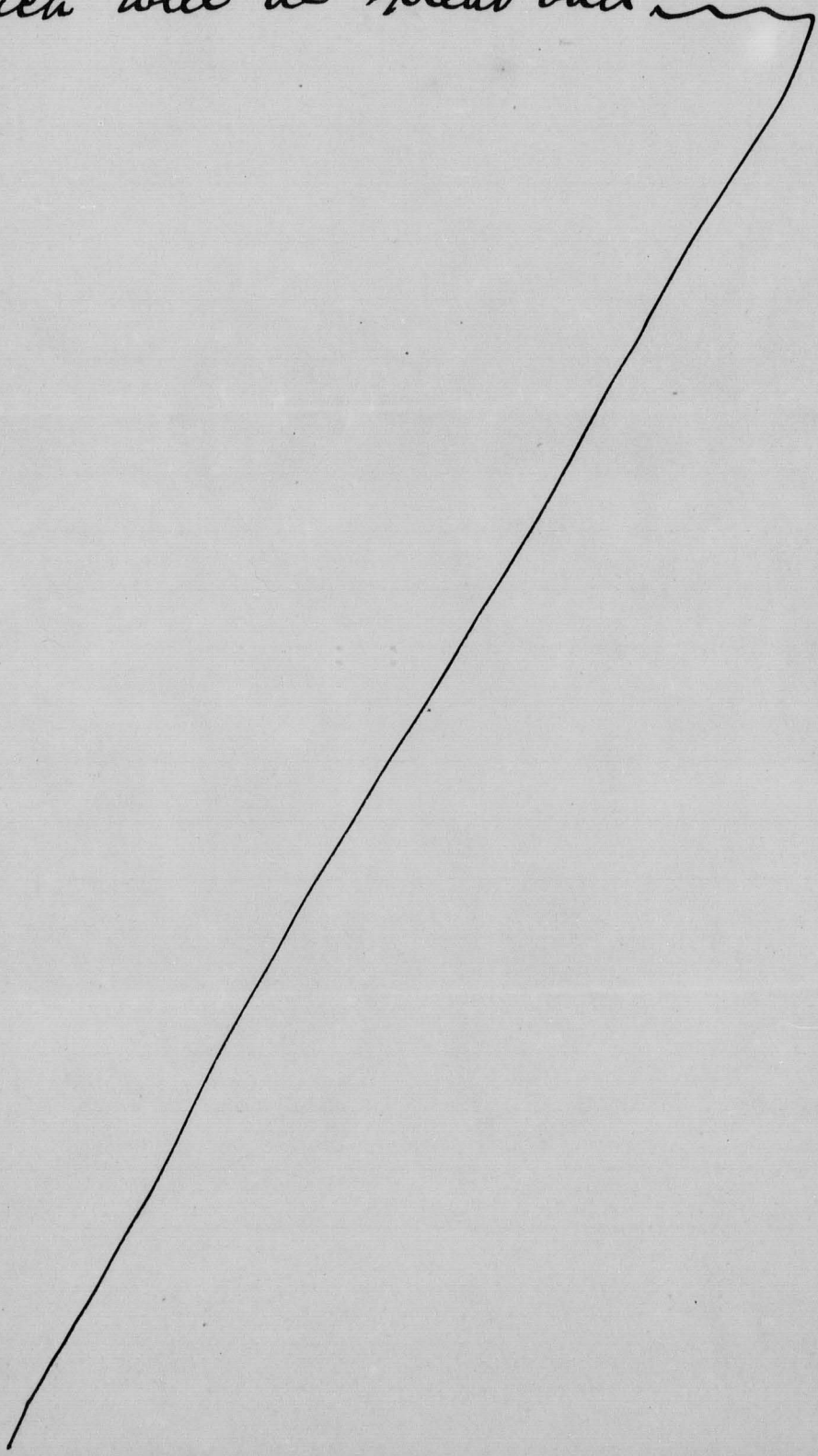
are appointed ex officio members the other members of the Commission are named in the act: so that it is a fair assumption, that no matter what party the citizens of New York may elect to carry on our municipal government in the future the majority of the Sewer Commission will be affiliated with that party which now holds overwhelming ~~power~~ power at Albany. That power has assumed the responsibility for the good conduct of the Commission named by it: I sincerely hope that the Commission will do credit to its sponsors and that this enterprise may prove to be a success. Though of course I am disappointed at the method of appointment I still have hope that the Commission will do well for though our suggestive commission worked so hard to keep politics out of this enterprise it seems to me that it is neither the part of patriotism or manhood because all of our ideas have not

been adopted by the Legislature that we should abandon this important enterprise and ask you to veto it.

The route, the plan, the financial problems, the assessment and its equitable apportionment, all the results of our deliberations supplemented by the advice of our Engineers counsel and the many wise suggestions made to us by the people affected by the improvement all have been approved by our lawmakers. They have only done what large majorities always do: seen to it that the victors receive the spoils." A few scattered false economists, fearful of arguments but willing to have the improvement if some one else is to pay for it raise the cry that the cost will be Ten or Fifteen millions. Their unwarranted exaggerations, based on no data condemn the falseness of the charge and their own ignorance of the subject. If they had read the report they would find our Engineers estimate the cost: right of way and

4.

everything at less than Four Million
which will be spread over



51

An area of water shed by special
apportionment which water shed is
larger than the whole of Manhattan
Island: that the enterprise is one
which is fundamental in the lay
out of the growth growing sections
on the water sheds of the Bronx
and Hutchinson's Rivers valleys up
which the Greater New York is bound
to extend in its Northern and
Eastern growth: as Mayor of
New York I ask you to forget
that you and I were ^{and therefore} a legislative
commission and merely look at
the act as entitled to you by
the Senate and Assembly and though
you reluctantly consent to the
partisan character of the Commission
yet as Mayor regardless of the
future interests of the city
you accept the bill in behalf
of New York as without it a
most important feature of its future
health and growth would be
delayed. The valleys of the Bronx

and Hutchinson's River when drained and
 sewered will afford the basic
 preparation for the spread of the
 population in that fast-developing
 region, another year's neglect will
 add another year's continuance of
 existing unhealthfulness and leave the
 problem still to be solved by future
 legislatures. I therefore ask you not
 only as a citizen but also with
 recollection of all the evils we found
 in our studies of the subject to assent
 to the act just as it is and thereby
 help abate the existing nuisance
 and prepare the way for the
 benefits to be derived by this
 important work which is above
 any petty political consideration
 or selfish interest.

Yrs respectfully
 Fordham Morris
 Ex President of the
 Bronx Valley Sewer
 Commission

LAUREL-IN-THE-PINES

HORACE PORTER, MANAGER
LAKEWOOD, NEW JERSEY

SUMMER RESORT
THE WAUMBEC
WHITE MOUNTAINS
JEFFERSON-N. H.

14

1897

152

WE, citizens and tax payers of the Village of White Plains in the County of Westchester and State of New York, having assembled together in public meeting, pursuant to the call of the President of the Board of Trustees of our Village, do resolve as follows:-

WHEREAS we will be directly affected by the passage of the bill commonly known as the Bronx Valley Sewer bill, and numbered 509/1081 which has recently been passed by the Senate of the State and is now pending in the Assembly; and

WHEREAS we are firmly convinced that the said bill is an improper measure vitally defective and calculated to do great injury to us and is in many respects a menace to our interests and

WHEREAS the people of our community are almost without exception strongly opposed to the same.

BE IT RESOLVED,

That the citizens of our community use all honorable means to prevent the enactment of the said bill.

That our people be urged to do their utmost by petition, letters and personal appeal to secure the defeat of the said bill in the Assembly, and in case the bill is passed by the Assembly, to secure its veto by the Governor.

That we are opposed to any sewer bill for this section of the County until the plans for such sewer are fully determined upon, the route selected and such surveys and examinations made as will enable competent engineers to determine approximately the cost of the same.

That we are ready to give our earnest support to any proper measure that has for its object the establishment of a more adequate and serviceable system of sewerage for the County of Westchester; but are unalterably and positively opposed to a bill which, like this, seeks not the best and most economical plan, bears the stamp of a political job, opens the way to an enormous and unlimited expenditure, threatens to overwhelm the people affected by it with excessive taxation for which they will receive no just and suitable return, and is almost universally condemned by the people who must bear the expense ^{and} in whose interest it is claimed to be advanced.

I hereby certify that the foregoing is a true and correct copy of resolutions unanimously adopted at a public meeting of taxables in habitants of the village of White Plains, N.Y. held in the Auditorium in said village on April 6th, 1897; which said meeting had been duly called by the President of said village for the purpose of discussing the Bronx Valley Sewer Bill.

In witness whereof I have hereunto set my hand and affixed the corporate seal of said village this 7th day of April, 1897

Wm. B. Tuttle
Village Clerk

BOARD OF TRADE
EASTCHESTER,
TWENTY-FOURTH WARD,
NEW YORK.

EASTCHESTER LOCATED ON PELHAM BAY,
SITUATED DIRECTLY SOUTH OF, AND ADJOINING
CITY OF MOUNT VERNON.

LAWRENCE B. HOLLER, PRES'T.
WM. S. JOHNSON, VICE PRES'T.
DANE D. RUSSELL, SECTY.

WILLIAM ALLEN,
SECRETARY OF REAL ESTATE COMMITTEE.

How. Wm. L. Strong
Mayor of New York City:

The following preamble and resolutions were unanimously adopted at a meeting of the Eastchester Board of Trade of the Twenty-fourth Ward of New York City, on Saturday night, April 10, 1897.

