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New York, July 1st., 1895.

Hon. Wm. L. Strong,

Mayor's Office,

New York.

Dear sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 804 (eighth floor) Mutual Reserve Building, 309 Broadway, New York, Wednesday, July 3rd., at 2 P. M.

By order of the Board,

W. R. Huber

Secretary.

W

4

New York, July 8th., 1895.

Hon. William L. Strong,

Mayor's Office,

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at 309 Broadway, New York, room 804, on Wednesday, July 10th. at 2 o'clock P. M.

By order of the Board,

F. B. Thurber,

Secretary.

ANDREW D. BAIRD, PRESIDENT.
SALEM H. WALES, VICE-PRESIDENT.

FRANCIS B. THURBER, SECRETARY.
RICHARD DEEVES, TREASURER.

Office of

New East River Bridge,

309 Broadway, Room 804,

32

New York, July 13th., 1895.

Hon. William L. Strong,

Mayor, New York.

Dear sir:

A meeting of the commissioners of the New East River Bridge will be held at 309 Broadway, New York, room 804, Tuesday, July 16th., at 2 o'clock P. M.

In accordance with the action taken at the last meeting, an amendment to Section 4, Article 3 of the By-laws will be offered so as to read "The president shall be ex officio member of all committees, and in his absence the vice-president shall possess the same power".

Respectfully yours,

F. B. Thurber

Secretary.

P. S.

Mr. L. L. Buck has been invited to meet the executive committee and the other members of the Board at 12.30 o'clock, Tuesday and Mr. G. H. Thomson at 1.30 for conference regarding the position of chief engineer.

ANDREW D. BAIRD, PRESIDENT.
SALEM H. WALES, VICE-PRESIDENT.

FRANCIS B. THURBER, SECRETARY.
RICHARD DEEVES, TREASURER.

Office of

New East River Bridge,

309 Broadway, Room 804,

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, MAYOR,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, MAYOR,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

41

New York, July 19th., 1895.

Hon. William L. Strong,

Mayor of the City of New York,

Dear sir:

The executive committee, together with any other commissioners who may wish to be present, will meet on Wednesday, July 24th. at 309 Broadway, room 804, at 10 o'clock A. M., for the purpose of hearing the candidates for the position of chief engineer whom it was decided to invite at the last meeting of the Board. These ~~five~~ gentlemen have been invited at intervals of one-half hour each, beginning at 10 o'clock.

The regular meeting of the Board will be held, pursuant to adjournment, at the same place at 2 P. M., the reason for this being that the other offices could not be made ready in time for the next meeting.

Respectfully etc.,

F B Thurber

Secretary.

ANDREW D. BAIRD, PRESIDENT.
SALEM H. WALES, VICE-PRESIDENT.

FRANCIS B. THURBER, SECRETARY.
RICHARD DEEVES, TREASURER.

Office of

New East River Bridge,

309 Broadway, Room 804,

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, MAYOR,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, MAYOR,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

14

New York, July 25th. 1895.

Hon. William L. Strong,
Mayor's Office,
New York.

Dear sir:

A meeting of the commissioners of the New East River Bridge will be held in the new offices, Emigrant Industrial Savings Bank building, Chambers street, Wednesday, July 31st. at 2 o'clock P. M.

A meeting of the executive committee will be held at the same place at 1 P. M., together with such of the commissioners as may wish to be present.

Respectfully, etc.,

F B Thurber

Secretary.

ANDREW D. BAIRD, PRESIDENT.
SALEM H. WALES, VICE-PRESIDENT.

FRANCIS B. THURBER, SECRETARY.
RICHARD DEEVES, TREASURER.

Office of

New East River Bridge,

309 Broadway, Room 804,
49 & 51 CHAMBERS ST.
ROOMS - 33. 34. 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, MAYOR,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, MAYOR.
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, August 1st., 1895.

Hon. William L. Strong,

Mayor's Office,

Dear sir:

A meeting of the commissioners of the New East River Bridge will be held at the office, 49 Chambers street, on Friday, August 2nd., at 2 o'clock P. M.

Yours respectfully,

F B Thurber Secretary.

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ANDREW D. BAIRD, PRESIDENT.
SALEM H. WALES, VICE-PRESIDENT.

FRANCIS B. THURBER, SECRETARY.
RICHARD DEEVES, TREASURER.

Office of

New East River Bridge,

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, MAYOR,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

~~309 Broadway, Room 804,~~
49 & 51 CHAMBERS ST.
ROOMS - 33. 34. 35.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, MAYOR,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, August 5th., 1895.

Hon. William L. Strong,

Mayor's Office,

Dear sir:

A meeting of the commissioners of the New East River Bridge will be held at the office of the commissioners, 49 Chambers street, Wednesday, August 7th., at 2 o'clock P. M. for the purpose of hearing persons interested in the proposition of the East River Bridge Company (Uhlman Company) and the transaction of such other business as may come before the meeting.

Respectfully etc.,

F B Thurber

Secretary.

72.

12 Reports

1897

The commissioners of the great suspension bridge to be built across the East River between New York and Brooklyn have chosen Mr. L. L. Buck as their chief engineer, after long consideration and from among many applicants, and we venture to say that even those who were disappointed will be unanimous in saying that the choice is a good one. Probably each applicant would have said to the Commission, "If you cannot choose me, the best man on the list is Buck." Certainly Mr. Buck's professional qualifications are of the highest. His achievement in renewing the railroad suspension bridge at Niagara Falls is part of the glorious history of the profession, and his long subsequent experience as engineer to the company owning that bridge has given him an education which no other living man has had in watching a suspension bridge under heavy railroad traffic. Indeed, there are those who say that Mr. Buck is to-day the first living authority on suspension bridges, and very likely this is no exaggeration. In character he is a man of resolution and of old-fashioned integrity, and we often think of him as one of Plutarch's men." The whole engineering profession ought to rejoice that this great work is to be in such hands, and all of Mr. Buck's friends will be glad that he has such an opportunity to build a fit monument to his modest, patient and useful life.

Railroad Gazette Aug. 9

THE CHIEF ENGINEER OF THE NEW EAST RIVER BRIDGE.

THE appointment of Mr. L. L. Buck to the position of Chief Engineer of the new East River suspension bridge by the Commission is one which cannot fail to be universally approved; it reflects great credit upon the Commission, and is a cause of congratulation to civil engineers and others who take an interest in that great work. All civil engineers are of course familiar with the professional record of Mr. Buck, and it is not stating anything new to them to say that he probably has had as much experience in connection with suspension-bridge work as any consulting engineer now in practice in this country. It is peculiarly fortunate that the Chief Engineer of this work should bring to its design such complete training, both in education and in experience, as that possessed by Mr. Buck. Although the span of the structure will probably not quite equal that of the present East River suspension bridge, the structure must be designed to carry far heavier traffic and to meet general requirements of a far more exacting character.

As has before been indicated in THE ENGINEERING RECORD, this structure will fail to fulfill the demands which the public of both New York and Brooklyn has a right to make upon it unless it is designed as a complete connection between the main transit systems of the two cities, both as to the maximum loads and the greatest possible speeds to be attained by any present or future motive power. There are other considerations, however, which should be given the fullest weight in the design of this stiffened suspension bridge. It is a fact which has not escaped the notice of civil engineers who have given attention to the matter, that the design of stiffened suspension bridges has not been kept abreast of that of ordinary trussed constructions. The design, and in fact the complete construction, of the latter class of bridges has been brought to a remarkable state of perfection in the most advanced bridge practice, but stiffened suspension-bridge design remains practically where it was thirty years ago, so far as any complete structure is concerned. It may be stated with some reason that there has been no demand for anything else, and hence, that no improvement over the older design could have been anticipated. At the present time, however, that observation will not hold. The work of the North River Bridge Commission a year ago, with other work of the same general character by German and American engineers, has shown conclusively that suspension bridges for long spans may be satisfactorily and economically constructed for rapidly passing traffic, but that judicious though radical departure from the old features and processes must be made in order to satisfactorily accomplish those ends.

The Chief Engineer of the new East River suspension bridge has before him a most propitious opportunity to give the public of both New York and Brooklyn, as well as the engineering profession in general, all the advantages which the most advanced engineering practice can confer upon stiffened suspension-bridge design and construction. All the analytical or theoretical conditions on which sufficient computations can be made are fairly well known at the present time, while shops and producers of metal for cables and other portions of the structure are in a correspondingly favorable position for the accomplishment of their part of the work. It only remains for the Chief Engineer of the new East River bridge to unite all of the resources at his command to leave behind him in his work an example of modern suspension-bridge design which will be a monument to his engineering skill and a source of no little pride to American civil engineers.

Eng. Record Aug 10, 95

N. Y. Herald Aug 10th

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HOPE TO ESCAPE THE BRIDGE GRAB.

Lawyer Hoye, for Brooklyn Taxpayers, Says Lauterbach's Net Will Not Hold the Cities.

CHARTER MAY BE INVALID.

Accuses the East River Company of Not Acting in Good Faith and of Doing No Work.

LEGISLATURE CAN NULLIFY.

The one doughty fighter who thus far alone has fought the Brooklyn Elevated Railroad Company in its attempt to seize upon the new East River Bridge is Lawyer Stephen M. Hoye, of Brooklyn.

Mr. Hoye could scarcely find words strong enough yesterday to denounce the "grab." From denunciation he resorted to sarcasm, and asked what it was that the incorporators proposed to sell to the city. He answered the question himself. It is a paper bridge, according to his views, and a worthless paper bridge at that.

"The efforts of these men," said he in substance, "compare favorably with the operations of highwaymen. They seek to clutch the taxpayers by the throat and wring millions from them; but their efforts will fail. They held up the Legislature, and forced it to insert clauses in the bill authorizing the Commission to act, which will serve to defeat their projects.

"As soon as the public are aware of this they will demand the repeal of the act of 1895. The Legislature cannot permit the act to stand when it is pointed out to them that a great wrong is contemplated. Perhaps these men think they have been clever in securing their legislation, but they have not been. Concealment of purpose is dishonesty, and dishonesty is never clever.