WHEREAS, the City of Mount Vernon, through its outlet sewer, is discharging into the Hutchinson River about 1,500,000 gallons of sewage per day, and

WHEREAS, this sewage is not taken out into deep water but remains in the stream, constantly polluting the same and making the entire section, through which the River runs, offensive from the stench which arises from the sewage, and unhealthy because the River has become an open cesspool, and

WHEREAS, the health of our citizens and the welfare of this entire section demand that the City of Mount Vernon shall cease to thus pollute the Hutchinson River, and

WHEREAS, the construction of the proposed Hutchinson Valley sewers will remove this nuisance, therefore

RESOLVED, by the Board of Trade of Eastchester of the Twenty-fourth Ward of New York City, that we favor the construction of the proposed Bronx and Hutchinson Valley sewers as being absolutely necessary.

RESOLVED, That we indorse the Bill now pending in the Legislature, providing for the building of said sewers.

RESOLVED, That a copy of these resolutions be forwarded to his Excellency, the Governor of the State of New York: to the Senator and Assemblyman from this district: to his Honor, the Mayor of New York City: to the Mayor and Common Council of Yonkers: and to the Mayor and Common Council of the City of Mount Vernon.

RESOLVED, That a committee of five be appointed to appear before the Governor and the local authorities, for the purpose of securing their indorsement of the Bill.

Lawrence B. Holler President
Lane W. Russell Secy.
Wm. J. Johnston Vice President

The following preamble and resolutions were unanimously adopted at a meeting of the Eastchester Board of Trade of the Twenty-fourth Ward of New York City, on Saturday night, April 10, 1897.

WHEREAS, the City of Mount Vernon, through its outlet sewer, is discharging into the Hutchinson River about 1,500,000 gallons of sewage per day, and

WHEREAS, this sewage is not taken out into deep water but remains in the stream, constantly polluting the same and making the entire section, through which the River runs, offensive from the stench which arises from the sewage, and unhealthy because the River has become an open cesspool, and

WHEREAS, the health of our citizens and the welfare of this entire section demand that the City of Mount Vernon shall cease to pollute Hutchinson River, and

WHEREAS, the construction of the proposed Hutchinson Valley sewer will remove this nuisance, therefore

RESOLVED, by the Board of Trade of Eastchester of the Twenty-fourth Ward of New York City, that we favor the construction of the proposed Bronx and Hutchinson Valley sewers as being absolutely necessary.

RESOLVED, That we indorse the Bill now pending in the Legislature, providing for the building of said sewers.

RESOLVED, That a copy of these resolutions be forwarded to his Excellency, the Governor of the State of New York: to the Senator and Assemblyman from this district: to his Honor, the Mayor of New York City: to the Mayor and Common Council of Yonkers: and to the Mayor and Common

Council of the City of Mount Vernon.

RESOLVED, That a committee of five be appointed to appear before the Governor and the local authorities, for the purpose of securing their indorsement of the Bill.

Lawrence B. Hollen President

Eastchester
Board of
Trade

Resolutions

April 18

C.H. & J.A. YOUNG & TERRY,
ATTORNEYS & COUNSELORS,
170 BROADWAY, N. Y.

CHARLES H. YOUNG.
J. ADDISON YOUNG.
CHARLES T. TERRY.

TELEPHONE.
3174 CORTLANDT.

Re Bronx River Sewer Bill.

April 16, 1897.

Dictated.

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

Dear Sir:-

I take the liberty of addressing you on the subject of the bill which is before you for approval or disapproval, relative to the construction of a sewer in the Bronx River Valley, and feel that I am at liberty to do so as I am the only person who appeared before you at the time of the hearing on the bill for the appointment of a commission to investigate and report on this matter. At that time public sentiment had not been crystallized for or against the sewer plan as it is now, and it is as the father of the idea, I address you.

I should appear at the hearing on the bill, but for the fact that I have retired from an active participation in politics, and my appearance might be considered as a re-entry either on the part of my friends or my foes or both, who are likely to be present at that hearing.

The bill before you is exactly the bill which you approved and sent to the Legislature, as a member of the original commission, save only in the names of the commissioners and that the expenditure for a roadway is eliminated. Word for word the bills are identical with these two small changes and the additional change that the counsel shall be appointed by the commission and not by the Chairman of the Board of Supervisors as in the bill sent by you to the legislature. There therefore were no more restrictions in the original bill than in the present bill. The subject of the sewer along the Bronx River Valley is one which your commission thoroughly investigated, and as a result determined on its necessity. I cannot conceive that your opinion as to its necessity should have changed in the last two years, and the opinion of the people of Westchester County as to the necessity for a sewer has not changed since public meetings were held by the commission through the district affected, and which were all in favor of the general plan.

I admit that naturally factional differences may produce opposition to the particular commissioners named in this bill, just as factional differences would have produced opposition to your bill last year had it been introduced into the legislature early enough. But I maintain, that this sewer is of more importance than the mere question of factional differences. The commission

C.H. & J.A. YOUNG & TERRY,
ATTORNEYS & COUNSELORS,
170 BROADWAY, N. Y.

CHARLES H. YOUNG.

J. ADDISON YOUNG.

CHARLES T. TERRY.

TELEPHONE.

3174 CORTLANDT.

-2-

named in this bill, I know five members of personally. They are all men of substance, and of standing in the communities in which they live, and are fully as competent to grapple with this problem as the original commission. This statement may be taken from me as a true one, when you bear in mind that I named every one of the original commissioners to the Governor when the appointments were made, except Mr. W. D. Baldwin of Yonkers.

I cannot conceive that you would alter your mind on the merits of this subject, simply because the question of patronage and power should arise. In other respects if the bill before you is a bad one, the bill introduced by you last year must have been a bad measure, and certainly the ten or twelve months given to its consideration led you to reach a fair conclusion as to the merits of the bill.

The opposition to the bill at the present time is largely a factional opposition. Many of the men, for instance, Mayor Peene of Yonkers, ex-Mayor Edson Lewis of Mt. Vernon, Joseph S. Wood of Mt. Vernon, Isaac N. Mills of Mt. Vernon and Charles H. Wilson of Mount Vernon, were all in favor of the bill of last year, and many of them, as you will no doubt have evidence ~~of~~ produced before you, have within this year signed a call in favor of the Grady bill, which calls for an expenditure of one ^{million} dollars more than the bill now presented to you. So that, as you will readily see, the opposition of those who favored the measure last year and are opposed to the bill of this year, is personal and political; and that is the only kind of opposition which exists to the bill to-day.

With a firm belief that you will consider it your duty to approve of this bill as you approved the bill of last year, exactly similar in terms except as indicated above, I remain,

Very respectfully yours,

Charles H. Young

C.H. & J.A. YOUNG & TERRY,
ATTORNEYS & COUNSELORS,
170 BROADWAY, N. Y.

CHARLES H. YOUNG.

J. ADDISON YOUNG.

CHARLES T. TERRY.

TELEPHONE,
3174 CORTLANDT.

April 16, 1897.

Dictated.

Job E. Hedges, Esq.,
Mayor's Office,
New York City, N. Y.

My dear Mr. Hedges:-

I have sent to the Mayor a communication on the subject of the Bronx River Sewer Bill. I decline to be dragged into the controversy relative to the matter, as it is largely a matter of factional dispute with which I have no concern.

The sewer is just as much of a necessity ^{if not} ~~and~~ ^{than} more ~~as~~ it was two years ago, when the Mayor sat on the commission, and approved of the plan for constructing the same. The thinking people of Westchester, who are not given to fighting political battles, are fully as much in favor of it now as they were when the commission was holding its public meetings and hearings on the matter. If your good offices can be used to further the approval of this bill by the Mayor of New York, you will have done a service to the people of Northern New York City and also Westchester County, without regard to politics. If the opposition succeed, it means that the work will fall into the hands of the democracy, ~~and this, if the present bill does not become a law.~~

Yours very truly,

Charles H. Young.

*Please bear in mind that the Engineers
who were employed by the original
Commission favored the utility and estimated
the cost.*

C.H.Y.

Ballard Vale, April 17, 1897.

Hon. W. L. Strong,

Dear Sir:

An old school friend of mine, when I resided in Brooklyn, Charles H. Young, of 170 Broadway, and New Rochelle, N. Y., proposes to send you a communication in regard to the Bronx River Sewer.

He has an idea if I should indorse him to you, you might attach more weight to any statements he may make in his communication.

Mr. Young happens to be the only Brooklyn school friend whose acquaintance I have continued since coming East to live. He appears to be a rising attorney, and I do not think he would misinform you in regard to any question in which he was interested.

Yours respectfully,

H. F. Wilson

OFFICE OF THE

SHERIFF OF WESTCHESTER COUNTY

ADDISON JOHNSON,
Sheriff.

White Plains, N. Y.

April 19th 1897

Hon W L Strong

My Dear Sir

If there remains a doubt that the taxpayers of Westchester County, are opposed to any excessive and iniquitous expenditure of money, especially in consideration of the present financial condition of the County, such as the Bronx River sewer bill calls for, there can be obtained against the bill, signatures of ninety percent of the said taxpayers, within two weeks, I am in a position to hear the expression of the people, on such matters, and I assure you on this question it is bitter indeed, I fully intended to be present to morrow at the hearing but fear I will not be able to attend.

I am Very Sincerely Yours

Addison Johnson
Sheriff

W. G. HITCHCOCK & CO.,
IMPORTERS AND COMMISSION MERCHANTS,
453 & 455 BROOME STREET,
NEW YORK.

April 20, 1897.

Hon. Wm. L. Strong,

Mayor of New York.

Dear Sir:-

I regret to say that in consequence of an important business meeting to be held at 3.30 this P. M., I am prevented from attending the meeting of the Bronx Valley Sewer matter to be held before your Honor this P. M. Not being able to be present at the meeting I propose to call upon you at your office to-morrow morning, and if agreeable will give you my views as a private citizen and an owner of considerable real estate in White Plains and the adjoining towns of Hartsdale and Scarsdale.

I am not going to ask you whether you are in favor of the bill or against it, I simply wish to give you my views which may or may not help you in your decision.

Respectfully yours,

W. G. Hitchcock

78 Park Avenue,
New York City,
April 20, 1897.

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

Dear Sir:- In re. Bronx River Sewerage System Bill.

You may perhaps recall the fact that at the hearing held at the City Hall in this City in the Winter of 1896, before the Commission appointed by Governor Morton to devise a system of sewerage for the valley of the Bronx River, of which Commission you were a member, I had the pleasure of appearing and advocating the system of sewerage proposed by the engineers employed by the Commission. Since that time various bills have been introduced into the Legislature of the State of New York, the objects of which have been to enable the improvement in question to be carried out, and this improvement is now even more important for the health, happiness and prosperity of the community living in the Bronx Valley, than it was two years ago.

There is before you today for consideration the bill which will render this important improvement possible, in the form passed by the Legislature. This bill, it is true, has not been passed in all respects in the precise form in which I should have desired to see it, but I have felt from the commencement, and still feel, that any legislation was to be welcomed and accepted which would enable this most necessary improvement to be begun and

No. 2

carried out. The general provisions of the bill as passed are substantially identical with those of the bill proposed by the Commission appointed to devise the system of sewerage. I therefore respectfully urge upon you to approve of this bill. *I am*

Dear Sir Very respectfully, *yours*

Charles Butler.

ISAAC N. MILLS.
DAVID O. WILLIAMS.
ARTHUR M. JOHNSON.
ROBERT D. PASKETT.

LAW OFFICES OF
ISAAC N. MILLS,
38 W. First St., Mount Vernon, N. Y.
TELEPHONE 122.

NEW YORK OFFICE :
7 BEEKMAN STREET,
TEMPLE COURT,
TELEPHONE 1066 CORTLANDT.

In the Matter of the Bronx River :
Valley &c. Sewer Bill.

-----* April 15th, 1897.

Dear Mayor:--

I understand that the persons having the above bill in charge have in some way worked out the theory, that it does not need to be submitted to the municipal authorities of Yonkers or Mount Vernon, but that it is sufficient if it be submitted to you as Mayor of New York City alone. If such be the course taken, I shall very much wish to appear before you and oppose your approval of the bill when you give your public hearing upon it. I have given the ^{bill} considerable investigation and regard it as very obnoxious. I write to ask that you will kindly have your Secretary inform me, when you will give a public hearing upon the bill.

Very truly yours,

Isaac N. Mills

Honorable

William L. Strong,

Mayor of the City of New York.

LAW OFFICE OF
ISAAC N. MILLS,
Mount Vernon, Westchester Co., N.Y.

ISAAC N. MILLS.
DAVID O. WILLIAMS.
ARTHUR M. JOHNSON.

April 21st., 1897.

-----X
In the Matter of the :
Bronx River Valley Sewer &c. :
-----X

Dear Mayor,--

At the close of the oral arguments yesterday you spoke of receiving briefs within the next day or two upon the matter. I have therefore ventured to prepare a brief memorandum upon the subject which I beg to submit to you herewith.

Yours very truly,

Isaac N. Mills

Honorable William L. Strong,

Mayor of the City of New York.

Before the Mayor of the City of New York.

-----X
Matter of the "Act to Provide for
"the Building &c. of a System of
"Sewage Disposal of the Bronx River,
"the Hutchinson River and the West-
"chester Creek Valleys" &c.
-----X

S T A T E M E N T.

At the conclusion of the oral argument before Your Honor yesterday, I understood you to state that you would receive briefs for two days before you rendered your decision in the matter. The questions involved are so important to all the territory affected that I venture to submit to Your Honor the following brief memorandum Points in opposition to the approval of the bill. Most of these points were presented by me upon my oral argument before Your Honor. The others are by way of answer to the additional questions raised by the opposing arguments.

P O I N T S.

I.

This bill should not be approved because of the setting aside by the Legislature of the Commissioners' Bill and Report. I regard this as a consideration of great importance as a matter of precedent. The Commission of Inquiry appointed under the Act of 1895, of which Your Honor was a member, was certainly entitled to have its bill received and acted upon by the Legislature and made the basis of their action. If Senator Burns had any amendments to propose, they should have been proposed to that bill. It was an act of gross im-

pertinence for him to disregard the Commissioners' Bill entirely and to take a copy of it and change it in matters affecting patronage and introduce it as an independent bill. His course in that regard should be disapproved by all of the municipalities affected, in order at least that it may not become a precedent.

II.

The Bill should not be approved because it offends the principle of home rule.

This principle has been established in the new constitution and it is under it that this Bill is now before Your Honor for action. That principle requires that such commissioners should be appointed by the local authorities. Here Senator Burns, without consultation with the local authorities and without their nomination, has been pleased to name the five active commissioners. This is a direct affront to the principle of home rule and to each of the local municipal governments affected. The City of New York is to pay sixty per cent of the entire cost of this improvement. Why then should not its Mayor be permitted to appoint the two representatives from that municipality who are to have charge of the expenditure of the \$2,400,000. which at least New York City is to contribute to the expenses of the work? Your Honor has been permitted to appoint the heads of all the great departments of the city government, and upon all principles of good local government should be allowed to appoint the representatives of the city upon this commission. I regard this objection as one of the gravest weight. If such a precedent as this may be established, the principle of home rule will be overthrown and we can have little reliance upon it for the future.

III.

This Bill should not be approved because it gives unlimited power to the Commissioners.

1:-- There is no limit in time for either beginning or ending the work. The active Commissioners are to be paid at the rate of \$3,000. per year. It will therefore plainly be for their interest to prolong the work. The labors already performed by the Commission under the Act of 1895 are in no sense made binding upon the new commission. They are authorized by Section 2 to reinvestigate the whole subject. They may spend five years in such reinvestigation before doing a single bit of work.

2:-- There is no limit put to the expense, either to the amount to be paid to the commissioners in the aggregate or to the amount to be paid for the work.

There is
3:-- ~~No~~ substantial limit to the character or scope of the work, save (a) As to the termini, viz. "most northerly point of the Town of White Plains" - page 2- and "in the main channel of Long Island Sound or the East River" - page 3- ; and (b) As to strip of land to be taken, viz. 100 feet wide "except where it may be necessary to increase dimensions thereof" - page 3-. This means no limitation at all.

Commissioners may even take the Bronx River itself and build a sewer large enough to carry all its waters, viz. "For the acquiring of the title or easement to all streams or lands deemed necessary for the purposes of such sewers" (page 3).

4:-- There is no provision requiring the plans, when ~~made~~ made, to be submitted to or approved by any local authority,

and thus no opportunity is given to the people, directly or through their representatives, to pass judgment upon the scheme after its real nature has been shown.

5:— Whatever may be the character of the commissioners, no such absolute and unlimited power should be given to any set of men. There ought at least to be some provision by which, after the commission has determined the character and nature of the work to be done, such determination should be submitted for approval to the people directly or to some of their regular local representatives, as, for instance, to the Mayors or local legislators of the various municipalities interested. As the bill now stands, there is no possible review by the people of the final plans of the commissioners, except possibly by their being legislated out of office by a succeeding Legislature. All the Commissioners have to do to prevent this, is to make a contract for some essential portion of the work. Then under the provisions of the United States Constitution it would be incompetent for the State Legislature to pass any legislation, which would impair the obligation of such a contract.

IV.

The Bill should not be approved, because it is clearly unconstitutional.

It violates the provisions of Section 10 of Article VIII of the State Constitution, which provides "Nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes."

This clause has been construed in several cases, notably in the following:

Matter of Application of Mayor of New York City,
99 N. Y. 569.

People ex rel Murphy vs. Kelly, 78 N. Y. 475.

Matter of Lands in Flatbush, 60 N. Y. 398.

See also Sun Publishing Assoc. vs. Mayor etc., 152 N. Y. 257.

The first case was that in which the constitutionality of the act for the acquiring by the City of lands in Westchester County for Parks was upheld. The second case was that in which the constitutionality of the act permitting New York City and Brooklyn to assume the project of constructing the East River bridge was upheld; and the third case was that in which the unconstitutionality of an act authorizing the taxation or assessment of lands in the Town of Flatbush in Kings County for a portion of the expenses of an extension of Prospect Park, was declared.

In the former case, the following definition of the proper rule of construction was given, that is of what constitutes a city purpose:

"While, as was said in one of the cases cited, it is impossible to formulate a perfect definition of what is meant by a city purpose, yet two characteristics it must have. The purpose must be primarily the benefit, use or convenience of the city as distinguished from that of the public outside of it, although they may be incidentally benefited, and the work be of such a character as to show plainly the predominance of that purpose. And then the thing to be done must be within the ordinary range of municipal action. Acquiring and maintaining parks is within that range." (99 N. Y. 590).

"Applying this test, it is clear, that the building of a sewer in one or more municipalities contained within a county which includes many more, is not a thing within the ordinary range of county action. There is no other act, which we can find among our statutes, which provides in any way for a county to do anything of the sort. A county has never in any

manner in this State, undertaken to build or maintain a sewer in any village, city or town within its limits. Such a work is vastly different from the construction of a highway or bridge, which may upon occasion be used by the people living in the most remote parts of the country; whereas a sewer from its very nature can be used only in connection with the lands immediately adjoining it and can confer no benefit whatsoever upon territory without such adjoining locality.

For instance, a sewer in Mount Vernon can confer no benefit upon property or people in the Village of Peekskill in the northwestern part of the county of Westchester.

If a claim of unconstitutionality should be fairly debatable, the Mayor should not consider it; but where as here it is clearly sound, it affords good ground for his disapproval of the bill.

V.

Review of the leading additional arguments submitted in favor of the Bill.

Outside of the reply to the above points, those arguments were:

First:-- The necessity of some method of sewage disposal in the Bronx River Valley and the Hutchinson River Valley.