NO VALID FRANCHISE.

"Why!" he exclaimed, with considerable feeling, "these men have nothing to sell. They have no franchise, and they know it. Their charter is forfeited by their failure to comply with its terms. In it it was specified that the work of construction should should begin within one year. The charter was granted in 1892. Nothing has yet been done. The charter, therefore, lapsed two years ago."

It was suggested to Mr. Haye that the company might hold that the excavation made in Brooklyn comprised "construction" in the legal sense.

"Nonsense!" he replied. "Do you mean to tell me that any court in the land would hold that as 'construction.' There has been no construction. The turning up of a few spadesful of earth in some one's back yard

Watch the East River Bridge.

In view of the attempt by the Brooklyn Elevated Railroad Company and its alter ego, the East River Bridge Company, to control the operation of trains and all avenues approaching the proposed structure across the East River from Grand street, in this city, to Broadway, in Brooklyn, it is evident that this great public work has not been watched as narrowly as its importance demands.

Scarcely has the commission authorized to superintend the construction of the bridge under the act of 1895 been appointed and organized than the officials of a corporation chartered by the State come forward with an astounding proposition. This amounts practically to a demand that the bridge should be constructed upon the lines of an ephemeral structure of their own and that they shall be permitted to control the passenger traffic in the interest of their railway corporation.

Whether the East River bridge, as chartered to a private corporation, was conceived in good faith, and whether or not the moneys it has expended have been properly expended are questions that may be placed aside for the present. From the nature of the proposition they have made to the Commissioners it appears that their chief desideratum is to control the bridge terminals in the interest of their railroad, and that it mattered little who built the bridge so long as their inestimable privilege was obtained.

The manner in which the company has legislated to gain its ends, as self-admitted by the officials to the Bridge Commissioners, outlines a method of procedure that is scarcely defendable by any process of reasoning known to men who hold their acts as above criticism. It has been to obtain a charter, defining narrow limitations for the bridge terminals, to obtain or attempt to obtain other rights and franchises controlling the approaches, and to clinch the matter by securing amendments which limit the construction of any bridge by the city within these restricted lines.

Having proceeded thus far, they demand their price, in a manner quite like a highwayman, holding a blunderbuss to his victim's head, grants him the alternative of parting with his money or life. The proposition of the Brooklyn Elevated Railroad Company and its creature, the East River Bridge Company, is practically the same as the footpad. It offers to dispose of all it has, which is very little, if it can operate the trains across the bridge. If it cannot operate such trains it says in substance:—"We have exclusive right; you have none. You cannot build the bridge except by acquiring our privileges, which will cost you a great deal. It is better for you to buy cheaply than pay extortion."

Even their original proposition carried with it a shrewd trick, scarcely worthy of

is not 'construction.' The incorporators of the East River Bridge Company have not acted in good faith in this matter. They never intended to build a bridge. They don't want to build a bridge.

"They claim that they have 'exclusive rights' to build a bridge at the site specified in the act of the last Legislature, chapter 789, of the laws of 1895. I stand ready to prove, even if the charter should be found 789 of the Laws of 1895. I stand ready to the laws which gave the company corporate existence—chapter 101 of the Laws of 1892—gave them no 'exclusive right.'"

"If New York taxpayers will stand this outrage the taxpayers of Brooklyn certainly will not. We have had experiences here in Brooklyn with 'exclusive rights,' and the same points that cover the claim of the elevated railroad to build a bridge and operate the trains over it have already been decided by the Court of appeals."

A PARALLEL CASE.

Mr. Haye did not specify the case which involved the question of "exclusive rights" under a charter, but practically the same principle was involved in the case of the Long Island Water Supply Company, where a band of Brooklyn politicians, in much the same manner as the gentlemen of the East River Bridge Company, secured charters and effected legislation with the purpose, as alleged, to fasten upon Brooklyn an inefficient water service at exorbitant figures.

When the company was defeated in all the lower courts a commission was appointed to appraise the property in the former town of New Lots. An award was made to which the company demurred, alleging that inasmuch as it had "exclusive rights" its franchise was worth several hundred thousand dollars more than the award. It is likely, if the cities of New York and Brooklyn refuse to be convinced by Mr. Lauterbach's lead pipe arguments, and pay his price, that his company will set up the same claim.

In that case the unanimous decision of the Court of Appeals in the water scandal may serve to protect the taxpayers' rights. The part bearing upon the point in the opinion written by Judge Gray is as follows:—

We think it clear, upon authority, that the statute under which the appellant was incorporated, being couched in general terms, a charter secured by compliance with its terms does not grant to the company an exclusive privilege or franchise, * * * nor preclude the grant of another charter for a similar franchise.

The grantee of the charter takes nothing by implication and the State is not further bound nor restricted than can be read in the act. This is in accord with principle and with the authorities. The contract with the appellant was exclusive only in the sense that no similar one could be made which could infringe its particular property rights, but it did not prevent the town from contracting for a further or other supply of water.

As no exclusive franchise was granted none could be inferred.

STILL ANOTHER REMEDY.

Mr. Hoye brought out another point in descanting upon the enormities of the claims of the Brooklyn Elevated Railroad Company and its alter ego, the East River Bridge Company. That was that under the act empowering the cities to construct the bridge the structure became a highway, and the total surrender of all rights of way over a public thoroughfare without adequate consideration would be in violation of a fundamental principle of city government.

If Mr. Hoye's various contentions are sustained, even if the charter of the East River Bridge Company should be declared valid, it is apparent that the taxpayers still have some redress in the matter in the courts.

Any action of the Bridge Commissioners, it was said by a prominent New York lawyer yesterday, could be reviewed under a writ of certiorari, and moreover the Legislature, which by easy stages was led to place New York and Brooklyn at the mercy of a corporation, can amend or revoke the charter of the East River Bridge Company.

"The argument," he said, "that a charter is a contract which cannot be impaired does not apply in cases where such charters are found at variance with public interest."

From the foregoing it looks to the lawyers as though Mr. Lauterbach's velvet covered club with which New York and Brooklyn were to be beaten into submission was not, after all, such a terrible weapon, for there yet remain means of redress to the taxpayers, even though the Bridge Commissioners should, as some of them appear inclined to do, yield to the outrageous terms of the East River Bridge Company.

Those of the Commissioners who were seen yesterday declined to discuss the terms of the offer of Mr. Lauterbach and Mr. Uhlmann. There was nothing to say, they remarked, until their counsel reported at the meeting on August 14 on the validity of the charter.

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the gentlemen who are behind the project. Included in the tender of their questioned rights was one of money, $50,000 or more. They well knew if this was accepted that it would form a consideration that might bind the cities to a ruinous contract. Small wonder in view of this tender of money that one of the Brooklyn Commissioners should have remarked:—"Your offer is an insult to us as gentlemen."

Surely the Legislature, no matter how it has disappointed the citizens, never contemplated an act which would place the taxpayers of New York and Brooklyn at the mercy of a corporation. The power that gives has the right to take away. The past Legislatures have made mistakes which the incoming Legislature must correct. Certainly the right of the two cities and the taxpayers is paramount to that of any corporation when the charter of such corporation is at variance with public interests.

Well informed lawyers, as reported elsewhere, who have studied the charter of the old East River Bridge Company, have given their opinion that it is not valid, in that it usurps the rights of the citizens, seizing upon a highway; that it is void in consequence of the failure of the incorporators to commence bona fide construction within the time allowed by the charter, and that the company has no "exclusive rights," as its officials maintain, under a recent opinion of the Court of Appeals in the Long Island Water Supply case.

If this is true the way of righting the great contemplated wrong is easy. If not, however, the Legislature may still act, declaring the charter void or amending it, so that the cities may be free to act without paying tribute and the interest of the taxpayers be conserved. Should such an action be construed as a violation of the sanctity of a contract, and should it be carried to the Supreme Court of the United States under the constitutional provision, th[illegible] the famous opinion of Mr. [illegible] Miller in the case of Greenwood vs. The Union Freight Company (105 U. S. Reports). This opinion sustained the right of the Massachusetts Legislature to destroy a franchise and charter which was contrary to public interests.

In the meantime, however, it is well for the citizens to bear in mind that a vast public work is under consideration, one that involves the expenditure of many millions and which should be scrutinized narrowly at every stage of its progress. This demand for vigilance implies no doubt of the integrity of the Bridge Commissioners, who are men of the highest standing. At the same time, however, it is the citizens' duty to see that no mistakes are made and that the building of the new bridge is unaccompanied by any such scandals as marked the construction of the former structure.

Herald Aug 9 1895

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

New York, August 10th., 1895.

Hon. William L. Strong,

Dear sir:

I thought you might not otherwise see the enclosures from to-days' "Herald" which also had a long article yesterday of the same general tenor. My own idea is that if possible we should amicably arrange with the Uhlman people, if we can, based of course upon the reports of our counsel and engineer.

As I will be away for a couple of weeks, I have sent Col. Baird a written expression of my views on this subject which he will probably submit to the Board. I hope they may commend themselves to your good judgment.

I have arranged with Mr. Bouton, our assistant secretary, to attend to all my duties during my absence.

Very truly yours,

F. B. Thurber

P. S.

The enclosed clipping and the "Engineering Record" from this week's "Railroad Gazette", in relation to our selection of a chief engineer, is gratifying commendation from high authority.

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ANDREW D. BAIRD, PRESIDENT.
SALEM H. WALES, VICE-PRESIDENT.

FRANCIS B. THURBER, SECRETARY.
RICHARD DEEVES, TREASURER.

Office of

New East River Bridge,

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, MAYOR,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

~~309 Broadway, Room 804,~~
49 & 51 CHAMBERS ST.
ROOMS - 33. 34. 35.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, MAYOR,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, August 19th 1895.

Hon William L. Strong, Mayor,
New York City

Dear Sir

A Meeting of the Commissioners of the New East River Bridge, will be held at their Office 49 Chambers St on Wednesday Aug 21st at 2 O'Clock P.M. Executive Committee meet at 1 O'clock P.M

Respectfully
John C. Boulon,
Asst Secretary.