Second:-- That the localities affected had, previous to some two months or ten weeks ago, practically unanimously approved the general scheme.

Third:-- That the admitted defects in the present bill may be amended by subsequent legislatures.

I will briefly review these contentions in order.

First:-- The necessity of some method of sewage disposal in the Bronx River Valley and the Hutchinson River Valley.

Upon this point there is no controversy. While the situation in the Bronx River Valley was I think much exaggerated yesterday in the statements made before Your Honor by those who favored the bill, yet there is no doubt that within a few years at least something must be done to take the increasing sewage out of that river. As to the Hutchinson River and the present outlet of Mount Vernon, there is no doubt that something should be done at once to dispose of the Mount Vernon sewage. The construction of the extensive system of sewage proposed by this bill could not, in the very nature of things, afford any relief there for a long time to come. Immediate relief is needed. The State Board of Health has sent to the Common Council of Mount Vernon plans approved by it for the treatment of the sewage at the Mount Vernon outlet sufficiently to admit of the discharge of the effluent into the non-potable waters of Eastchester Creek, without detriment to the general health or offence to the public taste. Those plans must be executed and will afford the relief desired.

This argument of the necessity of a proposed public work is always the stock argument of the politicians who propose to make a job of the work; and they seem to think when they have established the proposition of such necessity, they have won their case. It does not follow by any means that because such a work is necessary to be done within a few years, it should be done in a given manner and the doing of it should be submitted to a control outside of the local governments or their accredited agents and representatives.

Second:-- That the localities affected had, previous to some two months or ten weeks ago, practically unanimously approved the general scheme.

It was conceded before Your Honor yesterday, by those

who favored the bill, that at the present time those localities stand well nigh unanimously opposed to this bill. For this change in public sentiment there are two chief reasons: (1) The fact that it now appears that the expense of the measure to those localities will be greater than was at first anticipated, and (2) A growing distrust and disinclination to commit the performance of the work to a commission not appointed by the local authorities. Doubtless the first of these reasons has had the greater weight with the people, or perhaps it would be more accurate to say that it first began to change the tide of public sentiment. When that apprehension began to occupy the public mind, people were led to critically examine the bill and to realize and appreciate the gravity of other objections. Upon the point of this apprehension as to the cost, I call Your Honor's attention to the facts that in Mount Vernon we were told at first that the cost to Mount Vernon under this scheme would be \$125,000. ~~or // in round figures or not to exceed \$200,000.~~ at the outside limit, and that the cost to us of dealing alone with the outlet disposal of our sewage would cost \$285,000., or, in round numbers, \$300,000. Latterly we are told that the cost to Mount Vernon under this scheme will be \$460,000. or, in round numbers, \$500,000. This difference is what primarily caused Mr. Wood, Mr. Willson and me, and, I may add, the people generally here, to change their minds. This change of public sentiment in Mount Vernon is well illustrated by the facts that, whereas at a public meeting of the taxpayers of Mount Vernon held some ten weeks ago, the scheme of this bill was practically unanimously approved, yet at a public meeting of such taxpayers held on the 5th of this month, after this difference in cost was known, this present bill was practically unanimously condemned and disapproved; and further, that whereas the Board of Trade of Mount Vernon, whose annual banquet in

1896 Your Honor attended, had upon two former occasions approved of this scheme; yet on Thursday evening last, after this difference in cost had become known and the defects in the bill pointed out, it by a vote of three to one disapproved of this bill after both those favoring and those opposing the measure had been fully heard.

The little hamlet of Eastchester, the action of whose Board of Trade approving the bill was presented to you yesterday by Col. Bryant, contains only twenty or thirty families and is included in the limits of New York City. Under the present bill their property will be substantially unassessed for the expenses of this improvement, because, although directly benefited, they will share in New York's part of those expenses only in common with the whole of New York City, which will make their share very light. Upon this point, permit me to say that it seems to me Your Honor's commission (under the Act of 1895) was exceedingly liberal to the newly annexed territory in placing one half of New York's expense upon the city at large and leaving only the other half to be born by the especially benefited territory within the city limits. I do not comprehend upon what theory of justice or equity the present bill has disregarded in this respect the recommendation of your commission and charged the whole expense upon the entire city.

Third:-- That the admitted defects in the present bill ~~it~~ may be amended by subsequent legislatures.

This point was especially urged upon Your Honor's attention by Mr. Wells. With all due respect to him, it seems to me that it constitutes a very weak argument. It, however, seems to be a favored one with the present legislature. When one goes before one of its committees and points out glaring defects in a proposed bill, one is told that they can be

remedied by a subsequent legislature. A bill that is confessedly defective, as Mr. Wells admitted this one to be, should not be permitted to become a law upon any expectation, that its defects will be remedied by amendments to be made by a subsequent legislature. Even if we could know, which we cannot know, that a subsequent legislature would listen to our arguments and attempt to remedy these defects by appropriate amendments, this situation would not meet the evil. As above pointed out, all these commissioners have to do to put their work beyond legislative interference is to make a contract for the construction of the whole or an essential part of the works. Then the principle that the legislature cannot impair the obligations of a contract would come in and prevent the amendments.

This is a great enterprise, which will require years for its accomplishment. A year's delay in the matter is in the end of no material consequence. The act should be made right before it should be made a law. Your Honor is a business man. Would you sign an important business contract containing conditions and terms which were manifestly wrong, upon the foolish assurance or assumption that the contracting parties might subsequently by common consent abrogate and disregard them or take them out of the contract by subsequent agreement? You are practically asked, for the City of New York, to do such a thing in reference to this measure.

In view of the foregoing arguments, all of which appear to me to be sound and of general application and force in New York City as well as in Mount Vernon, I ask that Your Honor will disapprove of this bill.

Very respectfully submitted,

Lucas A. Mills

Dated Mount Vernon, April 21st, 1897.

Before the Mayor of the
City of New York.

Matter of the "Act to Provide
for the Building &c. of
a System of Sewage
Disposal of the Bronx
River, the Hutchinson River
and the Westchester
Creek Valleys &c."

Brief in Opposition to
Bill.

Isaac N. Mills,
7 Beekman St.,
New York City.

and
38 West-1st-St.,
Mount-Vernon,
N. Y.

162

Before the Mayor of the
City of New York.

Matter of the "Act to Provide
for the Building &c. of
a System of Sewage
Disposal of the Bronx
River, the Hutchinson River
and the Westchester
Creek Valleys &c."

Brief in Opposition to
Bill.

Isaac N. Mills,

7 Beekman St.,
New York City.

and
38 West-1st-St.,

Mount-Vernon,

N. Y.

162

Return if not called for in ten days to

ISAAC N. MILLS,
COUNSELOR AT LAW,
Mt. Vernon, Westchester Co., N. Y.

162

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

Thomas Stokes.

Wholesale & Retail Dealer in

YARDS,
Cor. 10th Avenue
and 32nd Street.
Cor. 10th Avenue
and 54th Street.
Cor. 9th Avenue
and 34th Street.

COAL and WOOD

TELEPHONE CALLS,
244-38th ST. © 749-38th ST

New York, April 2/1897

Hon W. L. Strong
Mayor of New York City
Dear Sir

I understand that on
Yesterday you gave a hearing in regard
to the "Bronx Sewer bill" not being aware
of such hearing I beg to say to you
that the Measure is in the line of
Extravagant Legislation and Oppressive in
many ways to the Taxpayers Large and
Small of New York City and Westchester
the Ruthless disposition on the part of
Men who have been elected as Reformers
to improve our ^{financial} ~~budget~~ ^{debts}
should be checked and to you as the
Chosen Chief of "Good Government Measures"
we look for Relief I trust you will
regard the Measure as one that requires
the exercise of your veto very respectfully
Thos. Stokes

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED
21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

10 57 a

NUMBER	SENT BY	REC'D BY	CHECK
9 on	Bd	ms	17 Paris

RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y. Apr 14, 1897

Dated Mr Vernon by 14

To Hon W. L. Strong
Mayor's office
New York

I sincerely hope you will hold the
Bronx Valley sewer Bill fifteen days
& then veto it.

Edwin W. Fiske, Mayor

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA.

INCORPORATED

CABLE SERVICE TO ALL THE WORLD.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delay in transmission or delivery of **Unrepeated Messages**, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