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ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

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New York, Aug 26th. 1895.

Hon. Wm. L. Strong

Mayors' Office,

City.

Dear sir:

A Meeting of the Commissioners of the NEW EAST RIVER BRIDGE will be held at # 49 Chambers Street N. Y. on Wednesday Aug. "28" at 2 o' clock P. M.

Executive Committee meet at 1 o'clock P. M.

Respectfully,

John C. Boulou,
Asst Secty.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, Aug 30th. 1895.

Hon. Wm. L. Strong,

N. Y. City.

Dear sir:

Ameeting of the Commissioners of the NEW EAST RIVER BRIDGE will be held at 49 Chambers Street, N. Y. CITY, on Wednesday Sept. 4th. at 2 o'clock P. M.

Executive Committee Meet at 1 o'clock.

Respectfullly,

John C. Boulton

Ass't Secretary,

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,

ROOMS 33, 34, 35.

29

New York, September 16th., 1895.

Hon. William L. Strong,

Mayor's Office,

Dear sir:

A meeting of the commissioners of the New East River Bridge will be held at the office of the Commission, 49 Chambers street, on Wednesday, September 18th. at 2 o'clock P. M.

The executive committee will meet at 1 o'clock P. M.

Respectfully etc.,

F B Thurber

Secretary.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,

ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, September 23rd, 1895.

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

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, September 25th, at 2 P.M.

Respectfully &c.,

F B Thurber
Secretary.

A meeting of the Executive Committee at 1 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, September 30th, 1895.

Hon. William L. Strong,
Comr. New East River Bridge,
City Hall, New York City.

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, October 2nd, at 2 P.M.

Respectfully &c.,
F. B. Thurber
Sec'y.

A meeting of the Executive Committee at 1 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

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New York, October 7th, 1895.

Hon. William L. Strong, Mayor,
Comr. New East River Bridge,
City Hall,
New York City.

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, October 9th at 2 P.M.

Respectfully &c.,

F. B. Thurber
Sec'y.

A meeting of the Executive Committee at 1 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, October 14th, 1895.

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

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, October 16th at 2 P. M.

Respectfully &c.,

F B Thurber
Sec'y.

A meeting of the Executive Committee at 1 P. M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,

ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, October 21st, 1895.

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

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, October 23rd at 2 P.M.

Respectfully &c.,

F. B. Thurber
Sec'y.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, October 28th, 1895.

Hon. William L. Strong, Mayor,
City Hall,
N.Y. City.

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, October 30th at 2 P.M.

Respectfully yours,
F. B. Thurber
Sec'y.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

31

New York, Nov/4th, 1895.

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

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, Nov.6th at 2 P.M.

Respectfully yours,
F B Thurber
Secretary.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

32

New York, Nov. 11th, 1895.

Dear Mayor Strong:-

I wish most heartily to congratulate you upon the selection which you have made of Park Commissioners. You could not have done better. They are all good men. I was particularly well pleased with the selection of my old friend, ex-Mayor Ely. I think you have done well, and the public will aquit you this time of offensive partisanship.

Very sincerely yours,

S H Wales

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, Nov. 11th, 1895.

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

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, November 13th at 2 P.M.

Respectfully yours,

F. B. Thurber
Secretary.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

(COPY)

"Brooklyn, N.Y, Nov.18, '95.

To the Commissioners of the New East River Bridge.

Dear Sirs:-

As requested by you at your meeting held the 30th ultimo, I have prepared figures in a general way giving our views in regard to the carrying capacity of the railroads on the new bridge. I think the figures might be more satisfactory if you were to give us a list of questions that you desire answered, but would say that if you care for any further of special information, shall be glad to have it prepared.

The capacity of the bridge cannot be measured by what number of passengers can be transported in a day of twenty-four hours, as, if the travel were even throughout the day in both directions, 175,000 people could be carried on a double track with perfect comfort. From our own experience we find that about 15 per cent of our travel to and from the present bridge is carried in one and one-half hours in the morning, and an equal amount in the evening, and assuming that the railways of the new bridge were to be built, therefore, to carry 200,000 people daily, 30 per cent of this number, or 60,000 people would be carried within three hours, or upwards of 20,000 people per hour. On a single track each way 6,000 people could be carried per hour comfortably if the cars were run on a minute headway at a speed of 12 miles per hour. This would be ten cars to the mile, or 528 feet between cars.

If the speed were reduced to 8 miles per hour the cars could be run with safety on a 20 second headway, with 22 cars to the mile, 240 feet between cars, and carry 9,000 people per hour. Of course this number could be doubled by running trailers, or two cars together, but I am of the opinion that the public would be much better satisfied with an even short headway at all hours of the day and cars to run at a good

average speed. The speed of 12 miles per hour would be most satisfactory rate, and as compared with the present bridge railroad would mean a saving of five minutes daily to each passenger, and as many minutes more by not having to change cars at each end.

The figures are based on our standard cars, 20 foot body, 8 foot width and 14,000 lbs. weight empty, with a seating capacity of 26 people; total length from outside to outside of 30 feet.

There is no doubt that, should the railway be built with a sufficient capacity to take the elevated travel and the surface passengers comfortably without change of cars from their homes across the bridge and without the annoying delays that necessarily occur at present, and must occur wherever large terminals exist, that the City of Brooklyn and its suburbs would prove more attractive and popular home than any other place within double the distance from the New York City Hall. The Lines of the Brooklyn Heights System and extensions, upwards of 200 miles, reach nearly every point in Brooklyn, including Flushing, Newtown, Jamaica and Flatbush, all of which places would be brought in direct connection with the new bridge.

In regard to the number of passengers that would be carried by the cars of this Company to the new bridge, it would be very difficult to give accurate information which could be depended upon, but would say that our cars carried in the last 12 months of the fiscal year, 108,879,646 passengers. Of this number about nine millions per month were carried in the summer months and about eight million per month during the winter months. Of this number 24,765,567 were carried upon the seven lines of the Company running to and from the Broadway ferries, or an average of about 68,000 people per day. It is impossible to give any information as to the number who were received and discharged at the foot of Broadway, but in

any figures that should be presented now of past business it is safe to say that the number who would take a through line over the bridge would be several times greater than those who at present take the ferries from the foot of Broadway.

Taking the figures which show the growth of traffic on the present bridge, and the actual increase in travel which has occurred during the past ten years on this bridge, it would certainly seem wise to provide sufficient tracks to comfortably carry the maximum number of passengers per hour even at an increased original cost. The natural growth of business in New York compels people to live further and further away from the business centre, and with such conveniences as might be given by through cars there is no ~~xxxxx~~ point where the public could so conveniently reach their homes, nor reach pleasanter homes, than would be found in the suburbs of Brooklyn.

Respectfully,

(signed) C.L.Rossiter,
President,
The Brooklyn Heights Railroad Co.

(Office,
168 Montague St,
Brooklyn)

Copy 2.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

33

New York, Nov 21st, 1895.

Hon. Wm. L. Strong, Mayor,
City Hall,
N.Y.City.

Dear Sir:-

I have the honor to enclose herewith a copy of the letter submitted to this Commission by Mr.C.L.Rossiter, President, The Brooklyn Heights R.R.Co. for your information.

Respectfully yours,

F B Thurber
Secretary.

(Enclosure)

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

New York, Nov.25th, 1895.

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

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Friday, Nov.29th at 2 P.M.

Respectfully yours,

F. B. Thurber
Secretary.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

NEW EAST RIVER BRIDGE

Treasurer's Report of Receipts and

1895 Receipts:

Nov. 30: As per Statement Rendered Oct.31/95, $50,000.00

		$50,000.00	
Nov.30	To Balance,		$32,775.28
	With Comptroller City of New York,	$16,387.42	
	" " " Brooklyn,	16,387.86	32,775.28

COMMISSION

Disbursements to November 30/1895

1895 Disbursements:

Furniture & Fixtures

Oct. 31	By Statement rendered,	$ 1,031.43	
Nov.29	Edward J Dewey, lamps,	26.00	$ 1,057.43

Rent Account

Oct.31	" Statement rendered,	450.00	
Nov. 30	" Emigrant Industrial Savings Bank,	150,00	600.00

Salaries

Oct.31	" Statement rendered,	$11,187.81	
Nov.30	" Commissioners,	1,500.00	
" "	" Officers and appointees,	1,516.77	14,204.58

Borings Account

Oct.31	By Statement rendered,	440.00	440.00

Expense Account:

Oct.31	By Statement rendered,	838.30	
" 31	G.S.K.Hoover, services on Board, stenographer, ...	60.00	
Nov. 6	By, F.B.Thurber, Secretary, supplies,	9.30	
" 6	By Thos.A.Christopher, supplies, engineer's office,,	15.11	922.71

Total Disbursements, ...	$17,224.72
Balance, ...	32,775.28
	$50,000.00

The foregoing disbursements include the bills and accounts which have been certified by the President and Treasurer of the Commission and is in accordance with the Act.

Andrew D Baird President,

Treas

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,

ROOMS 33, 34, 35.

New York, Dec. 2nd, 1895.

Hon. William L. Strong, Mayor,
City Hall,
N.Y. City.

Dear Sir:-

A meeting of the Commissioners of the New East River Bridge will be held at the office 49 Chambers Street, New York, on Wednesday, Dec. 4th at 2 P.M.

Respectfully yours,

F. B. Thurber
Secretary.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

10

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

34

New York, Decr 9th, 1895.

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

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, December 11th, at 2 P.M.

Respectfully yours,

F. B. Thurber
Secretary

A meeting of the Executive Committee at 1 P.M.
A meeting of the Finance Committee at 1.45 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, December 16th 1895.

Hon. William L. Strong, Mayor,
City Hall,
N.Y.City.

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, December 18th, at 2 P.M.

Respectfully yours

F B Thurber
Secretary

A meeting of the Executive Committee at 1 P.M.
A meeting of the Finance Committee at 1.45 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

New York, December 31st 1895.