NUMBER	SENT BY	REC'D BY	CHECK
153	Pa	Ms	15 Paid

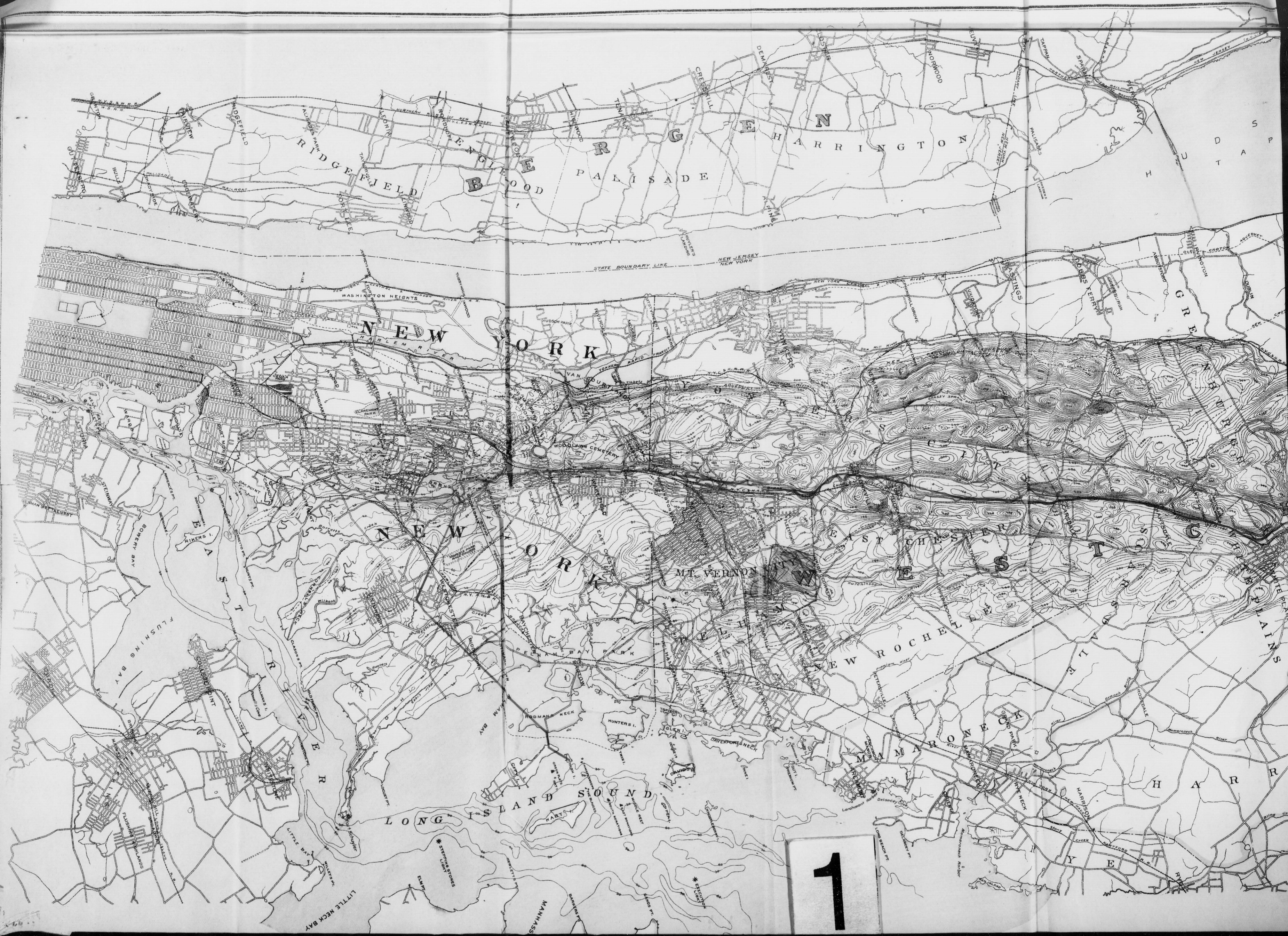
RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y. *Apr 29* 1897

Dated

To

Mt Vernon Ny
Hon W. J. Strong
Mayors Office

ew york
Yonkers and Mt Vernon have
Vetoed Bronx Sewer bill
Have you reached a decision
Please answer Ewin W Fiske Mayor



1

MAP OF THE VALLEY
OF THE BRONX RIVER, IN THE
COUNTIES OF
NEW YORK AND WESTCHESTER,
STATE OF NEW YORK;

PREPARED FOR THE USE OF THE

BRONX VALLEY SEWER COMMISSION,

IN ACCORDANCE WITH THE PROVISIONS OF

CHAPTER 1021, LAWS OF 1895. N

December 27th, 1895.

SCALE.

W. A. Mitchell
Engineer

J. H. Brown
Consulting Engineer

EXPLANATORY
BRONX VALLEY WATERSHED
HUTCHINSON
SEWER LINE
PARKS AND PARKWAYS.
TOWN BOUNDARY LINES.

2



Mr. Mayor:-

I believe this to be the most important bill ever presented for your consideration. As a property owner, both in this and the adjoining city of Mt. Vernon, and one on whom not an inconsiderable burden will fall, I feel that I must not let this occasion pass without raising my feeble voice in favor of this bill. Aside from personal interest each man owes a debt to his preceding generation and each man must try to liquidate that debt, in part, by doing what he can for the succeeding generation. The question, therefore, both in respect to the present and succeeding generations becomes paramount. ^{the Secretary} All others because it directly affects the health of the people. Knowing you Mr. Mayor as I do, who has never shrunk from his duty, I pray you will be guided in all wisdom, as you never have been before, and I am sure then that the people of all generations, present and to come, will bless you.

PRESENT CONDITIONS.

Said a prominent gentleman who I highly respected, but regret that our ways have separated upon this all important question, at a public meeting:- "during the last summer (1895) as I traveled up and down past that stream (the Bronx) I could not but help noticing that that river had become a sink stream filled with filth and exuding poisonous smells and gasses that could not fail to produce typhus, malaria and other kindred evils. x x x The flow of that river has in my own experience very largely diminished. Parks are being laid out on either shore, families are moving in, and all that sewage, increasing month by month, is going into that river and is thus becoming an open sewer right along our border".

Said another prominent gentleman at the same meeting:- "Mr. Fairchild has just told us that the population of the Bronx Valley and the Hutchinson Valley is 40,000. In 1840 the population of Brooklyn was only 36,000; to-day it is over one million. We to-day have in the Bronx and Hutchin-

son Valley a population larger than Brooklyn had in 1840. In 50 years our population will be over a million".

1

It must be remembered that along this beautiful river with its growing population is located Bronx Park, one of the finest parks in the world in which are to be situated the great Zoological and Botanical Gardens, not to mention the beautiful City of the Dead, Woodlawn Cemetery. Should we have this polluted stream carrying infection to the very graves of our departed ones?

Again, take the beautiful and historic section of Eastchester with its church built before the Revolution, with its city of the dead, and ^{Hutchinson River} flowing past the great Pelham Park. Other gentlemen will tell you of the horrible condition of things in Hutchinson Valley. The U. S. Government has expended many thousands of dollars in giving to Mt. Vernon a grand water way and a private company has been to many thousand dollars of expense in improvements. The City of Mt. Vernon to-day has ^{is} practically using that water way for its sewer. It is a crying evil and I believe that the City of Mt. Vernon has been indicted, if not, it should be for permitting such a nuisance. Take the sewerage as it emerges from the Bronx, the Webster and Brook Ave. sewers and the East River sewers with a population increasing in the ratio that it has, and what should we say as to the condition of the shores all along the East River from Hell Gate to the Narrows, if this condition of things is to be for many years.

REMEDY.

THE GREAT QUESTION.

THE RECORD has, for many months, called attention to the absolute necessity of providing for the disposal of the sewage of Mount Vernon, as the City will not be permitted much longer to pour its filth into Hutchinson River. The city is now discharging into that stream about 1,500,000 gallons of sewage per day, much of which is not taken out to sea but remains in the stream, and is washed back and forth with the rise and fall of the tide. This is a well known fact to all who have investigated the matter. Thus the Hutchinson River has become a great cesspool: not only is the stream polluted in the foulest manner, but the section, along the stream and for a considerable distance back is, at times, almost unbearable, because of the foul stench which arises from the sewage, and it is becoming more and more unhealthy. We predict that, unless something is done to remedy this horrible nuisance, there will be, in less than five years, an epidemic of cholera, typhoid fever or of some other equally dangerous disease. That section that will spread to the entire city. Believing this to be true, THE RECORD will not cease to agitate this question until it is properly settled, we therefore give up much of our space this week to the consideration of this subject for reasons which will be apparent to our

competent engineers have expressed undoubted opinion disposal of sewage by the tides is by far the most the solution of this question. I shall take leave articles cut from the daily papers in confirmation of this proposition. The plan provided in the bill now ^{for} honest consideration, is that the outlet of the sewer ^{shall} should be to the eastward of Throgs Point,

the great Zoological and Botanical Gardens, not to mention the beautiful City of the Dead, Woodlawn Cemetery. Should we have this polluted stream carrying infection to the very graves of our departed ones?

Again, take the beautiful and historic section of Eastchester with its church built before the Revolution, with its city of the dead, and ^{Hutchinson River} flowing past the great Pelham Park. Other gentlemen will tell you of the horrible condition of things in Hutchinson Valley. The U. S. Government has expended many thousands of dollars in giving to Mt. Vernon a grand water way and a private company has been to many thousand dollars of expense in improvements. The City of Mt. Vernon to-day has practically using that water way for its sewer. It is a crying evil and I believe that the City of Mt. Vernon has been indicted, if not, it should be for permitting such a nuisance. Take the sewerage as it emerges from the Bronx, the Webster and Brook Ave. sewers and the East River sewers with a population increasing in the ratio that it has, and what should we say as to the condition of the shores all along the East River from Hell Gate to the Narrows, if this condition of things is to be

for many years.

REMEDY.

Competent engineers have expressed undoubted opinion disposal of sewage by the tides is by far the most the solution of this question. I shall take leave articles cut from the daily papers in confirmation of this proposition. The plan provided in the bill now under honest consideration, is that the outlet of the sewer shall be to the eastward of Throgs Point,

THE GREAT QUESTION.

THE RECORD has, for many months, called attention to the absolute necessity of providing for the disposal of the sewage of Mount Vernon, as the City will not be permitted much longer to pour its filth into Hutchinson River. The city is now discharging into that stream about 1,500,000 gallons of sewage per day, much of which is not taken out to sea but remains in the stream, and is washed back and forth with the rise and fall of the tide. This is a well known fact to all who have investigated the matter. Thus the Hutchinson River has become a great cesspool. not only is the stream polluted in the foulest manner, but the section, along the stream and for a considerable distance back is, at times, almost unbearable, because of the foul stench which arises from the sewage, and it is becoming more and more unhealthy. We predict that, unless something is done to remedy this horrible nuisance, there will be, in less than five years, an epidemic of cholera, typhoid fever or of some other equally dangerous disease that section that will spread to the entire city. Believing this to be true, THE RECORD will not cease to agitate this question until it is properly settled, we therefore give up much of our space this week to the consideration of this subject for reasons which will be apparent to our readers.