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

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Friday, January 3rd, 1896, at 2 P.M.

Respectfully yours

F. B. Thurber

Secretary.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

NEW EAST RIVER BRIDGE

TREASURERS REPORT OF RECEIPTS AND

1895	Receipts		
Nov 30	As per Statement	50000.00	
	With Comptroller City of New York		14080.70
	With Comptroller City of Brooklyn		14080.96
Dec 31	To Balance		28161.66
		50000.00	

The foregoing disbursements include the bills and accounts which have been certified to by the President and Treasurer of the Commission in accordance with the Act.

Andrew D. Baird Pres'dent

Richmond Cole Treas

COMMISSION

DISBURSEMENTS TO DECEMBER 31st, 1895.

1895	Disbursements		
	Furniture and Fixtures		
Nov 30	By Statement Rendered	1057.43	
Dec 6	T.G.Sellew Stools	6.00	
"	Keuffel & Esser Co. Engineering Instruments	43.60	
12	F.E.Brandis Sons & Co. " "	437.95	
			1544.98
	Rent Account		
Nov 30	Statement Rendered	600.00	
Dec 16	The Brooklyn & New York Ferry Co	437.50	
31	Emigrants Industrial Savings B'k	150.00	
			1187.50
	Salaries.		
Nov 30	Statement Rendered	14204.58	
Dec 31	Commissioners	1500.00	
"	Officers & Appointees	1791.29	
			17495.87
	Borings Account		
Nov 30	Statement Rendered	440.00	
			440.00
	Expense Account		
Nov 30	Statement Rendered	922.71	
Dec 2	G.S.K.Hoover Services as Board Stenographer Nov	45.00	
11	Brower Brothers Stationery	8.95	
"	Brooklyn Daily Times Printing	30.00	
"	Williamsburgh City Fire Insce Co Premium	15.95	
27	F.B.Thurber Secretary Sundries	27.53	
"	G.S.K.Hoover Services Board Stenographer Dec	40.00	
31	Philipp Corell Coal	80.00	
		1170.14	
	Less Rebate Thos.A.Christopher	15	1169.99
	Total Disbursements		21838.34
	Balance		28161.66
			50000.00

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NEW EAST RIVER BRIDGE.

ENGINEER'S OFFICE.

L. L. BUCK, CHIEF ENGINEER.

392 KENT AVENUE,

Brooklyn, N. Y., January 2, 1896.

Hon. William L. Strong,

Mayor of New York.

Dear Sir :-

Several months ago I nominated for Principal Assistant Engineer of the New East River Bridge Mr. O. F. Nichols, of Brooklyn, N. Y. As he was at that time chief engineer of the Brooklyn Union Elevated Railroad, the Commission informed me that it would be better to wait until the question of the Ullman franchise had been settled before electing Mr. Nichols, to which I assented, believing that no objection would be made to Mr. Nichols after the determination ef that question.

On Tuesday Col. Baird came to my office and proposed verbally that I should withdraw the name of Mr. Nichols and recommend some other engineer for principal assistant, saying that Mr. Batterman had been investigating Mr. Nichols's professional standing and considered him unsuitable for the position.

In nominating Mr. Nichols, I acted with full knowledge of his ability as an engineer and integrity as a man, from thirty years' intimate acquaintance with him. We entered the Rensselaer Polytechnic Institute on the same day in September, 1865. He stood high in the class and we graduated together in 1868. I have since been engaged on the same work with him in Peru, South America, and have recommended him for positions on important works, which he has carried through to the entire satisfaction of all concerned. I could procure the endorsement of many engineers in high standing as to his fitness, but hardly in time for the next meeting of the

NEW EAST RIVER BRIDGE.

ENGINEER'S OFFICE.

L. L. BUCK, CHIEF ENGINEER.

392 KENT AVENUE,

Brooklyn, N. Y., 189

Commission. I had thought and still think that, inasmuch as I am personally responsible for the success of this work and for the competency of my staff, my recommendation ought to be sufficient.

Under these circumstances, I do not feel that it is my duty to withdraw Mr. Nichols's name.

Very respectfully

L. L. Buck

Chief Engineer New E. R. Bridge.

35

Fol. 1

NEW YORK SUPREME COURT

COUNTY OF KINGS

WILLIAM GORDON, Plaintiff, ---against--- William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren, Mayor of the City of Brooklyn, George W. Palmer, Comptroller of the City of Brooklyn, Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Batterman, Commissioners of the New East River Bridge, The East River Bridge Company and the Brooklyn Elevated Railroad Company. Defendants.	Order to Show Cause.

It appearing from the complaint herein verified by the plaintiff on the 2nd day of January, 1896, and the affidavit of the plaintiff, William Gordon, verified on the 2nd day of January, 1896, that the plaintiff demands and is entitled to judgment; that the defendant officials be restrained from carrying out the agreements and contract for the purchase of the property and franchise of the defendant Company, The East River Bridge Company, and from giving or granting valuable rights and privileges to the Brooklyn Elevated Railroad Company, and the maintaining of a double line of tracks on said bridge, with terminal facilities in New York and grade connections in Brooklyn, and upon all of the pleadings and proceedings herein, and upon motion of Stephen

M. Hoyt, Attorney for the plaintiff, it is

ORDERED, that the defendants, or their Attorneys, show cause before me, one of the Justices of this Court, at a Special Term thereof, to be held at the ~~xxxx~~ County Court House, in the City of Brooklyn, on the 7th day of January, 1896, at ten o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why a permanent injunction should not be granted, enjoining and restraining the defendant officials, William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren, Mayor of the City of Brooklyn, George W. Palmer, Comptroller of the City of Brooklyn, and Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Batterman, Commissioners of the New East River Bridge, from carrying out the contract or arrangements to purchase, mentioned in the complaint, and made on or about the 18th day of December, 1895; and why they should not be restrained and enjoined from giving or granting any privileges, rights or franchise to the Brooklyn Elevated Railroad Company, or furnishing a double line of tracks upon said bridge, with terminal facilities in New York and grade connections in Brooklyn, for said Company. And why each and all of them, and ~~xxxx~~ their Attorneys, agents, servants, employees and directors should not be restrained and enjoined from carrying out said bargain, as more fully described in the annexed affidavit and complaint, and why the plaintiff should not have such other and

further relief as may be just.

Let service of this order, together with the papers upon which it is granted, upon the defendants herein, on or before the 4th day of January, 1896, be sufficient notice.

Dated Brooklyn, N. Y.,
January 3, 1896.

Nathaniel H. Clement
Justice Supreme Court

NEW YORK SUPREME COURT

COUNTY OF KINGS

WILLIAM GORDON, Plaintiff, ---against--- William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren, Mayor of the City of Brooklyn, George W. Palmer, Comptroller of the City of Brooklyn, Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Batterman, Commissioners of the New East River Bridge, The East River Bridge Company and the Brooklyn Elevated Railroad Company. Defendants.	BOND.

7

WHEREAS, the above named plaintiff being about to bring an action in this Court, to restrain the defendant officials, above named, from purchasing the property and franchise of the defendant Company and from giving away valuable rights, privileges and franchises to the defendant Company, as mentioned in the Complaint.

Now therefore, pursuant to the Statute in such case made and provided, the said William Gordon, of the City of Brooklyn, County of Kings and State of New York, furnishes a Bond to the defendants herein , conditioned, that he will pay all costs in the sum of five thousand (5,000) dollars, that may be awarded the defendants in such action, if the Court shall finally determine in favor of the defendants in said action.

8

Now, the condition of the above obligation is such

that if the above named plaintiff shall pay, on demand, all costs that may be awarded to the defendants in said action, then the above obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of
Wm J. Powell

Wm Gordon (L.S.)

9

STATE OF NEW YORK)
CITY OF BROOKLYN) ss.:
COUNTY OF KINGS)

I certify, that on this second day of January, 1896 before me personally appeared the within named WILLIAM GORDON, known to me to be the individual described in and who executed the within Bond, and he acknowledged that he executed the same.

Wm J. Powell
Commissioner of Deeds;
City of Brooklyn; Kings County.

STATE OF NEW YORK)
CITY OF BROOKLYN) ss.:
COUNTY OF KINGS)

WILLIAM GORDON being duly sworn, says, that he is a resident and freeholder within the State of New York, and worth more than $50,000.00 over all debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

Sworn to before me this
2nd day of January, 1896.

Wm Gordon

10

Wm J. Powell
Commissioner of Deeds;
City of Brooklyn; Kings County.

The within Bond approved, as to form and sufficiency.

Dated January 3rd 1896.

Nathaniel H. Clement
J. S. C.

NEW YORK SUPREME COURT

COUNTY OF KINGS

WILLIAM GORDON,
Plaintiff,

---against---

William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren Mayor of the City of Brooklyn, George W. Palmer, Comptroller of the City of Brooklyn, Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Battermann, Commissioners of the New East River Bridge, The East River Bridge Company and the Brooklyn Elevated Railroad Company,
Defendants.

STATE OF NEW YORK)
CITY OF BROOKLYN) ss.:
11 COUNTY OF KINGS)

WILLIAM GORDON, The plaintiff herein, being duly sworn deposes and says, that the defendants intend and are about to carry out the contract made by them, and mentioned in the complaint hereto annexed, and will do so unless restrained and enjoined therefrom by order of this Court, and
12 unless so enjoined are likely to do so immediately. That the

defendant officials were in collusion with the other defendants, and the said contract was concluded in secret, and the defendants officials concluded the negotiation leading up to
13 the making of said contract unknown to the plaintiff and to the tax payers of the Cities of New York and Brooklyn, and that the plaintiff had no opportunity to make an earlier application to the Court to prevent the intended purchase mentioned in the complaint; and the plaintiff had no opportunity to make an earlier application to the Court to prevent the giving away and granting of certain valuable rights and privi-
14 leges to the Brooklyn Elevated Railroad Company, also mentioned in said complaint.