For many years the village and city officials have considered with more or less care, the question of how best to dispose of the sewage. Under the lead of Dr. Coffey, the accomplished rector of St Pauls Church, the people of Eastchester have agitated this subject, for it is of vital importance to them. Village and city officials have been indicted for pouring the sewage of Mount Vernon into Hutchinson River, but the nuisance has not been abated.

Treatment Works.

While the cost under these plans is not prohibitive, there is still left us to consider whether some other method of disposal would not be less expensive.

We have given elsewhere herein the findings upon this question, as shown by works constructed, and written reports submitted, of the Metropolitan Sewer Commission of Massachusetts, the Passaic Valley Commission of New Jersey, the Bronx Valley Sewer Commission of New York, the Engineers connected with those commissions and with the *Engineering News* of New York City. They are of the unanimous opinion that the disposal into tidewater is the most economical plan of sewage disposal.

We also respectfully refer you to the report of a Committee of the Common Council, of which Committee our Mayor was a member, which report is an official document of this city. After investigating a large number of sew-

age disposal plants in Massachusetts and the one at New Rochelle, the committee were unanimous against any method of sewage disposal by treatment works as being exceedingly expensive in first cost, and also requiring large annual expenditures for maintenance.

so that it may ~~be the influence of~~ have the influence of the eastward sweep of the tide and thereby save the pollution of the East River.

HISTORY OF NEW YORK SEWERS.

In 1825 hogs were the scavengers in New York. The refuse was thrown into the streets. The city was but little more than a village then and human life a little cheaper perhaps; medical and sanitary science was of low order; a quarter of a century before the Father of his country was practically bled to death by his doctors on the mistaken theory of blood letting.

Following what I may call the hog sewerage system, rude sewers were constructed but they were regarded of so little moment that, as was said by Mr. Parsons, the engineer of the rapid transit commissioners, at a meeting not long since at Columbia College, he was unable to find a record of many of the sewers in New York, so that he could get no definite idea for the construction of the rapid transit road.

In the last few years the people have been aroused to this all important subject, and we owe to the Tweed ring, if nothing less, some very excellent sewers. We are still behind Europe in this regard. Take for instance the model city of Paris. We think of it as the city of gaiety and beauty, with its Champs Elysees, its Place dela Concord, its magnificent boulevards, arches and grant buildings, the Mecca of the world. But all this granduer is simply the veneering. You ^{shall} should not appreciate Paris until you study its system of sewers. At incalculable expense, one may say, regardless of expense, the system of sewers in Paris to-day are without parallel in the cities of the world. To go into the sewers of Paris at one of the entrances at the Madelaine with its electric lights, its cleanly boats, with attendants like Col. Waring's angels, dressed in white,

Since something must be done with the present outlets, and since the cost to Mount Vernon would not be over \$24,686, or 80 cents per lot in any one year, we therefore conclude that the cost to Mount Vernon of sewage disposal on the plan recommended by the Bronx Valley Sewer Commission is not prohibitive.

This estimate of cost is based upon the total cost as given by the Engineers of last year, of \$4,000,000 and from which should be deducted the cost of the sewer above White Plains, the acquiring and draining of the marsh lands in the Bronx Valley, and straightening the Bronx River, which the engineer to the Commission informs us would be a saving of about \$750,000, but we base our figures upon the maximum sum, so that there cannot be even the appearance of an endeavor on our part to juggle figures, and to make the cost to Mount Vernon less than it will be. We have endeavored to follow the position taken by the Engineers of the Commission, of giving the maximum figures, so that there will be no doubt but that the whole cost of the work, and the cost to Mount Vernon will be less than the amounts stated.

The plan of assessment contained in the bills of this year is as follows:

The money to pay for the construction of the sewer will be borrowed by the County of Westchester upon bonds of the county, and will therefore be a debt of the county; the bonds will run for varying terms, the longest term to be 40 years, and will fall due as follows:

240 in each of the 1st ten years.			
240	"	"	2d " "
240	"	"	3d " "
240	"	"	4th " "

The bonds will bear interest at not over 4 per cent.

The amount of bonds and interest falling due each year will be included in the annual county tax, and be levied upon the various municipalities in the ratio that the assessed valuation of the properties in each municipality benefited by the sewer bears to the assessed valuations of the whole territory benefited. Each municipality will then levy its share of the tax upon the properties benefited in the same manner as other taxes are levied. The bill states that it is "the bonds falling due each year" which "shall be an obligation of the town or city."

Upon the ratio that the bonds fall due in each year, the greatest assessment upon Mount Vernon will be \$24,686. As there are within the City of

Since something must be done with the present outlets, and since the cost to Mount Vernon would not be over \$21,686, or 80 cents per lot in any one year, we therefore conclude that the cost to Mount Vernon of sewage disposal on the plan recommended by the Bronx Valley Sewer Commission is not prohibitive.

This estimate of the cost of the sewer upon the total cost as given by the Engineers of last year, of \$4,000,000 and from which should be deducted the cost of the sewer above White Plains, the acquiring and draining of the marsh lands in the Bronx Valley, and straightening the Bronx River, which the engineer to the Commission informs us would be a saving of about \$750,000, but we base our figures upon the maximum sum, so that there cannot be even the appearance of an endeavor on our part to juggle figures, and to make the cost to Mount Vernon less than it will be. We have endeavored to follow the position taken by the Engineers of the Commission, of giving the maximum figures, so that there will be no doubt but that the whole cost of the work, and the cost to Mount Vernon will be less than the amounts stated.

The plan of assessment contained in the bills of this year is as follows:

The money to pay for the construction of the sewer will be borrowed by the County of Westchester upon bonds of the county, and will therefore be a debt of the county; the bonds will run for varying terms, the longest term to be 40 years, and will fall due as follows:

⁴ 240	in each of the 1st ten years.				
⁵ 240	"	"	2d	"	"
⁶ 240	"	"	3d	"	"
⁹ 240	"	"	4th	"	"

The bonds will bear interest at not over 4 per cent.

The amount of bonds and interest falling due each year will be included in the annual county tax, and be levied upon the various municipalities in the ratio that the assessed valuation of the properties in each municipality benefited by the sewer bears to the assessed valuations of the whole territory benefited. Each municipality will then levy its share of the tax upon the properties benefited in the same manner as other taxes are levied. The bill states that it is "the bonds falling due each year" which "shall be an obligation of the town or city."

Upon the ratio that the bonds fall due in each year, the greatest assessment upon Mount Vernon will be \$24,686. As there are within the City of Mount Vernon four square miles, 2,560 acres, or 30,720 city lots at 12 lots to the acre, the greatest assessment per lot in any one year will therefore be only 80 cents, including principal and interest.

Our investigations lead us to the opinion expressed by Judge Mills last year, that "Mount Vernon cannot maintain its present sewer outlets."

without a suggestion of offensive odor, and then you begin to appreciate what Paris is and to what she owes the ~~name~~ name of being the banner city of the world.

HEALTH.

What is its value? What will a man give in exchange for it? What would Mr. Vanderbilt, now an invalid, give? Choose ~~for~~ this day whom we will serve, God or ^{Mammon} man, cleanliness, which is next to Godliness, or filth, wretchedness with their results of moral degradation. Shall we be outwardly a whited sepulchre but inwardly full of all that is repulsive.

Turns up stream.
COST.

I am not a statician. I leave figures and finances to other more competent hands. I do not believe that figures figure at all in this problem. Competent judges have said, I believe, that in respect to the cost for the Mt. Vernon district it will be 80 cents a city lot, but if it is \$8 or \$80 or \$800, I would still say we must have the sewer or shut up shop as a city and return to the live of the savage where sewers are not needed.

GENTLEMEN WHO HAVE CHANGED THEIR MINDS.

I have the greatest respect for the gentleman who have changed their minds on this question. It is said that there is but one animal that never changes his mind. I have a still greater respect if he can give good reasons for such change. *Of some* The many now opposing this bill, nowhere more prominent *in its* of this advocacy a short time ago. The real argument now is, I believe, the cost. There is also a criticism of patronage and something has been said about the personnel of the commission. Touching very briefly on these points in their order, I beg to state that the first has been sufficiently considered by me. Secondly, I care not a whit about the patronage. I know that until men become angles there will always be more or less patronage in every

bill. Thirdly, as to the personnel, I have not the pleasure of an intimate acquaintance with many of the gentlemen proposed in the bill as commissioners. I do not believe the bill should fail on that account unless some greater charge has been presented than had yet reached me. There has not been a suspicion of dishonesty. Two of them I may vouch for from considerable acquaintance, are admirable men, both in respect to ability and character, and I think that any one could safely make any member of this commission an executor with full confidence that his estate would not be dissipated.

POLITICS.

I am no politician and have no ambition to be; with the exception of a few dollars earned as a clerk of election when I was a boy, I have never received a spoonful of pap, never had an ear of corn from the public crib. I have no interest whatever in this bill other than I have stated as a citizen and taxpayer and I fully believe that if the bill fails it will owing to politics. Your honor has been fighting this monster, pretty successfully, during your term of office and I think that the people may safely rely upon your ability to get the better of this hyena which is eating its way into the very vitals of our municipalities. No bill can be presented without its politics; no improvement suggested but to many the first question that arises is there anything in it for me, *but* the health of the community is too sacred to be jeopardized. The pestilence that walketh by noon day must surely come, possibly this summer. *we must act & act at once*
It is important that there should be immediate action.

Mr. Jacob Reis, whom we all know so well and are grateful^{to}, stated, at a meeting the other evening which I attended that owing to reformatory measures (most of them, I believe, under your administration) and notably street cleaning; the removal of rear tenants, &c., the death rate had decreased so that there was a saving of life estimated, as I recall, of about 12,000 a year or 1,000 per month. What an encouragement that must be to you, sir, after your official labors such as no other Mayor has had lain on him. I believe you will not mar that record by failing to approve this bill. A bill which has passed both branches of the Legislature by large majorities, after unusual protracted hearings, has been substantially considered under the form of a similar bill and proceedings before that at many meetings of the citizens of this City and received general approval except at a very late day when parties who formerly enthusiastically approved the measure now state that they have changed their minds for no good reason, as I believe.