That the plaintiff first learned of the making of said agreement by reading a statement of it in the news papers of the City of Brooklyn, on the I8th day of December, I895. That he immediately instructed said Attorney to prepare the necessary papers to make this application, said Attorney hav-
15 ing informed deponent that he had heretofore filed the protest together with the written request, requesting said defendant

officials to give deponent and other property owners an opportunity to be heard and to protest against said purchase and the giving away of certain rights and privileges mentioned in the complaint. And that he is informed ~~and~~ by said Attorney that said defendant officials were served with said protest and request on the 18th day of December, 1895, and that they have failed to reply to the same, and have neglected and refused to give said Attorney or the said property owner an opportunity to be heard.

That more than ten days has elapsed since said protest and request for a hearing has been served on said defendant officials, and that the said request and protest was in their possession before said contract was made, and the plaintiff believes that no reply will be given to said protest or request, and that no opportunity will be given this plaintiff to be heard upon said purchase, and that said defendants intend to consummate said deal as mentioned in the complaint, and to cheat and defraud the Cities of New York and Brooklyn

out of the sum of two hundred thousand (200,000) dollars together with vast and valuable rights and franchises upon the new bridge which the said commissioners are about to erect.

19 That he believes the said defendant officials being in collusion with the other defendants, and having in mind the resolutions passed at the convention of October 8th, 1895, mentioned in the complaint, and knowing that the Legislature of this State would assemble on the 6th day of January, 1896, and ~~knowing~~ fearing that said P. H. McCarren would keep his pledge to the electors and thus prevent the defendants offi-
20 cials from carrying out said scheme to cheat and defraud the tax payers mentioned in the complaint, did by secret scheming and negotiating procure the consent of the Mayors and Comptrollers of the Cities of New York and Brooklyn, and with undue haste, and in secret session profess to purchase a worthless franchise of the defendant, The East River Bridge Company, for
21 the sum of two hundred thousand dollars ($200,000.00).

That the reason why deponent has not set out a full copy of the agreement entered into between said officials and said East River Bridge Company, is that he has been unable to obtain the same. That he is informed by his Attorney that he has made two written requests for said agreement, and that a copy of the letter written by him on the 19th day of December 1895, is hereto annexed, marked "Exhibit E", and the reply to said letter dated December 24th, 1895 is also heretoannexed, marked "Exhibit F", and ~~hereby made~~ that a further letter written by said Attorney on the 28th day of December, 1895, is also hereto annexed marked "Exhibit G", to which no reply has been given, and that now upwards of four days has elapsed since serving said letter.

That the reason why an order to show cause is asked for rather than the regular eight days notice of motion, is that the plaintiff verily believes that the defendant officials intend to carry out said contract with the defendants, The East River Bridge Company and the Brooklyn Elevated Railroad Company, and that they will do so pending the time

which would elapse before a motion for the within injunction could be heard upon the regular eight days notice of motion.

That no previous application has been made for this order.

Sworn to before me this
2d day of January, 1896.

Wm Gordon

25 Wm J. Powell
Commissioner of Deeds;
City of Brooklyn; Kings County.

"EXHIBIT E".

Stephen M. Hoye,
Counsellor at Law,
#189 Montague Street,
Brooklyn, N. Y?

Brooklyn, N. Y., Dec.19th, 1895.

Secretary of the East River
Bridge Commission.

Dear Sir:

Please send me a copy of the agreement, conditions and amount of money you propose to pay to the East River Bridge Company for their alleged franchise.

Awaiting the same, I am

Yours very truly,

STEPHEN M. HOYE.

26

" EXHIBIT F."

Andrew D. Baird, President. Francis B.Thurber, Secretary.
Salem H. Wales, Vice-President. Richard Deeves, Treasurer.

Office of Commissioners
New East River Bridge,
49 & 5I Chambers Street,
Rooms 33, 34, 35.

New York, Decr. 24th, I895.

Stephen M. Hoye, Esq.,
I89 Montague Street,
Brooklyn, N. Y.

Dear Sir:

Your favor of 2Ist. to hand, and in reply I beg to say that I will place your request before the Board at its meeting on Friday, 27th, inst.

Yours very truly,
John C. Bouton,
Assist. Secretary.

27

"EXHIBIT G."

Stephen M. Hoye,
Counsellor at Law,
189 Montague Street,
Brooklyn, N. Y.

Brooklyn, N. Y., Dec. 28th, 1895.

New East River Bridge Commissioners.

Gentlemen:

Please send me a copy of the agreement entered into with the East River Bridge Company and approved by you at yesterday's meeting. I also renew my request for a copy of the proposition made by them under date of November 18th, 1895, and the resolutions passed by you concerning the same, on or about the 19th day of December, 1895.

28

If there any are charges upon the same please send me a bill for it, and I will send you a check by return mail.

Awaiting the same, I am.

Yours very truly,

STEPHEN M. HOYE.

NEW YORK SUPREME COURT

COUNTY OF KINGS

WILLIAM GORDON, Plaintiff, ---against--- William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren, Mayor of the City of Brooklyn, George W. Palmer, Comptroller of the City of Brooklyn, Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Batterman, Commissioners of the New East River Bridge, The East River Bridge Company and the Brooklyn Elevated Railroad Company. Defendants.	Summons.

29 To the above named defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer on the plaintiff's Attorney within twenty days after the service of this summons, exclusive of the day of service, and in case of your failure to appear, or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated, December 30th, 1895.

STEPHEN M. HOYE,
Plaintiff's Attorney,

30 Office and Post Office Address,
#189 Montague Street,
Brooklyn, N. Y.

NEW YORK SUPREME COURT

COUNTY OF KINGS

WILLIAM GORDON,
Plaintiff,

---against---

William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren Mayor of the City of Brooklyn, George W. Palmer, Comptroller of the City of Brooklyn, Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Batterman, Commissioners of the New East River Bridge, The East River Bridge Company and The Brooklyn Elevated Railroad Company,
Defendants

COMPLAINT.

31

The above named plaintiff complaining of the above named defendants by his Attorney, Stephen M. Hoye, alleges as follows:

I. That he is a citizen of the United States, and of the State of New York, and for several years last past he has been, and now is, a resident, elector and freeholder of the City of Brooklyn, and his assessment in said City on

32

real estate situate therein owned by him amounts to more than one hundred thousand (100,000) dollars, and he is liable to

33 pay taxes upon such assessment in the said City, and he has been assessed and has paid taxes in the said City on such assessment within one year previous to the commencement of this action; and he is informed and believes that therefore, and by virtue of the Statute in such case made and provided, he has capacity and the right to maintain this action.

34 II. That the Mayor, Aldermen and Commonalty of the City of New York is a domestic municipal corporation, and the said individual defendants are respectively the Mayor and Comptroller of said City, as designated in the title of this action.

III. That the said City of Brooklyn is a domestic municipal corporation, organized, founded and existing by virtue of Chapter 583 of the Laws of 1888, and acts amendatory thereto and supplementary thereof, and the said individual de-

35 fendants are respectively the Mayor, and Comptroller of said City, as designated in the title of this action.

IV. That the East River Bridge Commissioners were authorized, empowered and appointed pursuant to and by virtue of Chapter 789 of the Laws of 1895, for the purpose of constructing a permanent suspension bridge over the East River between the Cities of New York and Brooklyn.

36

V. That the said individual defendants, Salem H. Wales, Francis B. Thurber, Richard Deeves, Andrew D. Baird, James A. Sperry and Henry Batterman, designated in the title of this action as the Commissioners, are the Commissioners appointed by the said Mayors of the Cities of New York and Brooklyn, pursuant to and by virtue of Chapter 789 of the Laws of 1895, and that they are and now constitute the East River Bridge Commission.

37

VI. That the East River Bridge Company is a domestic corporation, incorporated under Chapter 101 of the Laws of 1892.

38

VII. Thatthe Brooklyn Elevated Railroad Company is a domestic corporation, and that the parties, persons and individuals who own and control the East River Bridge Company
39 are largely interested in and practically own and control The Brooklyn Elevated Railroad Company, and that a number of the directors of the Brooklyn Elevated Railroad Company are directors and officers in the East River Bridge Company. That Fred Uhlmann, the president of the East River Bridge Company is the president of the Brooklyn Elevated Railroad Company.

40

VIII. That the said East River Bridge Company claim the right to build a bridge across the East River beginning at a point between Broadway and Marcy Avenue in the City of Brooklyn, and Delancey and Rivington Streets in the City of New York, but that said act provides among other things that the construction of said bridge, its roadways and approaches be begun within one year from the date of
41 the consent of the federal authorities. That said official

permit of the said federal authorities was given the I6th day of February, 1892. That no bridge, roadways or approaches

42 or the construction of the same was commenced during and up to the 23rd day of December, 1895, and that more than one year has elapsed since the consent of said federal authorities has been obtained.

IX. That the said East River Bridge Company and said Brooklyn Elevated Railroad Company, through its officers and agents, and said defendant officials, as hereinafter

43 stated, conspiring and scheming with intent to cheat and defraud the Cities of New York and Brooklyn out of large sums of money and valuable rights, privileges, and franchises, procured the insertion of the following sentence in paragraph five of Chapter 789 of the Laws of 1895, "If any corporation shall possess a valid charter, with authority to construct a bridge such as is contemplated by the provisions of this act, said Commissioners may, if they so determine, with the

44 express consent of the Mayors and Comptrollers of the re-

spective Cities, purchase said charter and all the rights and powers granted thereby from the corporation so holding the same, so far as the same relates to the bridge authorized by

45 this act.

X. That so obnoxious was said provisions and said legislation to the electors and tax payers of the said Cities of New York and Brooklyn, that at the next general election following the passage of said act, that one, Patrick H. McCarren, one of the Senators who was instrumental in procuring the passage of Chapter 101 of the Laws of 1892, incorporating said

46 East River Bridge Company , did denounce and repudiate his former action in procuring the passage of said act, and while a candidate for re-election, as Senator of said District in the City of Brooklyn, was obliged to publicly denounce his said act, and to pledge himself to secure the repeal of said Chapter 101 of the Laws of 1892, entitled "An act to incorporate the East River Bridge Company." That said ~~Ex~~ P. H.

47 McCarren both before and after his election publicly pledged

himself to his constituents and the electors in the City of Brooklyn to secure the repeal of said act. That a copy of the resolution adopted by the convention on the 8th day of October, 1895, at which said P. H. McCarren was nominated for Senator is hereto annexed, Marked "Exhibit A", and hereby made a part of this complaint.

XI. That after the organization of the East River Bridge Commission, and on or about the 14th day of August, 1895, the East River Bridge Company and the Brooklyn Elevated Railroad Company, through its agents and officers, to wit, one Frederick Uhlmann and Edward Lauterbach, with intent to cheat and defraud the Cities of New York and Brooklyn, and the tax payers of the Cities of New York and Brooklyn out of large sums of money, and procure valuable rights and privileges in a certain suspension bridge which the East River Bridge Commissioners were authorized to build, under Chapter 789 of the Laws of 1895, did propose and did try to sell a worthless paper franchise for the sum of one hundred and twenty-five thous-

and (125,000) dollars, and procure an agreement from said Commissioners which was to give the Brooklyn Elevated Railroad Company, the right to use said bridge for the maintenance and
51 operation of their elevated railroad, and for the use and operation of their trains of cars thereon.

XII. That a second proposition submitted by said East River Bridge Company, and its agents, demanded the sum of two hundred and fifty thousand (250,000) dollars for said alleged franchise without said agreement, provided the construction of the bridge and its approaches be in all respects
52 as set forth in proposition number one, but not requiring it as a condition precedent nor making it obligatory as a condition subsequent, that any agreement entered into with the Brooklyn Elevated Railroad Company, of any nature whatsoever, but including in any event, an agreement with the East River Bridge Company for the operation of trains across bridge num-
53 ber two, as set forth in proposition number one. And further

providing that the Brooklyn Elevated Railroad Company shall, at all times be entitled to equal privileges upon the same terms that may be accorded to any other railroad.

54 XIII. That the plaintiff is informed and believes that his Attorney together with other property owners and their Attorneys, appeared before said Commissioners and made oral and filed written protests against the purchase of said alleged franchise, and against the giving or granting of any rights or privileges to said Brooklyn Elevated Railroad Company, and that the said Commissioners professed to reject

55 said proposition on the part of the East River Bridge Company, and did publicly state that said propositions were rejected by them.

XIV. That the plaintiff is further informed and believes that the Chairman of said Commission, speaking for

56 said Commission, pretended and professed to reject said propositions, and stated to his Attorney that they had rejected

said propositions, and they would not purchase the said alleged franchise, and that any property or property rights which said East River Bridge Company own or possess would be taken by condemnation proceedings, as the property of other persons.

57

XV. That the plaintiff is informed and believes that on or about the 18th day of November, 1895 the said East River Bridge Company, through its officers, agents and Attorneys, made another proposition, a copy of which is hereto annexed, marked "~~Exhh~~ "Exhibit B", and hereby made a part of this complaint.

58

XVI. That thereafter between the time of the rejection of the said proposition of the East River Bridge Company on or about the 14th day of August 1895, and the 19th day of December, 1895, the said defendants, The East River Bridge Company and the Brooklyn Elevated Railroad Company, and its officers and agents, and the said defendant officials,

59

acting in their said official capacity, continued to scheme and negotiate in secret with the other defendants, and on or about the 18th day of November, 1895 received, and caused to be received, a proposition from the said East River Bridge Company, similar to the two previous propositions which the defendants, the Mayors and Commissioners professed to heretofore reject. The only substantial difference, as the plaintiff is informed and believes, is that the proposition of November 18th, 1895 requires the defendant officials and the bridge Commissioners to construct said bridge with two tracks exclusively for the use of the Brooklyn Elevated Railroad Company, and to furnish the said Brooklyn Elevated Railroad Company with terminal facilities in New York City and grade connections with said bridge in the City of Brooklyn, and in addition thereto to pay the East River Bridge Company the sum of two hundred thousand (200,000) dollars for a franchise, that plaintiff is informed and believes is worthless, and of no value to the Cities of New York and Brooklyn, and was not

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necessary and not required for the construction by them of a bridge between the Cities of New York and Brooklyn.

63 XVII. That the plaintiff is informed and verily believes that said proposition and the resolutions passed by the said defendant officials on or about the 18th day of December, 1895, and the agreements secretly made and negotiated with said corporations, The East River Bridge Company and the Brooklyn Elevated Railroad Company, will give said Brooklyn Elevated Railroad Company the exclusive right to use the bridge about to be constructed by the defendant officials, 64 and to the exclusion of any and all other persons or corporations who might want to use said bridge or compete for the privilege of operating elevated cars thereon; that a copy of said resolutions is hereto annexed, marked exhibit D, and hereby made a part of this complaint.

XVIII. That the plaintiff is informed and believes that the East River Bridge Company have no exclusive 66 right to bridge the East River, and that the said defendant officials well knew that said East River Bridge Company pos-

sessed no exclusive right to build a bridge across the East
River, and that the said defendant officials were incollusion
with said East River Bridge Company and the Brooklyn Elevated
66 Railroad Company its agents and officers, to cheat and defraud
the Cities of New York and Brooklyn out of large sums of money,
and important and valuable rights and franchises. That said
defendant officials refrained from instituting condemnation
proceedings against the alleged rights and properties of said
East River Bridge Company as a part of and to further said
scheme to cheat and defraud the Cities of New York and
67 Brooklyn out of the sum of two hundred thousand (200,000)
dollars, and in violation of their trusts to the citizens of
said Cities are about to illegally and unlawfully make a cer-
tain contract to pay the sum of two hundred thousand (200,000)
dollars to the East River Bridge Company and to grant said
valuable rights and privileges to the Brooklyn Elevated Rail-
road Company , and make an immediate payment of said sum of
68 two hundred thousand (200,000) dollars to said East River Bridge
Company; and that they are about to enter into an agreement

with the Brooklyn Elevated Railroad Company, which will give said railroad company the exclusive right to use and operate a double line of railroad tracks upon said bridge, together with terminal facilities in the City of New York and grade
69 connections in the City of Brooklyn. That by Chapter 583 of the Laws of 1888 and acts amendatory thereto and supplementary thereof, the Mayor and Comptroller of the City of Brooklyn, and the Commissioners appointed thereby, are charged with a special trust to the citizens of said City, and that by reason of the acts heretofore and hereinafter mentioned, done and committed by said defendant officials, the plaintiff is informed and believes that they have been and now are grossly violating their trust of the citizens of said City.

70

XIX. That said defendant officials have had ample time and opportunity to institute condemnation proceedings against the said East River Bridge Company, to acquire the alleged franchise which they are about to pay the sum of two hundred thousand (200,000) dollars for to the said defendant, The East River Bridge Company, but have willfully refrained therefrom, well knowing that the said alleged franchise was worthless and of no value, and that no award could be or would be
71 made by any Court for said alleged franchise; and that the secret negotiations carried on by said defendant officials, and the failure by them to institute condemnation proceedings and acquire the said alleged rights, (if any) did further the scheme of

said defendant, The East River Bridge Company, to cheat and defraud the said Cities of New York and Brooklyn.

72 XX. That the plaintiff is informed and believes that by reason of said secret and collusive negotiations on the part of said defendant officials, and said East River Bridge Company and the Brooklyn Elevated Railroad Company, the plaintiff has been deprived of an opportunity to be heard, or to make a personal protest against said purchase of said alleged franchise for the sum of two hundred thousand

73 (200,000) dollars, and against said agreement which he is informed and believes will give said Brooklyn Elevated Railroad Company the exclusive right to use and operate two elevated railroad tracks on said bridge.

XXI. That he is informed and believes that his Attorney went to the office of said Commissioners at #49 and

74 #51 Chambers Street in the City of New York, on or about the 18th day of December, 1895, while said Commission was in one

of said secret sessions, and while they were in collusion with said other defendants, and after they had secured the assent of the comptrollers of the Cities of New York and
75 Brooklyn to the proposed scheme to purchase said alleged franchise, and to give away certain rights and privileges to said Brooklyn Elevated Railroad Company, and that while in session said Attorney requested an opportunity to be heard, x and waited one hour in the ante-room, then went to the door of said chamber where said Mayors, Commissioners and their Attorneys were secreted, and that one of said Commissioners
76 appeared at said door but refused to allow said Attorney admittance to said room, and that said Attorney thereupon served a protest upon said Commissioners, a copy of which is hereto annexed, marked "Exhibit C", and hereby made a part of this complaint. That said protest contained a written request that he be allowed a hearing before the consummation of any agreement, purchase or sale of said Company's rights by the
77 Commissioners, and that upwards of twelve days has elapsed, and no reply has been given said Attorney to said request or protest.

XXII. That plaintiff is informed and believes that said defendant officials have made or are about to make a contract or agreement with the said defendants, The East River Bridge Company and the Brooklyn Elevated Railroad Company, pursuant to said proposition of November 18th, 1895 and in accordance with said resolutions passed by said Commissioners on the 18th day of December, 1895, and that Ashbel P. Fitch and George W. Palmer, the Comptrollers of the Cities of New York and Brooklyn, have given their assent to said agreement, but that by reason of the collusive and secret schemes and methods adopted by said defendant officials, he has been unable to procure a full and complete copy of the same, but is informed and believes that it requires the immediate payment of the sum of two hundred thousand (200,000) dollars to the East River Bridge Company, and provides for two tracks on the bridge about to be erected exclusively for the use of theBrooklyn Elevated Railroad Company, and to furnish terminal facilities in New York City for said Brooklyn Elevated Railroad Company, together with grade connections in the City of Brooklyn.

XXIII. That the plaintiff is informed and believes no property whatever of any value (or at least of normal value only) has been or will be delivered or received from said East
81 River Bridge Company, and that no adequate consideration or compensation has been received by said defendant officials from said defendant, The East River Bridge Company, for said vast sum of two hundred thousand (200,000) dollars, and said valuable rights and privileges extended to said Brooklyn Elevated Railroad Company.