I respectfully request your approval of the bill.

Franklin A. Wilcox,

933 Madison Ave., N. Y.

Following the Commissioners report, are the reports of the Engineer and Consulting Engineer, which give detailed facts and figures which guided the Commission in forming their opinions, and upon all of which, including the cost, the Engineer and Consulting Engineer fully concurred, with three maps showing the territory to be drained and the proposed general line of the sewer.

We find, therefore, first, that last year this able commission reported that in their opinion, and the almost unanimous expression of public opinion, the construction of a sewer through the Bronx and Hutchinson Valleys was an absolute necessity.

Your committee have further considered whether there has been any precedent for the construction of an outlet sewer under a plan similar to the plan proposed by the Commission. We find that the Metropolitan Sewerage System of Boston, Mass., constructed by the Metropolitan Sewerage Commission, appointed under special act of the Legislature of Massachusetts, sewers the valleys of the Mystic and Charles Rivers to two points of outlet into tidewater, at Deer Island and Moon Island, upon a plan similar to that proposed by the Bronx Valley Sewer Commission. We submit for the inspection of any members of the Board who desire to inspect them, copies of the report of the Metropolitan Sewerage Commission, giving a map and details of the outlet sewer just referred to.

We find further, that a commission appointed under the legislature statutes of New Jersey to report upon the sewage disposal question of the valley of the Passaic River, two of whom were physicians; the Consulting Engineer of the Commission being Mr. Alphonse Fteley, Chief Engineer of the Croton Aqueduct, reported that the most economical and most advisable plan was the construction of a trunk line sewer with an outlet into tidewater, which plan is similar to the plan proposed by the Bronx Valley Sewer Commission. They further report that the estimated cost of works for the disposal of 220,000,000 gallons per day, pumping 16 feet at one station, and 21 feet at another station, the sewer being 34.47 miles long, 3 feet in diameter at the upper end and 10 feet in diameter at the outlet would cost \$6,500,000, thus substantiating the opinions of the Metropolitan Sewerage Commission of Massachusetts, and the Bronx Valley Sewer Commission of New York, as to the advisability and economical cost of a tidewater outlet.

The leading engineering paper of the United States, the *Engineering News*, which has upon its editorial staff engineers of the widest reputation and standard, in its issue of March 11th, 1897, commenting upon the report of the Passaic Valley Sewer Commission of New Jersey, states, "joint public works for close lying municipalities, can often, if not generally, be carried out far more cheaply

than isolated works, and it is becoming almost a maximum among engineers, that tidewater disposal is the best solution of the sewage problem, and they further state that East Orange has abandoned its purification works, and sends its sewage to the river through one of the Newark tunnel sewers." We also submit for the inspection of the members of the Board an estimate of Mr. S. L. Cooper, a member of the American Society of Civil Engineers, and Commissioner of Public Works of Yonkers, for the construction of a tunnel from the Bronx River to the Hudson River, about three (3) miles long, to take the sewage and storm water from the eastern slope of Yonkers to an outlet into the Hudson River. His estimate for the construction of that tunnel, three miles long, with the sewer built within the tunnel, was \$249,900. We therefore consider, in view of all these facts, that the conclusions arrived at by the Bronx Valley Sewer Commission were the correct conclusions for the solution of the sewage disposal problem.

Legislative Bills.

Carrying out the recommendations contained in their reports, the Bronx Valley Sewer Commission presented the bill to the legislature for its consideration, at the session of 1896. The bill was presented so late in the session that there was not time for the proper consideration of a work of such magnitude by the legislature, and the bill failed to become a law. A short time before the present session of the Legislature convened, the Bronx Valley Sewer Commission held a meeting, and appointed a committee, of which our Mayor, the Honorable

of a tidewater disposal, as to
 the leading engineering paper of
 the United States, the *Engineering
 News*, which has upon its editorial
 staff engineers of the widest reputa-
 tion and standard, in its issue of
 March 11th, 1897, commenting upon
 the report of the Passaic Valley Sewer
 Commission of New Jersey, states,
 "joint public works for close lying
 municipalities, can often, if not gen-
 erally, be carried out far more cheaply

than isolated works, and it is becom-
 ing almost a maximum among en-
 gineers, that tidewater disposal is the
 best solution of the sewage problem,
 and they further state that East
 Orange has abandoned its purification
 works, and sends its sewage to the
 river through one of the Newark
 tunnel sewers." We also submit for
 the inspection of the members of the
 Board an estimate of Mr. S. L. Cooper,
 a member of the American Society of
 Civil Engineers, and Commissioner of
 Public Works of Yonkers, for the con-
 struction of a tunnel from the Bronx
 River to the Hudson River, about
 three (3) miles long, to take the sewage
 and storm water from the eastern slope
 of Yonkers to an outlet into the Hud-
 son River. His estimate for the con-
 struction of that tunnel, three miles
 long, with the sewer built within the
 tunnel, was \$249,900. We therefore
 consider, in view of all these facts,
 that the conclusions arrived at by the
 Bronx Valley Sewer Commission were
 the correct conclusions for the solu-
 tion of the sewage disposal problem.

Legislative Bills.

Carrying out the recommendations
 contained in their reports, the Bronx
 Valley Sewer Commission presented the
 bill to the legislature for its consid-
 eration, at the session of 1896. The bill
 was presented so late in the session
 that there was not time for the proper
 consideration of a work of such magni-
 tude by the legislature, and the bill
 failed to become a law. A short time
 before the present session of the
 Legislature convened, the Bronx
 Valley Sewer Commission held a
 meeting, and appointed a committee,
 of which our Mayor, the Honorable
 Edwin W. Fiske, was a member, to
 revise the Commissioners' bill of last
 year, in order to present the same to
 the present Legislature for its con-
 sideration. That committee presented
 its report to the Commission, and as a
 result of said report, a bill was pre-
 sented to the Senate on February 11th
 of this year, known as the Grady Bill.
 Upon the same day another bill with
 the same title, and which was identi-
 cal with the Grady Bill, except as to
 the method of appointment of Com-
 missioners; appointment of Counsel
 to the Commission; appointment of
 Superintendent of Sewers, and the
 northern limit of the Hutchinson
 Valley Sewer, and of the method of
 assessment of Mount Vernon. As re-
 gards the last item, the second
 bill, known as the Burns Bill, followed
 verbatim, the Commissioners' bill of
 last year. In the Senate Committee
 the two bills were so amended that,
 with the exception of the unconstitu-
 tional provisions for the drainage of
 the swamp lands in the Bronx Valley,
 which had been omitted in the Burns
 Bill, they were identical, so far as
 Mount Vernon is concerned, with the
 exception of the appointing of Com-
 missioners, of Counsel to the Com-
 mission, and Superintendent of the
 Sewers. As to the construction of the
 sewer, the general point of outlet, and
 the method of assessment, the Com-
 missioners, or Grady Bill of this year,
 and the Burns Bill are identically the
 same, and we present herewith,
 marked Exhibit C., a digest of the
 two bills, section by section in paral-
 lel columns, showing that the two
 bills with the exceptions as noted
 herein, are identically the same, and
 we present also for your inspection,
 examination and comparison, a copy
 of Senate Bill Number 501, known as
 the Grady Bill, and Senate Bill 502,
 amended Number 1081, known as the
 Burns Bill. If, as has been publicly
 stated by the opponents of this meas-
 ure, the Burns Bill is a "job and a
 steal," a comparison of the two bills
 shows that the Commissioners or
 Grady Bill, which our former Mayor,
 and which our present Mayor helped
 to draft, and which has had their most
 hearty support, is just as big a "job
 or a steal." We do not believe that
 such is the case, as we do not believe
 that any Mayor of the City of Mount
 Vernon, Yonkers, or New York, or
 any public official who joined in the
 preparation of the Commissioners
 Bill of last year and the Grady Bill of
 this year, would be a party to a "job
 or a steal."

Cost to Mount Vernon.

Having considered briefly the gen-
 eral propositions, and submitted for
 your consideration the data upon
 which we have based our conclusions,
 we will now consider the cost of the
 sewer to Mount Vernon.

At the public meeting held in
 Mount Vernon last year, a request

2

Carrying out the recommendations contained in their reports, the Bronx Valley Sewer Commission presented the bill to the legislature for its consideration, at the session of 1896. The bill was presented so late in the session that there was not time for the proper consideration of a work of such magnitude by the legislature, and the bill failed to become a law. A short time before the present session of the Legislature convened, the Bronx Valley Sewer Commission held a meeting, and appointed a committee, of which our Mayor, the Honorable Edwin W. Fiske, was a member, to revise the Commissioners' bill of last year, in order to present the same to the present Legislature for its consideration. That committee presented its report to the Commission, and as a result of said report, a bill was presented to the Senate on February 11th of this year, known as the Grady Bill. Upon the same day another bill with the same title, and which was identical with the Grady Bill, except as to the method of appointment of Commissioners; appointment of Counsel to the Commission; appointment of Superintendent of Sewers, and the northern limit of the Hutchinson Valley Sewer, and of the method of assessment of Mount Vernon. As regards the last item, the second bill, known as the Burns Bill, followed verbatim, the Commissioners' bill of last year. In the Senate Committee the two bills were so amended that, with the exception of the unconstitutional provisions for the drainage of the swamp lands in the Bronx Valley, which had been omitted in the Burns Bill, they were identical, so far as Mount Vernon is concerned, with the exception of the appointing of Commissioners, of Counsel to the Commission, and Superintendent of the Sewers. As to the construction of the sewer, the general point of outlet, and the method of assessment, the Commissioners, or Grady Bill of this year, and the Burns Bill are identically the same, and we present herewith, marked Exhibit C., a digest of the two bills, section by section in parallel columns, showing that the two bills with the exceptions as noted herein, are identically the same, and we present also for your inspection, examination and comparison, a copy of Senate Bill Number 501, known as the Grady Bill, and Senate Bill 502, amended Number 1081, known as the Burns Bill. If, as has been publicly stated by the opponents of this measure, the Burns Bill is a "job and a steal," a comparison of the two bills shows that the Commissioners or Grady Bill, which our former Mayor, and which our present Mayor helped to draft, and which has had their most hearty support, is just as big a "job or a steal." We do not believe that such is the case, as we do not believe that any Mayor of the City of Mount Vernon, Yonkers, or New York, or any public official who joined in the preparation of the Commissioners Bill of last year and the Grady Bill of this year, would be a party to a "job or a steal."