82 XXIV. That said defendant officials are about to execute and issue bonds of the said Cities in the manner and form which they may execute and issue bridge bonds of said Cities, and to use the proceeds of the sale thereof to pay the consideration of Two hundred thousand (200,000) dollars, and to in all respects ~~xx~~ complete said purchase though they have no power or authority so to do, as the plaintiff is in-
83 formed and believes.

XXV. That the payment of the aforesaid sum of

two hundred thousand (200,000) dollars for said alleged fran-
chise, would be a grievous waste of the funds and estate of
the Cities of New York and Brooklyn, and the erecting of said
84 bridge with two tracks exclusively for the Brooklyn Elevated
Railroad Company and the furnishing of terminal facilities in
the City of New York and grade connections in the City of
Brooklyn, will be a further grievous waste of public funds
and franchises and the estate of said Cities of New York and
Brooklyn, and the plaintiff is informed and believes to make
85 said purchase would be an illegal official act on the part of
the defendant officials, and the making of said contract and
agreements is also an illegal official act.

XXVI. That the erecting of said bridge with two
tracks exclusively for the Brooklyn Elevated Railroad Company
and the furnishing of terminal facilities in the City of New
86 York and grade connections in the City of Brooklyn, and the
agreement entered into with the defendants, The East River
Bridge Company and the Brooklyn Elevated Railroad Company, are

a further illegal official act on the part of said defendant officials; and that the plaintiff and other taxpayers of the Cities of New York and Brooklyn will suffer irreparable loss and injury, and be greatly damaged thereby.

87 W H E R E F O R E, plaintiff prays judgment annulling said contract and agreements, and that the defendant officials be restrained and enjoined from carrying the same out, or from purchasing for or on behalf of the Cities of New York and Brooklyn the alleged property or franchise of the said defendant, The East River Bridge Company; or if they have purchased the same, that said sale be declared void and the purchase

88 price restored to the Cities of New York and Brooklyn, and that any contract or agreement made by said defendant officials, giving the Brooklyn Elevated Railroad Company the exclusive right to operate trains upon two tracks upon said bridge, or terminal facilities in New York City and grade connections in the City of Brooklyn, be declared void and they be permanently restrained and enjoined from furnishing terminal facilities in

89 the City of New York for said Brooklyn Elevated Railroad Company, or furnishing two lines of tracks upon said bridge ex-

clusively for said Brooklyn Elevated Railroad Company, or grade connections in the City of Brooklyn exclusively for said Brooklyn Elevated Railroad Company, and that the plaintiff have such other and further relief as may be just.

STEPHEN M. HOYE,

Attorney for Plaintiff,

Office and Post Office Address,

#189 Montague Street,

Brooklyn, N. Y.

90

"EXHIBIT A"

Resolved. That the nominee of this Convention be instructed if elected to use his best endeavors to secure the repeal of Chapter 101 of the Laws of 1892, entitled, "An Act to incorporate the East River Bridge Company commonly called the Uhlmann Bridge Bill."

91

"EXHIBIT B".

Office of the East River Bridge
Company, No. 29 Broadway,
New York, Nov. 18th, 1895

To the Commissioners of the New East River
Bridge, 49 and 51 Chambers Street, New York:

Gentlemen:--- Reference hereinafter made to "Bridge No. I" will mean the Eastern District or northerly bridge, located within the lines authorized by Section 2 of the Act of 1892.

Reference to "Bridge No. 2" will mean the southerly
92 bridge authorized to be constructed under section 16 of the Act of 1892.

As a result of the conference had between the special committee and Counsel with our president and Counsel, we beg to submit the following offer:

The E. R. B. Company offers to sell and transfer to the Commissioners all right and title and interest in and to Bridge No. I, with power to construct the same, such sale to include all documents, plans and consents, and all property in
93 its possession, appertaining thereto, except its real estate and cash, but including the right to take or extinguish any existing right of such corporation to operate any railroad across the said bridge, and it will deliver to the Commission-

ers such instruments in writing as Counsel shall prepare, covering the following:

First:---That the East River Bridge Company will assign and transfer to the Commissioners so much of the charter vested in it by Chapter IOI of the Laws of 1892, as relates to the
94 bridge authorized by Chapter 789 of the Laws of 1895, together with the right on the part of the Commissioners to construct a bridge within the territorial limits of bridge number one, chartered to the East River Bridge Company.

Second:---The right on the part of the Commissioners to construct a bridge within the territorial limits of bridge number two, chartered to the East River Bridge Company, except
95 that no part of the bridge to be built by the commissioners, or any approach or appurtenant thereto, shall be constructed south of the northerly house line of Grand Street, in the City of New York.

Third:--- The surrender and assignment of all rights on the part of the East River Bridge Company to construct a bridge within the territorial limit designated for the construction of bridge number one, and also described in Chapter 79 of the Laws of 1895; the East River Bridge Company, however, reserving the right to construct bridge number two,
96 except such parts as may be taken by the Commissioners inside of the limitations hereinxxxx above mentioned.

Fourth:-- A transfer to the Commissioners of the right

of the East River Bridge Company to construct the approaches mentioned in Section 13 and Section 14, Chapter 101, of the Laws of 1892, together with an attested copy of the resolutions of the stock holders of the East River Bridge Company declaring that they had concluded to extend the approach mentioned in Section 13 of said Act to the Hudson River as described in Section 14 of the Act.

97 Fifth:--- A transfer and assignment of the consent of the local authorities of the City of New York to extend only as it affects bridge number one, to construct an elevated railroad through Spring Street and along West Street, in the City of New York, but not South of the Northerly side of Desbrosses Street.

98 Sixth:--- Such further extracts from the minutes of the Company properly attested by its Secretary as the Commissioners may request.

Seventh:--- An assignment of the consent of the Federal Authorities Bridge number one, together with copies of Map filed with the War Department at Washington and the former consent of said Department.

99 Eighth:--- All the right, title and interest of the East River Bridge Company to lay railroad tracks on bridge number one, granted to it by virtue of Chapter 225 of the Laws of 1893.

Ninth:--- All general and detailed Maps, plans, and documents, together with all engineering data affecting bridge number one.

Tenth:--- All books and schedules of real estate in the Cities of New York and Brooklyn within the lines of bridge number one.

Eleventh:--- Any and every other paper, plan, detail, information, copies of all legal proceedings had and pending in the possession of this Company, not specificially herein set forth, together with all rights of action and of proceedings, in law, equity, or condemnation, for the sum of two hundred thousand (200,000) dollars, payable within six months from the date of agreement, made pursuant to this offer, unless such time shall expire before the Commissioners shall have received the consent of the Federal Authorities to construct a bridge, in which event said amount shall be payable within sixty days after said consent shall have been obtained.

Interest on said $200,000.00 at the rate of four per cent per annum shall be allowed from ~~the~~ date of said agreement, to date of payment.

Should the Commissioners fail to obtain the consent of the Federal Authorities within six months from the date of said agreement, then said agreement shall at the option of either party become and be null and void.

This offer is made with the express understanding that the bridge to be constructed by the Commissioners shall among other features contain the following: Space for two separate and independent railroad tracks, to be used exclusively by elevated railroads, its gradients to be determined by the commissioners to be practicable and consistent with the motive power used by such railroads. Suitable and ample terminal facilities are to be constructed, which need not, however, extendxd beyond the approaches of the bridge to be constructed by the Commissioners. This offer to remain open for your consideration until December 19th, 1895.

103

Very Respectfully,

East River Bridge Company.

By Frederick Uhlmann, President.

"EXHIBIT C."

TO THE HON. COMMISSIONERS OF
THE NEW EAST RIVER BRIDGE,
#51 Chambers Street,
New York City.

Gentlemen:

I, as Counsel for certain property owners in the City of Brooklyn, protest against the proposed scheme to purchase the alleged franchise of the East River Bridge Company,
104 for the following reasons:

I. That the East River Bridge Company have no exclusive right to build a bridge between the Cities of Brooklyn and New York, and therefor have nothing to sell.

2. That it would be a waste of public money to pay the sum of $200,000.00 for an alleged paper franchise, which you do not require, and which is not necessary for the purpose of
105 constructing a bridge across the East River between the Cities of Brooklyn and New York.

3. That it will be imprudent for you to accept the proposition now submitted by Mr. Uhlmann, or to enter into such a proposed dicker with him, as stated in the public press during the past week.

106 4. That said proposition is an unlawful and pernicious

attempt to extract $200,000.00, in cash, out of the pockets of the tax payers of the Cities of New York and Brooklyn, and you should not lend yourselves to any such grab for the aggrandizement of the East River Bridge Company, and its alter ego, The
107 Brooklyn Elevated Railroad Company.

5. That any advice received or accepted by you, that you must acquire said rights before you commence the constructure of your bridge, is as vicious and pernicious as it is false and misleading. That Sections 3379 and 3380 of the Code of Civil Procedure, fully protects you against delay, or alleged delay, in proceeding to construct your bridge.

6. I also call your attention to one of the paragarphs in the written opinion of one of your Counsel, in which he
108 says, "That he has explained to you, that the Uhlmann East River Bridge Company has no exclusive right to bridge the East River, nor in any way to interfere with the construction of a bridge by you gentlemen of the commission.

7. I also again call your attention to the objections I made and filed with you during the past summer, when a like scheme was sought to be consummated, to rob the Cities out of $250,000.00, and give Mr. Uhlmann and his associates the exclusive privilege to operate the bridge.

109 8. For a second time I call your attention to and quote from Chapter 101 of the Laws of 1892, Section 12, under which the East River Bridge Company claim their right to build a

bridge, if they have any. The Law recites as follows: "The construction of said bridge and its roadways and approaches

110 shall be begun within one year from the date of the assent of the proper Federal Authorities". That year, as you are well aware, has long since elapsed, and no bridge, roadways and approaches are anywhere to be seen, and the horrible spectacle of a gang of politicians attempting to loot the treasuries of both Cities, and rob its citizens of a ~~xxxxx~~ vast sum of money, by procuring a paper franchise from the people without consideration of any kind, in the year 1892 and selling it back to them in 1895 for the vast sum of $200,000.00 and upwards.