Cost to Mount Vernon.

Having considered briefly the general propositions, and submitted for your consideration the data upon which we have based our conclusions, we will now consider the cost of the sewer to Mount Vernon.

At the public meeting held in Mount Vernon last year, a request was made for an estimate of the cost to Mount Vernon. The engineer stated that he had no figures which could be used for the comparison of the different sections upon which it based an estimated cost of any section, except the areas of the different sections, but that the plan of assessment had not been prepared by the Commission, and therefore, no definite statement could be made as what the cost would be to Mount Vernon. Being requested to give an estimate of the cost, based upon areas, he prepared the same, with the statement that any alteration of an assessment plan from that based upon areas, would alter the amounts to be assessed upon any territory affected. After hearing the expression of public opinion upon the methods of assessments, at the public meetings held by the Commission, they decided that an assessment based upon the assessed valuations of the different sections, as shown in the equalized valuations, upon the basis of which county and state taxes were levied, was the most equitable plan of assessment. No estimates were made last year as to the assessment upon the various sections under the plan of the assessed valua-

On December 19th, 1896, at the request of Mr. Charles H. Willson, a member of the Commission, Mr. Fairchild, engineer to the Commission made an estimate of the cost to

(Continued on page 7.)

SOME SEWER FACTS.

Continued from page 6.)

Mount Vernon based upon the equalized assessed valuation as contained in the last Supervisor's Manual, in order to show what the relative cost to Mount Vernon would be under the Commissioner's bill of last year, and under a proposed amendment to the same, which would levy the cost on the Hutchinson Valley sewer on the Hutchinson Valley, and the Bronx Valley Sewer on the Bronx Valley, and the outlet as a blanket assessment on the two valleys. A copy of this letter was sent to Mr. J. S. Wood on that date. This estimate showed that the cost to Mount Vernon, under the plan approved by the Commissioners of last year, would be \$846,000 and under the proposed amendment, would be \$445,000. The omission of New Rochelle and the eastern slope of Pelham from the Hutchinson Valley sewer, increased the total assessment under the latter plan, to \$460,750, as stated elsewhere herein. As a result of this estimate, an amendment to the bill of last year was, as we are informed, prepared by Mr. Joseph S. Wood, and presented to the Commission, which provided that the total cost of the outlet would be assessed upon the Bronx Valley, in which Mt. Vernon had a comparatively small assessed valuation, and which would have therefore reduced Mount Vernon's assessment to \$327,300. That amendment prepared by Mr. Wood is incorporated in the Grady bill, a copy of which we have submitted for your consideration and examination.

At a future meeting of the Commissioners the result of this amendment was discovered, the inequity of it was noted, and an amendment was presented by Mr. James Wood, the Secretary of the Commission, at a hearing before the senate Committee, which corrected the assessment plan, and made it identically the same as contained in the Bill known as the Burns Bill.

Your Committee calls your attention to the fact that the sewer outlet plan providing for a trunk sewer on the west side of Mount Vernon in the Bronx Valley, and on the east side in the Hutchinson Valley, of which sewers New York city pays 60 per cent. of the construction cost, and the County of Westchester, the cost of maintenance, and that to sewer the northern section of the city will only require east and west lateral sewers, while, on the other hand, under the plan of treatment works, these trunk sewers would have to be paid for both as to the entire cost of construction and maintenance by the city, and, therefore, that the cost of these trunk sewers must be added to the cost of treatment works in making any comparison between the two plans. The cost of these trunk sewers, aggregating about four miles in length, has been omitted from every estimate of the cost of disposal by treatment works.

In view of the above facts, your committee respectfully recommend that the Board of Trade take favorable action upon the Bill now pending in the Legislature, and thus express again its approval of the plan of the disposal of the sewage of Mount Vernon by outlet into tidewater, as recommended by the Bronx Valley Sewer Commission.

Respectfully submitted,

CHARLES H. LOVETT,
JOHN F. FAIRCHILD,
J. E. BRYANT,
F. S. ODELL.

Mount Vernon, April 9, 1897.

When Mr. Lovett had finished reading

rooms on January 3, 1896. At the
public meetings of the

SOME SEWER FACTS

Promulgated by Alderman Chas.
H. Lovett.

A Large Meeting of the Board of Trade
are Intensely Interested in
the Debate.

The adjourned meeting of the Board of Trade, held in the Young Men's Christian Association Hall, on Friday evening of last week, was well attended, considering the unfavorable weather. Those who did attend were well repaid for their effort by the lively debate and solid facts which were elicited on the sewer question.

At the meeting of the Board held on April 2d, Alderman Charles H. Lovett introduced a resolution favoring the bill providing for the construction of the sewers.

A committee of seven members of the Board of Trade was appointed to consider the resolutions and prepare a report to be submitted to the members of the Board at the adjourned meeting. The committee appointed were Joseph S. Wood, J. Mortimer Bell, John F. Fairchild, John E. Bryant, Charles Hill Willson, Charles H. Lovett and Frederick S. Odell.

President Fletcher called the meeting to order and Secretary Maynard read the resolution.

President Fletcher then called for the report of the committee. Mr. Joseph S. Wood, chairman of the committee, prepared to read his report, when Colonel Bryant called the President's attention to the fact that there was a majority report, that the report about to be read by Mr. Wood was the minority report, and asked if it was not customary to read the report of the majority first. President Fletcher decided to let Mr. Wood read his report as the chairman, and listen to the other report afterward.

Following is the report of the majority:

GENTLEMEN:—At the meeting of the Board of Trade, held on Friday, April 2, 1897, a committee was appointed to consider the matter of the Bronx and Hutchinson Valley Sewer, and report upon the same at an adjourned meeting of the Board, to be held Friday evening, April 9, 1897.

Your committee have carefully considered the project in its bearings, in as much detail as the time allowed would permit, and we, majority of the said Committee, respectfully present the following statement of facts, and our conclusions therefrom, relative to the said project:

Under the provisions of Chapter 2021, laws of 1895, a commission of ten members was appointed to inquire into the expediency of constructing a sewer and highway through the counties of New York and Westchester, along the Bronx River. The said Commission consisted of the Honorable Fordham Morris, of New York City, President; Mayor William L. Strong and Archibald S. Van Orden, of New York city; Mayor John G. Peene and William D. Baldwin, of Yonkers; Mayor Edson Lewis and Charles Hill Willson, of Mount Vernon; Commissioner Louis T. Haffen, Commissioner of Street Improvements, 23d and 24th Wards, New York city; Mr. F. M. Carpenter, chairman Board of Supervisors, and James Wood, of Mount Kisco, Westchester County, N. Y.

The said Commission immediately entered upon the duties of their office; appointed engineers to investigate the subject, and gave about ten months to a thorough study of the question submitted to them. After receiving the reports of the engineers upon the project, public meetings were held in the various places affected by the sewer, the meeting in Mount Vernon being held in the Common Council

of March 6, 1896. That report was signed by all the Commissioners, with the exception of Mr. Charles H. Willson, who was at that time abroad, and Mr. Archibald S. Van Orden. There was no minority report. We present herewith a copy of the said report marked Exhibit B. We will quote briefly from the report: "The Commission are of the opinion that a sewer through the valley at the edge of the Bronx River through Westchester County and New York County is expedient." Then follows a statement of reasons for this opinion, which describes the valley in both its relation to its topographical features, and the population of this section, with the result that they conclude, on page 4, that it is an "undisputed fact that the Bronx has become an open sewer. Boards of Health, both state and local, have been invoked to prevent its pollution; actions in the Courts praying for relief against it are now pending, and at every hearing held by the Commission, township, village, city and county officials, citizens without a dissenting voice as far north as the village limits of White Plains, all agreed that a sewer with a proper outlet was a necessity."

They then consider the subject of disposal works, and report against that method of treating the sewage, as being more expensive and less desirable than the plan as recommended by them.

On page 5, of the said report, they consider the matter of straightening and deepening the Bronx River, and draining the marsh lands, and recommend that the same be done.

On page 6, relative to the outlet, their recommendation is that the sewer should be carried from the west side of Eastchester Bay "by tunnelling or submerged pipe, to Hart's Island, High Island, City Island or some other suitable point in the vicinity, discharging into tidewater in Long Island Sound, at a point where the water is deep, the channel is wide and there is a strong outward current on the ebb tide."

On page 7, in considering the cost of the sewer, the Commission state that, in view of the omission of that section of the sewer north of White Plains, the construction of a highway, and the acquiring of marsh lands outside of a strip wide enough for the sewer, the estimate is therefore more than liberal," and that the "expense should be materially reduced within the \$3,617,310, as estimated." The balance of their report gives the method of payment and the outline of the Legislation as proposed, as contained in the bill presented by the Commission to the Legislature of last year, which was prepared by the Honorable William H. Robertson, as Counsel for the Commission.

Quilting Book
Appendix

Mr. Wilson

to be at
Mott Bros on

Franklin A
Wilcox