9. All of the gentlemen who form your honorable commission, as well as your Counsel, are well aware that this paper

111 franchise was procured without consideration, and for the sole purpose of selling it back to the Cities of New York and Brooklyn for this exorbitant sum, because you can scarcely have the hardihood to assert that the entering the back yard of a tenement house at #240 South Fifth Street, in the year 1893, and turning up a few shovels full of dirt therein, is constructing a bridge, its roadways and approaches.

10. What motive or consideration prompted the opinion of the learned Counsel, Mr. Ingraham, who recites that the Company has substantially complied with the provisions of the Act in constructing a bridge, its roadways and approaches to

112 the bridge, I know not, but I do know, that the turning up of a few shovels full of dirt in the back yard of a tenement house in the year 1893, is not building a suspension bridge, its

roadways and approaches. I observe that he is unkind enough to give an indirect blow at the Hon. Attorney General of this State, and substantially accuses him of violation of duty, in not having brought an action against the Uhlmann East River
113 Bridge Company for forfeiture of its franchise. His charity in this respect is only equaled by his wisdom in deciding the question of fact, that the turning up of a few shovels full of dirt in the back yard of a tenement house in 1893 was substantially complying with the act of the Legislature, which said, that the building of the bridge, its roadways and approaches to the bridge should be constructed within one year from the date of the assent of the proper Federal Authorities.

II. Gentlemen, it will not do for you to say that you have been advised by your Counsel that this dicker or steal
114 of $200,000.00 of the people's money is right, fair, just or honorable, or that you are doing your duty as Trustees of the money and property of the citizens of two Cities, in giving away such a vast sum of money for a paper franchise, You have an abundance of examples in this City, which you might make a personal application of it you so desired, and to refresh you memory I will cite one of them and note for example for you, that less than five years ago in this City, two learned Counsellors at Law, were the advisors of our then Honorable Mayor and his Cabinet, and advised what was afterwards known as the Long Island Water Supply Steal. It
115 was a scheme to rob the City of Brooklyn out of several hundred thousand dollars, and the Mayor and some of his Cabinet lent themselves to it. After that they were driven from power

and their disgrace is now ancient history, but should be a lessen to you. A citizen and tax payer was obliged to protect the City from being plundered by its own Mayor and agents, a spectacle which was in ~~many~~ many respects more de-
116 plorable than any thing we read of in ancient or modern Rome. I might add that this property was afterwards taken by condemnation proceedings, and the City was saved the sum of several hundred thousand dollars. This ought to be a sufficient example for you, and you should at least pause long enough to give the citizens of Brooklyn, and their representatives, an opportunity to protest, even ~~though~~ though you are not willing to spare the individual tax payers from an expensive litigation to make you do your duty.

117 In conclusion I respectfully request that you reject any and all propositions made by the East River Bridge Company for the purchase of their franchise.

I also request that I be allowed a hearing before your Honorable body before the consummation of any agreement, purchase or sale of said Company's rights by you.

118 Respectfully Submitted,

STEPHEN M. HOYE,

Attorney for Property Owners,

Office and Post Office Address,

#189 Montague Street,

Brooklyn, N. Y.

"EXHIBIT D."

It appears to your committee that it is desirable to accept the E. R. B. Co.'s offer of sale for the reason that it would be an enormous saving of expense.

It also appears to your committee that the most southerly of the proposed lines is the most desirable. It is more nearly at right angles to the banks of the river; it is shorter and would cost at least $100,000. less to construct.

119

We, therefore, recommend that you pass the following proposed resolutions:

First:--- Resolved, that the line of the bridge to be constructed by this Commission be from a point between South Fifth and South Sixth Streets, in the City of Brooklyn, to a point near the foot of Delancey Street, in the City of New York.

Second:--- Resolved, That the New York terminus and approach be located north of Grand Street.

120

Third:--- Resolved, that provisions be made in the construction of said bridge for two tracks for the exclusive use of elevated roads, with suitable terminal facilities in New York City.

Fourth:--- Resolved, that the substance of the offer of the E. R. B. Co., dated Nov. 18th, 1895, to sell its franchise, etc., for the sum of $200,000. be accepted, subject to the approval as to all matters of form and detail of the Counsel of this Commission, of a written agreement to be prepared, pursuant to this resolution and subject to the express consent of the Mayors and Comptrollers of the respective Cities of New York and Brooklyn, the said contract to be prepared and submitted to this Commission and approved by it before its execution.

121

LAP-OVER MARGIN.

State of New York,
County of City of Brooklyn Kings } ss.:

William Gorden being duly sworn, deposes and says that he is the plaintiff in this action; that he has read the foregoing Complaint and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

Wm Gorden

Sworn to before me this 2d day of January 1896

Wm J. Powell
Commissioner of Deeds;
City of Brooklyn; Kings County.

Sir:

Please take notice that the within is a copy of.....

.....

this day duly entered and filed in the office of the Clerk of.....

Dated Brooklyn,..... 189

Yours, Etc.,

STEPHEN M. HOYE,

Attorney for

OFFICE AND P. O. ADDRESS,
189 MONTAGUE STREET,
BROOKLYN, N. Y.

To..... Esq.

Attorney for.....

NEW YORK SUPREME COURT
COUNTY OF KINGS

7.

WILLIAM GORDON,
plaintiff,

---against---

William L. Strong, Mayor of the City of New York, Ashbel P. Fitch, Comptroller of the City of New York, Charles A. Schieren, Mayor of the City of Brooklyn, George W. Palmer et al.

Defendants.

Copy ORDER TO SHOW CAUSE, AFFIDAVIT, SUMMONS AND COMPLAINT.

STEPHEN M. HOYE,

Attorney for Plaintiff/

OFFICE AND P. O. ADDRESS,
189 MONTAGUE STREET,
BROOKLYN, N. Y.

To

Esq.

Attorney for

ALBERT B. KING & CO. 105 WILLIAM ST., N. Y.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

New York, January 6th, 1896 1895.

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

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, January 8th, at 2 P.M.

Respectfully yours
F. B. Thurber
Secretary.

A meeting of the Executive Committee at 1 P.M.
A meeting of the Finance Committee at 1.45 P.M.

36

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,
ROOMS 33, 34, 35.

COMMISSIONERS—NEW YORK.
HON. WILLIAM L. STRONG, Mayor,
SALEM H. WALES,
FRANCIS B. THURBER,
RICHARD DEEVES.

COMMISSIONERS—BROOKLYN.
HON. CHARLES A. SCHIEREN, Mayor,
ANDREW D. BAIRD,
JAMES A. SPERRY,
HENRY BATTERMAN.

New York, January 13th, 1896 1895.

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

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, January 15th, at 2 o'clock p.m.

Respectfully yours,

F B Thurber

Secretary.

A meeting of the Executive Committee at 1 P.M.

A meeting of the Finance Committee at 1.45 P.M.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,

ROOMS 33, 34, 35.

New York, January 20th, 1896/895.

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

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday, January 22nd, at two o'clock p.m.

Respectfully yours
F. B. Thurber
Secretary.

A meeting of the Executive Committee at 1 p.m.
A meeting of the Finance Committee at 1.45 p.m.

ANDREW D. BAIRD, President.
SALEM H. WALES, Vice-President.

FRANCIS B. THURBER, Secretary.
RICHARD DEEVES, Treasurer.

Office of Commissioners

New East River Bridge,

49 & 51 Chambers Street,

ROOMS 33, 34, 35.

New York, January 27th, 1896 1895.

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

Dear Sir:

A meeting of the Commissioners of the New East River Bridge will be held at the office, 49 Chambers Street, New York, on Wednesday January 29th at 2 o'clock p.m.

Respectfully yours
F B Thurber
Secretary.

A meeting of the Executive Committee at 1 p.m.

A meeting of the Finance Committee at 1.45 p.m.

NEW EAST RIVER

TREASURERS REPORT OF RECEIPTS AND

1895	Receipts	
Dec 31	As per Statement	50000.00
		50000.00
1896 Jany 31	To Balance	$18187.38

With Comptroller City of New York 9093.56

" " " " Brooklyn 9093.82

BRIDGE COMMISSION

DISBURSEMENTS TO JANUARY 31st 1896.

1895	Disbursements		
	Furniture and Fixtures		
Dec 31	Statement rendered	$1544.98	
			1544.98
	Rent Account		
Dec 31	Statement rendered	1187.50	
1896 Jany 31	Emigrant Industrial Savings Bank	150.00	
			1337.50
	Salaries		
Dec 31	Statement rendered	17495.87	
1896 Jany 31	Commissioners	1500.00	
"	Officers and appointees	1836.77	
			20832.64
	Borings Account		
Dec 31	Statement rendered	440.00	
			440.00
	Expense Account		
Dec 31	Statement rendered	1169.99	
1896 Jany 2	The NewYork & NewJersey Telephone Company, Rental	25.00	
"	Joseph Wagner putting up partitions,392 Kent Ave,Bklyn	244.00	
8	Henry C.Ingraham - Services as Counsel to Dec 31/95	3050.00	
"	Wm G.Choate ditto ditto	3000.00	
"	The Metropolitan Telephone & Telegraph Company - Rental	43.75	
"	S.B.Kraus - Paint & Oils	14.52	
16	E.G.Soltman Blue Print Frame and Bath	22.50	
29	F.B.Thurber Sundry Supplies	32.74	
30	G.S.K.Hoover Services Board Stenographer January	55.00	
			7657.50
	Total Disbursements		31812.62
	Balance		18187.38
			50000.00

The foregoing disbursements include the bills and accounts which have been certified to by the President and Treasurer of the Commission in accordance with the Act.

Andrew D. Baird President

[illegible] Treasurer